CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members
Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 14

COMMITTEE DATE: September 21, 2010

SUBJECT/REPORT NO:
Official Plan Amendment, Zoning By-law Amendment, and Proposed Plan of Subdivision for Lands Located at 95 Poplar Street (Ancaster) (PED10208) (Ward 14)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Chris Bell
(905) 546-2424, Ext. 1262

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to Amended Official Plan Amendment Application OPA-09-006, by Dean Alan Kenney and Elizabeth Mary Kenney, Owners, for Official Plan Amendment No. ____ to the Official Plan for the Town of Ancaster, to establish a Specific Policy Area recognizing the subject lands as part of the Jerseyville Settlement Area, and to permit residential lots on the north side of Poplar Street, as shown on Appendix “A” to Report PED10208, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10208, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.
(b) That approval be given to Zoning Application ZAC-09-024, by Dean Alan Kenney and Elizabeth Mary Kenney, Owners, for a change in zoning from the Agricultural “A” Zone to the Residential Hamlet “RH-620” Zone, with a Special Exception, as shown on Appendix “A” to Report PED10208, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10208, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 4, of Zoning By-law No. 87-57.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Town of Ancaster upon finalization of Official Plan Amendment No. ．

(c) That approval be given to Draft Plan of Subdivision Application 25T-200905, by Dean Alan Kenney and Elizabeth Mary Kenney, Owners, as revised, to establish a draft plan of subdivision, known as “Poplar Estates”, on lands located within Part of Lot 18, Concession 3 (Ancaster), in the former Town of Ancaster, as shown on Appendix “A” to Report PED10208, subject to the following conditions:

(i) That this approval apply to “Poplar Estates”, 25T-200905, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, OLS, dated June 7, 2010, showing 4 lots (Lots 1-4) for single-detached dwellings, attached as Appendix “D” to Report PED10208, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED10208;

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan. The calculation of Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit;

all in accordance with the financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

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EXECUTIVE SUMMARY

The purpose of these applications is to amend the Town of Ancaster Official Plan and Zoning By-law, and for approval of a draft plan of subdivision, known as “Poplar Estates” (see Appendix “D”), to permit the development of the lands for 4 new single-detached dwelling lots of approximately 0.8 hectares (2.0 acres) in size. The lots will be serviced by individual private water and wastewater systems (i.e. wells and septic systems). A 0.784 hectare (1.95 acre) parcel of land, containing the existing dwelling known as 95 Poplar Street, will be retained as a fifth separate lot.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement and Greenbelt Legislation, and would implement the intent of the Hamilton-Wentworth Official Plan. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration - See Page 21.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for Amendments to the Official Plan and Zoning By-law, and for approval of a draft plan of subdivision.

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The application was submitted by Dean Alan Kenney and Elizabeth May Kenney, who own the subject lands and currently reside at 95 Poplar Street. The proposed amendments and plan of subdivision are intended to allow the creation of 4 additional single-detached residential building lots that will front onto the north side of the existing Poplar Street, and the retention of the existing dwelling on the remnant parcel (see Appendix “D”).
Official Plan Amendment

Although the lands on the south side of Poplar Street are designated “Rural Settlement Area” in the Town of Ancaster Official Plan, and the subject lands are designated as part of the Settlement Area of Jerseyville in the Rural Hamilton Official Plan, the subject lands are currently designated “Agricultural” on Schedule “A” of the existing Town of Ancaster Official Plan. Therefore, the owners are seeking to amend the Town of Ancaster Official Plan to similarly acknowledge the lands as being part of the Jerseyville “Rural Settlement Area” in order to provide an Official Plan policy basis to support the creation of non-farm residential lots.

Plan of Subdivision

The proposed plan of subdivision is intended to create 4 single-detached residential building lots, each having a lot size of approximately 0.8 hectares (2.0 acres). The lots will be accessed by the existing Poplar Street, and will be serviced by individual private water and sanitary sewer services. The remaining 0.784 hectares (1.95 acres) of land outside of the boundaries of the subdivision contain the existing dwelling municipally known as 95 Poplar Street (see Appendix “D”).

Zoning By-law Amendment

A corresponding application to amend the Town of Ancaster Zoning By-law is also required to rezone the lands from the Agricultural “A” Zone to the “Residential Hamlet “RH” Zone. Given the size and dimensions of the four proposed lots within the draft plan of subdivision, and the remnant parcel containing the existing dwelling, development will comply with the standard regulations of the “RH” Zone and no site-specific modifications to the regulations have been requested. However, as the proposed lot areas are required to be approximately two times the minimum requirement (demonstrated by the Geotechnical Study), a modification has been added to require a minimum lot area of 0.75 hectares. Additionally, due to a stormwater management facility to be located at the rear of the proposed lots, no building or structure can be located within 30 metres of the rear lot line.

Chronology

- May 14, 2010 - Submission of Applications ZAC-09-024, OPA-09-006, and 25T-200905 requesting an 8-lot residential plan of subdivision.

- September 25, 2009 - Applications ZAC-09-024, OPA-09-006, and 25T-200905 are deemed complete.
- October 7, 2009 - Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-10-009 and OPA-10-003 to all residents within 120 metres of the subject lands.

- June 8, 2010 - Revised draft plan submitted requesting a 4-lot residential plan of subdivision as a result of further hydrogeological investigation.

- September 3, 2010 - Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

Details of Submitted Applications

**Location:** Part of Lot 18, Concession 3 (Ancaster), in the former Town of Ancaster, City of Hamilton

**Owners:** Dean Alan Kenney and Elizabeth Mary Kenney

**Agent:** A.J. Clarke & Associates (Steve Fraser)

**Property Size:**

- **Area:** 4.0 hectares
- **Frontage:** 313.94 metres (Poplar Street)
- **Depth:** 29.24 metres

**Servicing:** Private individual water and sanitary sewer services

EXISTING LAND USE AND ZONING:

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<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<th>Surrounding Lands:</th>
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<td>Vacant, Agricultural</td>
<td>Agricultural “A” Zone</td>
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<td>West</td>
<td>Vacant, Agricultural, and an Existing Non-Farm Residential Lot</td>
<td>Agricultural “A” Zone</td>
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POLICY IMPLICATIONS

Greenbelt Plan:

The subject lands are designated as “Protected Countryside - Hamlet” within the Greenbelt Plan. As such, Policy 3.4.3.1 is applicable and states that Hamlets, as identified in municipal Official Plans and within their approved boundaries as they existed on the date this Plan came into effect, continue to be governed by municipal Official Plans and related programs or initiatives, and are not subject to the policies of this Plan, save for the external connection policies of Section 3.2.5. The question of compliance with the Greenbelt legislation was vetted as part of the review and Provincial approval of the Rural Hamilton Official Plan, wherein the subject lands are designated as part of the Jerseyville Settlement Area.

As the lands are designated as part of the Settlement Area in the Rural Hamilton Official Plan, which has subsequently been approved by the Province, the proposal complies with the Greenbelt Plan.

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Sub-section 1.1.3.9 of the PPS states that “a planning authority may identify a Settlement Area, or allow the expansion of a Settlement Area boundary, only at the time of a comprehensive review”. Staff is satisfied that the recent inclusion of the subject lands as part of the Jerseyville Settlement Area in the Rural Hamilton Official Plan, and the subsequent approval of the Plan by the Province, serves to fulfil the objective of Sub-section 1.1.3.9. of the PPS. Further discussion in this regard is provided in the ANALYSIS / RATIONALE FOR RECOMMENDATION section of this Report.

Policy 1.6.4.4 states that individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots, or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, and where site conditions are suitable for the long-term provision of such services. Despite this, individual on-site sewage services and individual on-site water services may be used to
service more than five lots or private residences in rural areas provided their services are solely for those uses permitted by Policy 1.1.4.1(a), and site conditions are suitable for the long-term provision of such services. As noted above, a hydrogeological investigation was submitted with the initial circulation for the subject applications for eight residential lots. The report is titled "Hydrogeological Investigation Proposed Residential Development 95 Poplar Street Jerseyville City of Hamilton", is dated April 3, 2009, and was prepared by Terraprobe Inc. Further, staff notes that the number of lots proposed has been revised from 8 to 4 in order to address hydrogeological concerns.

Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Staff notes, that the subject lands are intended to be developed for residential purposes, and are located within approximately 255m of Highway No. 403. The proximity of the proposed sensitive land use to a road noise source triggers the requirement for a Noise Study. As such, as a condition of the draft plan of subdivision, staff has included Special Condition 3 in Appendix “E”.

Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources, or areas of archaeological potential, if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resource must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted. The applicant has provided a Stage 1 and 2 Archaeological Assessment for the entire property, which determined that no further archaeological work is required. A Special Condition of draft plan approval has been included as Item 1 of Appendix “E” requiring the Archaeological Assessment be cleared by the Ministry of Culture. Once cleared, this condition may be removed.

**Growth Plan for the Greater Golden Horseshoe:**

Similar to the policies of the PPS, Sub-section 2.2.8 (Settlement Area Boundary Expansions) of the Growth Plan notes that a Settlement Area boundary expansion may only occur as part of a municipal comprehensive review, provided it meets certain criteria contained therein. Staff is satisfied that the recent inclusion of the subject lands as part of the Jerseyville Settlement Area in the Rural Hamilton Official Plan, and the subsequent approval of the Plan by the Province, serves to fulfill the objective of Subsection 2.2.8 of the Growth Plan.
Hamilton-Wentworth Official Plan:

The subject property is designated as “Rural” in the Hamilton-Wentworth Official Plan. The policies of the “Rural” designation that are relevant to this proposal to re-designate the lands to a “Rural Settlement Area” include:

“3.2.1 Rural Settlement Areas

In order to reinforce Rural Settlement Areas as the focus of rural living, the Region will:

3.2.1.1 Require that Area Municipalities evaluate both the potential for and limitation to growth, in terms of rural population/household growth projections, locational merits, community functions, and physical limitations of the following Rural Settlement Areas:

- ANCASTER - Copetown, Jerseyville, and Lynden.
- GLANBROOK - Woodburn.

3.2.1.2 Identify in Area Municipal Official Plans the boundaries of growth for Rural Settlements, based on the evaluation specified in Policy C.3.2.1.1.

3.2.1.3 Require that Area Municipalities prepare Secondary Plans for those designated Rural Settlement Areas where growth other than infilling is anticipated. These Secondary Plans will include the type and location of land uses, rate and direction of growth, physical and geographic limits of planned development, as well as the size and location of lots to be created. These Secondary Plans will be processed through amendments to the Area Municipal Official Plans.

3.2.1.4 The need for expansion of a Rural Settlement Area will be considered by amendment to the Area Municipal Official Plans at the time of the Area Municipal Official Plan five-year review.

3.2.1.5 Development within Rural Settlement Areas will conform to the Secondary Plan, and be consistent with the provisions of this Plan.

3.2.1.6 Residential development within Rural Settlement Areas may occur by means of plans of subdivision, land lease, or plans of condominium. Limited development by severance may be permitted if in conformity with the Secondary Plan, and if located in a manner that will not interfere with future development.
The establishment of new Rural Settlement Areas is not anticipated. However, should a proposal be received, it will only be considered by amendment to this Plan, at the time of the five year review."

Staff is satisfied that the recent inclusion of the subject lands, as part of the Jerseyville Settlement Area in the Rural Hamilton Official Plan, serves to fulfil the policies of the Hamilton-Wentworth Official Plan to be assessed when considering an expansion of a Rural Settlement Area. Further discussion in this regard is provided in the ANALYSIS/RATIONALE FOR RECOMMENDATION section of this Report.

**Rural Hamilton Official Plan:**

The Rural Hamilton Official Plan was adopted by Council on September 27, 2006. The new Plan creates a consistent policy framework for the entire Rural Area of the City. The Plan also brings the City of Hamilton’s Rural Official Plan policies into conformity with the Greenbelt Plan, and it is consistent with the Provincial Policy Statement. The adopted Plan was approved, with modifications, by the Province on December 24, 2008. However, the Plan has been appealed to the Ontario Municipal Board (OMB). Once the outstanding OMB issues have been resolved, the Rural Hamilton Official Plan will replace the rural policies and maps in the Official Plans of the former municipalities, including the former Town of Ancaster Official Plan.

The subject lands fall within the Jerseyville Settlement Area, one of 19 Rural Settlement Areas identified in the Rural Hamilton Official Plan, and are designated “Settlement Residential”. The “Settlement Residential” designation permits single-detached dwelling lots that are compatible with the existing built environment in the Settlement Area, and that may be serviced by sustainable private water and wastewater services.

Planning staff is satisfied that the creation of four 0.8 hectare (2.0 acre) residential lots, and the retention of a 0.78 hectare lot containing the existing dwelling, complies with the policies of the “Settlement Residential” designation.

**Town of Ancaster Official Plan:**

The subject lands currently fall within the designated “Agricultural” area in the Town of Ancaster Official Plan, and are proposed to be re-designated in order to be considered part of the Settlement Area of Jerseyville. Therefore, the following land use related policies apply:

**“SECTION FOUR: LAND USE POLICIES**

The general policy for the Rural Area is to encourage the continuation of the agricultural use of land, while directing limited development to selected areas in the Municipality. In this way, it is intended that generally all farmland will be kept free of development.
Selected areas, where limited development will be encouraged, are primarily those areas identified as Rural Settlement Areas …”

“4.1 AGRICULTURAL

4.1.1 The predominant use of lands designated Agricultural on Schedule A shall be for agriculture, forestry, and activities connected with the conservation of soil and wildlife. Agricultural uses shall include field crops, cattle, sheep, swine, and poultry production, apiaries, nurseries, greenhouses, and mushroom farms. It is a policy of Council to encourage the continued working of all existing farmlands. In this regard, agricultural lands, that are predominantly Classes I to IV, inclusive, in the Canada Land Inventory and specialty crop lands shall generally remain free from the intrusion of non-farm uses. Notwithstanding the foregoing, no new agricultural uses or operations will be permitted on lands designated Escarpment Natural Area, as shown on Schedule "G" - Niagara Escarpment Plan Area.

4.1.3 In addition to the predominant uses of land expressed in Policy 4.1.1, and the ancillary uses in Policy 4.1.2, the following additional uses may be permitted on a limited basis:

i) A detached dwelling on an existing lot of record.

ii) A detached dwelling on a lot created by consent, for a retiring farmer provided that a lot has not been granted in the past for a child of the farmer, and that the severance is in accordance with Policy 7.7.2.2.

iii) Except within the Niagara Escarpment Plan Area, a detached dwelling on a lot created by consent for a child of a bona fide farmer provided that a lot has not been granted in the past for a retiring farmer, proof is provided that the child's full time assistance is essential to the farm operation and that farming is his or her principle occupation, and that the severance is in accordance with Policy 7.7.2.3.

iv) A detached dwelling on a lot created by consent, on an infilling basis, in accordance with Policy 7.7.2.4.

v) A detached dwelling on a lot created by consent to convey a surplus farmhouse, in accordance with Policy 7.7.2.5.

4.1.4 Council shall encourage the preservation of prime agricultural land, which consists of soil Classes I to IV, inclusive, of the Canada Land Inventory and Specialty Crop Areas, shown as agriculture on Schedule A - Land Use - Rural Area, and where minor pockets of poorer quality soils are intermingled within a
major area of Class I to IV soils, the lesser class of agricultural land will still be considered as prime agricultural land.

5.8 RURAL SETTLEMENT AREAS

5.8.1 The Rural Settlement Areas shown on Schedule A are those areas where a variety of land uses and development have clustered together on a small scale outside the designated Urban Area, and where it is considered appropriate that further development, predominantly residential, on a limited basis, can be accommodated in the time span of this Plan. In this regard, Secondary Plans shall be prepared to establish the type of development, its geographical limits, the total amount of growth, as well as the size and location of lots to be created. Such Secondary Plans shall require an amendment to this Plan and endorsement by Regional Council. Future development in these areas shall conform to the Secondary Plan. Secondary Plans for the Rural Settlement Areas, shall consider, but not be limited to, the following:

i) Topographic features - ravines, watercourses, and slopes;

ii) Manmade boundaries - major routes, existing and proposed;

iii) Existing patterns of development;

iv) Supply of potable water;

v) Installation of adequate sewage disposal system; and,

vi) Location and size of lots to be created.

5.8.2 Within these Rural Settlement Areas, new development shall be compatible with the existing built environment. Development shall occur in accordance with the policies of this Sub-section.

5.8.3 In Rural Settlement Areas, the maintenance of existing services and facilities shall be encouraged in order to serve the existing and future residents.

5.8.4 The predominant use of land in the Rural Settlement Areas shall be for single-family detached residential development. Home occupation uses, parks, institutional uses such as schools and places of worship, may also be permitted, as well as commercial uses, as detailed in this Sub-section.

5.8.5 Residential development in the Rural Settlement Areas shall be permitted in accordance with the relevant policies specified in this Subsection. It is intended that development will be directed toward areas having lesser agricultural value.
5.8.6 N/A.

5.8.7 The design of all new development shall, where deemed applicable and necessary by Council, be in keeping with the Village character of the existing settlement.

5.8.8 In the Rural Settlement Area known as Jerseyville, residential development, in the form of single-detached dwelling units, shall be encouraged. In this regard, the Secondary Plan for this area shall take the following into consideration:

i) Residential development undertaken by plan of subdivision shall be designed within the context of an overall development or Secondary Plan, to be prepared by the Town, providing a preferred road pattern and any park facilities that may be required;

ii) Residential lots are to be of a size satisfactory to the Regional Health Unit, providing an adequate supply of potable water and a sewage disposal system; and,

iii) N/A.

iv) All development will be subject to the approval of the Regional Health Unit regarding water and sanitary sewerage facilities and, where necessary, shall be appropriately set back from the Toronto, Hamilton, and Buffalo Railway Line to reduce the effects of noise on the residents.”

Staff is satisfied that the proposal complies with the intent of the policies of the Town of Ancaster Official Plan to ensure orderly and efficient development in Settlement Areas that takes into account topographic features and boundaries, compatibility with existing patterns of development in terms of lot size and location, and suitability of private water and sanitary services. All of these issues were either fully assessed as part of the adoption of the Rural Hamilton Official Plan (i.e. appropriate location relative to existing development, topographic features, and boundaries) or site-specifically as part of the review of this application (i.e. suitability of private services and lot size). Further discussion in this regard is provided in the ANALYSIS/RATIONALE FOR RECOMMENDATION section of this Report.

RELEVANT CONSULTATION

Agencies/Departments Having no Concern or Objections

- Union Gas.
- Canada Post.
Cogeco Cable.
Hamilton-Wentworth District School Board.
Hamilton-Wentworth District School.
Hydro One.
Horizon Utilities.

Bell Canada has requested their standard conditions of subdivision approval to ensure adequate communication/telecommunication facilities are available to the development. Telecommunications is a Standard Condition in the Subdivision Agreement.

The Grand River Conservation Authority (GRCA) advised that the lands are not regulated by the GRCA under Ontario Regulation 150/06. Consequently, a permit is not required from the GRCA.

As a result of the review of Hydrogeological Studies, prepared by Terraprobe Inc. on behalf of the owners, the Public Health Department and the Environment and Sustainable Infrastructure Division of the Public Works Department have advised that they are satisfied that the owners have demonstrated that the proposed 4-lot residential plan of subdivision may be adequately serviced by individual private water (wells) and sanitary (septic systems) services without having a negative impact on existing development, including the house and private systems located on the lands to be retained.

The Traffic Planning Division of the Public Works Department requires that all driveways be located to the satisfaction of the Manager of Traffic Engineering, and shown on future engineering drawings. This requirement has been included as Item 12 of the Special Conditions of Draft Plan Approval found in Appendix “E”

PUBLIC CONSULTATION

In accordance with the changes to the Planning Act and the Public Participation Policy that was approved by Council, Notice of the Complete Application and Preliminary Circulation of the application was circulated to all property owners within 120 metres of the subject property on October 7, 2009. A total of 28 notices were circulated. As a result of this notice, staff received 4 items of correspondence from the public on these applications. Further discussion concerning the comments received from neighbouring residents can be found in the ANALYSIS/RATIONALE FOR RECOMMENDATION section of this Report. A Public Notice Sign was also posted on the subject lands on October 2, 2009, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.
ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed Official Plan Amendment, changes in zoning, and draft plan of subdivision have merit and can be supported for the following reasons:

   (i) They are consistent with the Provincial Policy Statement, Growth Plan, and Greenbelt legislation, as they represent an opportunity for growth in Settlement Areas.

   (ii) They conform to the Hamilton-Wentworth Official Plan.

   (iii) They conform to the Council adopted City of Hamilton Rural Official Plan.

   (iv) The proposed development represents good planning by, among other things, protecting rural residential and agricultural lands by directing lot creation to Settlement Areas.

2. The applicant has applied for an amendment to the Ancaster Official Plan in order to re-designate the lands from “Agriculture” to “Rural Settlement Area”.

   Both the PPS and the Regional Official Plan set criteria to be used by local municipalities when considering the size and boundaries of Rural Settlement Areas. In particular, the Regional Official Plan notes that area municipalities are to evaluate both the potential for and limitation to growth, in terms of rural population/household growth projections, locational merits, community functions, and physical limitations of identified Settlement Areas such as Jerseyville. Further, Subsection 1.1.3.9 of the PPS and Subsection 3.2.1.4 of the Regional Official Plan note that the need for expansion of a Rural Settlement Area will only be considered by area municipalities and adopted by amendment to the Area Municipal Official Plans at the time of the Area Municipal Official Plan Five-Year Review.

   As a result of amalgamation, the process noted in the PPS and Regional Official Plan for setting and re-visiting the boundaries of Rural Settlement Areas in Local Official Plans is no longer a two-tiered process. Now, the City of Hamilton deals with both the criteria for setting Hamlet boundaries, as per the Regional Official Plan, and the exercise of setting the boundaries, as per the Local Official Plans.
As part of the new locally-adopted and provincially approved City of Hamilton Rural Official Plan, City staff went through the exercise of both setting criteria for identifying Rural Settlement Areas and creating their precise boundaries across the City. Through this exercise, the boundary of the Jerseyville Settlement Area was expanded to include the applicants' lands.

Staff is satisfied that this exercise serves to meet the intent of the Region of Hamilton-Wentworth Official Plan to comprehensively review rural settlement boundaries as part of a five-year review exercise. However, as there are outstanding appeals to the Ontario Municipal Board with respect to the Rural Official Plan, the policies of the plan are not yet considered final and binding - nor have the former Regional and Local plans been repealed to make way for the policies of the new Rural Plan. However, the outstanding appeals do not apply to the Jerseyville Rural Settlement Area boundary.

Therefore, these circumstances result in a scenario where a thorough review of Settlement Area boundaries has been undertaken that resulted in City staff and Council adopting a new Rural Official Plan that designates the subject lands as part of the Jerseyville Rural Settlement Area. But the older plans, identifying the lands as “Agricultural”, have not yet been repealed.

On this basis, staff supports the proposed changes to the Town of Ancaster Official Plan.

3. Both the PPS and the Town of Ancaster Official Plan provide policies requiring that any proposal for lot creation within Rural Settlement Areas be able to be serviced by a private sewage disposal system and private potable water supply. More specifically, the PPS notes that:

“… individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots, or private residences, where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, and where site conditions are suitable for the long-term provision of such services”.

Further, the Town of Ancaster Official Plan notes in Sub-section 5.8.8. that:

“residential lots are to be of a size satisfactory to the Regional Health Unit, providing an adequate supply of potable water and a sewage disposal system”, and that “all development will be subject to the approval of the Regional Health Unit regarding water and sanitary sewerage facilities”.

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This consideration for the provision of private services must be assessed site specifically to ensure that the lots proposed to be created through the plan of subdivision are of an adequate size to accommodate private services in light of specific man-made features such as building foot prints, driveways, septic system facilities, and stormwater management features, as well as other natural features such as subsurface geological conditions, woodlots, or watercourses.

4. The proposed Plan of Subdivision, as originally submitted, was to consist of 8 single-detached dwelling lots accessed by Poplar Street. To provide additional detail about the servicing of the proposed Hamlet residential lots to satisfy both Town of Ancaster Official Plan and Provincial Policy Statement requirements, the proponents’ submitted a Hydrogeological Investigation, prepared by Terraprobe Inc., and Stormwater Management Report, prepared by A.J. Clarke and Associates.

Upon further analysis of this material, which included a review of the Hydrogeological Report by the City’s Source Water Protection Section of the Environmental and Sustainable Infrastructure Division, the proponents revised their proposal to reduce the number of proposed lots from 8 to 4. In turn, this allowed each individual lot to be increased in size from 0.4 ha (1.0 ac.) to 0.8 ha (2.0 ac.).

With this increase in size, the hydrogeological investigation has demonstrated that the lots are of an adequate size to provide a private potable water supply and adequately sized individual sewage disposal systems (septic systems). In addition, storm drainage flows from the front half of the properties will be directed to existing vegetated roadside ditches within the Poplar Street road allowance, while flows to the rear yards will be directed to a proposed swale adjacent to the northerly property line and existing outlets east and west of the property.

5. Staff from both the Environment and Sustainable Infrastructure Division and the Health Department have reviewed the proponent’s revised Hydrogeological Reports and Stormwater Management Plans, and have advised they are satisfied that the size and location of the 4 proposed lots are appropriate for private services.

6. Planning staff has had consideration for the criteria contained in Subsection 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advise that:

(a) It complies with the Provincial Policy Statement, Growth Plan, and Greenbelt legislation.
(b) It is a logical and timely extension of existing development and services, and is in the public interest.

(c) It conforms/will conform with the policies of the Official Plan.

(d) The lands can be appropriately used for the use for which it is to be subdivided.

(e) Existing roads will adequately service the proposed subdivision.

(f) The dimensions and shape of the lots are appropriate.

(g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, Conditions of Draft Plan Approval, and Subdivision Agreement.

(h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as a standard condition of draft plan approval.

(i) Municipal services are not available, but are not required for this proposal. Instead, the lots will be serviced privately, the particulars of which will be determined as part of the standard conditions of draft plan approval and Subdivision Agreement.

(j) School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision.

(k) No public lands will be required to be conveyed for this proposal.

(l) Efforts will be made, where possible, during development and thereafter to efficiently use and conserve energy in that the north-south orientation of the building lots provide an opportunity for passive solar energy gain.

(m) The proposal will not be subject to Site Plan Control.

7. The applicant has requested amendments to the Town of Ancaster Zoning By-law No. 87-57 in order to provide development regulations to implement the draft plan of subdivision. The requested amendments seek to rezone the lands to the Residential Hamlet “RH” zoning category, which permits lots with a minimum lot area of 1,850 square metres (0.46 acres) and a lot frontage of 30 metres.
Following the completion of the Geotechnical Study, the application was amended to permit four lots instead of eight. The four 0.8 hectare (2.0 acre) lots proposed to be created, and the 0.784 hectare (1.95 acre) retained lot containing the existing dwelling, will far exceed the minimum regulations of the Hamlet Residential “RH” Zone. It is appropriate, in this case, to restrict the size of the lots to prevent future development. Additionally, due to a stormwater management facility to be located at the rear of the proposed lots, no building or structure can be located within 30 metres of the rear lot line. Therefore, the lands will be zoned Hamlet Residential “RH-620” Zone, Modified, to permit lots with a minimum lot area of 0.75 hectares and minimum rear yard of 30 metres for all buildings and structures. In addition, the regulations will ensure the lots are adequately sized to accommodate a septic system and reserve tile bed, as required by both local and provincial policy.

Staff supports the proposed changes to the Town of Ancaster Zoning By-law.

8. In accordance with the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the application is subject to parkland dedication or Cash-in-Lieu of parkland dedication payment. Since a park is not included within the lands of the draft plan of subdivision, the applicant will be required to make a cash payment in-lieu of 5% parkland dedication prior to the issuance of each building permit for the lots within the plan.

9. The proponents have undertaken an Archaeological Assessment of the subject lands. The recommendations of this Assessment advise that no further assessment is necessary. This Report was forwarded to the Ontario Ministry of Culture (MoC); however, final clearance has not yet been received from the Ministry. Therefore, a condition requiring the receipt of final clearance by the MoC has been included as Item 1 of the Special Conditions of Draft Plan Approval found in Appendix “E”.

10. Given the proximity of the subject lands from the Highway 403 corridor (255 metres), it will be necessary for the proponents to prepare a Noise Study as a condition of draft plan approval to demonstrate that the residential uses will not be exposed to noise in excess of the Ministry of the Environment’s recommended sound level limits. This condition has been included as item 3 of the Special Conditions of Draft Plan Approval found in Appendix “E”.

11. As noted earlier, staff received four letters from neighbouring residents in response to the pre-circulation of the original application (see Appendix “F”). It should be noted that these initial neighbourhood comments were received based on the original proposal, which proposed 8 new lots, rather than the 4 lots now proposed by the proponent. Therefore, these concerns may now be addressed by the reduction in lots and increase in lot size.
Nonetheless, staff has reviewed these earlier concerns, which can be categorized as concerns regarding: a) conformity with the Greenbelt Plan; b) potential need for road improvements; c) impact on existing private services; d) impact on views and vistas enjoyed by existing lots; e) increase in traffic; f) intrusion of light onto other existing lots; g) impact on wildlife; h) stormwater run-off; and, i) impacts during construction.

In response, staff offers the following:

a) **Greenbelt Plan Conformity:**

As noted earlier, staff is satisfied that the proposal complies with the policies of the Greenbelt Plan. The lands are designated as part of the Settlement Area in the Rural Hamilton Official Plan, which has subsequently been approved by the Province. As part of their review, the Province has deemed the Official Plans to be in compliance with the Greenbelt Plan.

b) **Potential Need for Road Improvements:**

One resident expressed a desire to have Poplar Street re-surfaced with asphalt and a concrete sidewalk as the population and traffic increases. Staff notes that conditions of draft plan approval have been included to consider upgrading the existing pavement structure on Poplar Street and installing street lighting, if necessary (see Special Conditions 9 and 10 of Appendix “E”). A detailed engineering review will be required following draft approval of the subdivision, and an assessment of the need to upgrade infrastructure will be made at that time. At this Draft Plan Approval stage, staff can confirm that there is adequate road right-of-way width to provide flexibility in future design.

c) **Impact on Existing Services:**

As noted earlier, the proponent was required to provide a technical analysis, including a Hydrogeological Investigation and Stormwater Management Report, to demonstrate that the proposed development may be adequately serviced by private systems without impacting existing conditions. As a result of this review, the number of proposed lots was reduced from 8 to 4 in order to ensure that these private servicing objectives could be met. With the reduced number of lots, the proponents have demonstrated that the proposal will not have an impact on existing services.
d) **Impact on Views and Vistas:**

While the proposed applications will result in additional lot creation, it should be noted that the subject lands are currently privately owned. As such, buildings and structures could currently be constructed on the subject lands that could impact on the vistas and views from adjacent lots. The subject lands have already been designated for future settlement residential development in the new Rural Hamilton Official Plan. Further, the setback/yard regulations of the Hamlet Residential "RH" Zone to be applied to the subject lands will be consistent with the zoning regulations applied to adjacent residential lots. Considering the foregoing, staff is satisfied that the proposal to create four additional 0.8 hectare residential lots will result in a development form that is compatible with surrounding land uses.

e) **Increase in Traffic:**

The additional traffic generated by four additional residential lots will have a minimal impact on traffic volumes currently experienced on Poplar Street and Sunnyridge Road.

f) **Intrusion of Light on Abutting Lots:**

Staff acknowledges that the proposed lots will create light sources that are not currently present. However, the light generated will be from a residential source, similar to other lots in the surrounding area. It is expected that future residents will maintain lighting levels that will ensure the reasonable use and enjoyment of their own property in a manner consistent with existing lots. Lighting is also required to be only projected on the subject property, and not directed off site.

g) **Impact on Wildlife:**

Concerns expressed with respect to impact on wildlife are in relation to the habitat and food source provided by the crops currently grown on the subject lands. Staff notes that the subject lands will continue to abut larger parcels of land outside the Hamlet of Jerseyville that will remain under cultivation and provide wildlife habitat and food sources.
h) Stormwater Run-Off:

As is the case with all residential development proceeding by a plan of subdivision, the proponent will be required to prepare a Stormwater Management Plan demonstrating that post-development flows through the adjacent lands are consistent with pre-development conditions. Given the size of the lots, there will be an opportunity to use naturalized methods of stormwater management (i.e. overland flows and swales) directing run-off to existing outlets.

i) Impacts During Construction:

The Standard Form Subdivision Agreement contains requirements to ensure that potential construction-related nuisances will be addressed promptly, should they arise.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the applications are denied, the lands could only be developed in accordance with the current Agricultural “A” regulations, which permits one dwelling unit per lot. As the subject lands contain an existing dwelling known as 95 Poplar Street, no further residential development would be permitted.

CORPORATE STRATEGIC PLAN  (Linkage to Desired End Results)


Financial Sustainability

• Effective and sustainable Growth Management.
• Generate assessment growth/non-tax revenues.

Environmental Stewardship

• Natural resources are protected and enhanced.

Healthy Community

• Plan and manage the built environment.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Appendix "A" to Report PED10208 (Page 1 of 1)

Location Map

File Name/Number: ZAC-08-024/OPA-08-006/25T-200805
Date: August 17, 2010

Appendix "A"
Scale: N.T.S.
Planner/Technician: CB/SW

Subject Property
Subject lands – 95 Poplar Street

Ward 14 Key Map
N.T.S.
Amendment No. ___

to the

Official Plan for the Former Town of Ancaster

The following text, together with Schedule “A” (Schedule “F-1” - Specific Policy Areas), attached hereto, constitutes Official Plan Amendment No. ___ to the Official Plan of the former Town of Ancaster.

Purpose:

The purpose of this Amendment is to provide policy to recognize the lands on the north side of Poplar Street as part of the Jerseyville “Rural Settlement Area”, in order to permit Hamlet residential uses.

Location:

The lands affected by this Amendment are known municipally as 95 Poplar Street, Ancaster.

Basis:

The intent of the Amendment is to permit non-farm Hamlet residential uses. The basis for the re-designation is as follows:

- The proposed development is consistent with the Provincial Policy Statement and Greenbelt legislation.

- The proposed development conforms with the Region of Hamilton-Wentworth Official Plan.

- The proposed development conforms with the intent of the Town of Ancaster Official Plan.

Actual Changes:

Text Changes:

1. Section 5.7 OTHER SPECIFIC POLICY AREAS hereby amended by adding the following text after Subsection 5.7. ___:
5.7. Notwithstanding Subsection 5.8.8 i), the lands located on the north side of Poplar Street, on Part Lot 18, Concession 3, Geographic Township of Ancaster, and identified as Specific Policy Area ___ on Schedule “F”, shall only be used for Hamlet Residential purposes on lots with a minimum size of 0.75 hectares.

Schedule Changes:

2. Schedule “F-1” - SPECIFIC POLICY AREAS is hereby amended by identifying the subject lands as Area ___, as shown on the attached Schedule “A” of this Amendment.

Implementation:

An implementing Zoning By-law Amendment will give effect to the intended use on the subject lands, and a plan of subdivision will be prepared to create each of the individual residential lots.

This is Schedule "1" to By-law No.____, passed on the ___ day of ____, 2010.

The

City of Hamilton

_____________________________________________  ____________________________________________
Fred Eisenberger                          Rose Caterini
Mayor                                      Clerk
CITY OF HAMILTON

BY-LAW NO. ______

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 95 Poplar Street, in the Former Town of Ancaster, now in the City of Hamilton

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the “The Corporation of the Town of Ancaster” and is the successor to the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 10-____ of Report of the Economic Development and Planning Committee, at its meeting held on the ______ day of _______, 2010, recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster) upon the approval of Official Plan Amendment No. ______.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 4 of Schedule “A” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing the zoning from the Agricultural “A” Zone to the Residential Hamlet “RH-620” Zone, Modified, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Subsection:

   RH-620

   That notwithstanding the provisions of Paragraphs (a), (e), and (i) of Subsection 20.2 “Regulations” of Section 20: Residential Hamlet “RH” Zone, the following special provisions shall apply to the lands zoned “RH-620”:

   Regulations

   (a) Minimum Lot Area 0.75 Hectares

   (b) Minimum Rear Yard 30 metres for all buildings, structures, pools, sheds, or any other accessory structure.

   (c) Accessory Buildings The provisions of Subsection 7.18 (a) shall apply, except Subsection 7.18 (a) (iii).

   All other regulations of the Residential Hamlet “RH” Zone shall continue to apply.

3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this □□ day of □□, 2010.

_____________________________     _______________________________
Fred Eisenberger                          Rose Caterini
Mayor                                      Clerk

ZAC-09-024
Schedule "A"

Map Forming Part of By-Law No. 10-____
to Amend By-law No. 87-57

Subject Property

Change in Zoning from the Agricultural "A" Zone to the Hamlet Residential "RH-820" Zone Modified.
Special Conditions of Draft Plan of Subdivision Approval for “Poplar Estates”

Planning:

1. That, prior to preliminary grading or servicing, the owner shall carry out and complete an Archaeological Assessment over the entire lands of the draft plan, to the satisfaction of the Director of Planning, and the Ministry of Citizenship, Culture and Recreation, and mitigate through preservation or resource removal and documentation, adverse impacts to and significant archaeological resources found, all prior to demolition, grading, or soil disturbances on the land.

2. That, prior to final registration, the owner shall agree, in writing, to include the following warning clause in the City’s Standard Form Subdivision Agreement for the draft approved plan:

“The owner agrees to include, in all agreements of purchase and sale, a warning clause to notify purchasers and tenants that this lot is located within a rural development area, and is serviced by a private ground water based system, which is subject to fluctuations. Under normal conditions, an adequate supply of water is available. However, under extreme conditions, water shortages may occur.”

3. That, prior to final registration, the owner shall investigate the noise levels on the site, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An Acoustical Report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the Acoustical Report be warranted, all associated costs shall be borne by the owner, and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

Development Engineering:

4. That, prior to registration, the owner shall submit a Comprehensive Servicing Report detailing water, sewage, and stormwater servicing recommendations, and to address the following points, to the satisfaction of the Director of Development Engineering:

i) The impact, if any, on the existing septic beds that service properties with municipal numbers 206, 218, and 230 Sunnyridge Road, and 95 Poplar Street from the proposed development.

ii) The impact from the recommended raised septic beds on the proposed stormwater facility.
5. That, prior to registration, the owner demonstrates that a suitable outlet has been secured to drain the proposed development to the satisfaction of the Director of Development Engineering.

6. That, prior to registration, the owner shall demonstrate that pre-development water balance and peak flow rates for the subject lands are maintained; and further, that post-development flows through the adjacent lands mimic the pre-development conditions, to the satisfaction of the Director of Development Engineering.

7. That, prior to registration, the owner shall agree to establish an easement over the proposed stormwater management facility in favour of the upstream lots within the plan, to ensure compliance with the approved SWM concept, and to register the said easement on the title of the lands, to the satisfaction of the Director of Development Engineering.

8. That, prior to registration, the owner shall agree to include the following warning clause in the agreements for purchase/sale documents for all lots within the lands of the draft plan:

   “Future owners/tenants are advised that a stormwater management facility is located at the back of Lots 1 to 4, inclusive. The owner/tenant is advised that no permanent structures or site alternations are allowed within the easement, and it is their responsibility to ensure that the vegetative cover is properly maintained”.

9. That, prior to preliminary grading, the owner shall agree to provide sufficient security deposit to reconstruct Poplar Street adjacent to the draft plan land in case that damage occurs on the existing road during completion of the proposed grading works and including building construction on all lots. Furthermore, the owner shall agree to document the condition of the existing road prior to commencement of the proposed works and after issuance of a final grading certificate for all lots within the draft plan lands, all at his expense, and to the satisfaction of the Director of Development Engineering.

10. That, prior to servicing, the owner shall agree to install street lighting on the north side of Poplar Street, at the owner’s expense, to the satisfaction of the Director of Development Engineering.

11. That the owner shall submit engineering plans, with sufficient back-up information, to demonstrate that there is capacity in the existing ditches and culverts along Poplar Street and Sunnyridge Road to convey the minor and major flows from the proposed development, in accordance with the City of Hamilton Stormwater Criteria, without any impact on the existing properties. Furthermore, the owner shall agree that all works identified on the plans within existing right-of-way will be at his expense, to the satisfaction of the Director of Development Engineering.
Traffic:

12. That, prior to servicing, the location of all driveways shall be shown on the engineering drawings, to the satisfaction of the Manager of Traffic Engineering.
Bell, Chris

From: Jackie Simpson
Sent: Sunday, October 18, 2009 7:15 PM
To: Bell, Chris
Subject: File nos: ZAC-09-024, OPA-09-006, 25T200905

Dear Mr. Bell,

I am writing to you to express my concerns over the proposed rezoning applications for the land on Poplar St. in Jerseyville (file nos: ZAC-09-024, OPA-09-006 & 25T200905)
The first thing that I would like to address is the “Greenbelt Act”? Would this area not be under protection from urban development? I have seen the sign in Ancaster, "you are entering the Greenbelt area" just several kms away just to the East of us, and also towards Brantford, just to the west of us, is this area not protected under the Greenbelt Act?

Also, aside from the obvious, not wanting to look at homes in my back yard, has any consideration been given to the already poor water table in the area. We are a family of 4 and already have to purchase a load of water for our well approximately every 2 weeks during the summer months and a few times throughout the winter, as do most of my neighbors. I can't imagine what it will be like if we add another 8 houses to share the already low source of water in the area.

Again, I cannot stress enough to you how much of a disappointment it would be to have to look at houses across my back yard as opposed to the field that is there now. I'm sure I'm not alone in saying that the very reason we purchased a home in the "country" is to enjoy the tranquillity of open spaces and nature and not to look at subdivisions or surveys of houses upon houses!
I am trusting that this will be brought forward to Council for consideration,
Thankyou for the opportunity to express my concerns,

Yours truly,
Jackie Simpson
168 Sunnyridge Rd.
Jerseyville

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08/10/2010
Date: Monday, October 26, 2009 9:40 AM
To: Bell, Chris
Subject: File No: ZAC-09-024, OPA-09-006, 25T200905

Re: Notice of Complete Applications and Preliminary
Circulation to amend the Official Plan, Zoning By-Law and
for approval of a Draft Plan of Subdivision for lands at the
north side of Poplar Street, West of Sunnyridge Road, Jerseyville.
File No: ZAC-09-024
OPA-09-006
25T200905

To Whom It May Concern;

For 15 years we have enjoyed the peaceful beauty of Jerseyville. We feel that the proposed
changes will negatively affect our daily existence in Jerseyville, as the proposed plans are on land
adjoining to our property.

We are extremely concerned about the septic leaching on to our property and contaminating our
water supply and land. The water and septic runoff from the potential surveys will cause flooding as the
properties sump pumps discharge, spring thaw and heavy rains will run onto our property. We worry
that our water table levels will be compromised with the addition of more users.

Sitting in our yard, as we do most evenings in the warmer months, will no longer allow us the
currently unobstructed views of the sunsets, trees, crops, and skies. The views will be marred by houses,
fences and vehicles and whatever else is in the survey dwellers yards. The lights from the potential
houses will destroy the tranquil night skies we have been appreciating for 15 years. We also fear that the
light pollution will affect our sleep patterns as our master bedroom faces the proposed survey. The
increased traffic on Sunnyridge Road and Poplar Street will be disruptive and unsafe for the many
residents and their pets who enjoying walking or biking the roads. The increased traffic noise alone will
be disruptive to our day to day lives.

We worry the wildlife that has relied on the farmed lands for their food source, nesting, and
survival will be compromised by the proposed survey. The animals will no longer have the food supplies
or safety the fields have historically given them.

Please do not allow this plan to go forward. The negative effect it will have on our lives, and the
wildlife will be monumental.

Thank you,
Jane Hannon, Kevin Herring

08/10/2010
October 27, 2009

City of Hamilton
Planning & Economic Development Department
77 James Street North, Suite 400
Hamilton, ON
L8R 2K3

Attention: Chris Bell, Senior Planner

Re: File No: ZAC-09-024, OPA-09-006 & 25T200905

Dear Chris,

In Response to your letter of notification to amend the Official Plan, Zoning By-law and for approval of a Draft Plan of Subdivision for lands at the North side of Poplar Street, West of Sunnyridge Road, Jerseyville.

We are writing to identify several concerns we have with the proposed rezoning as stated above. If the City of Hamilton is going to allow urban sprawl, we believe it is incumbent that the planning department is prudent with any decision and errs on the side of caution to protect the safety of all affected individuals living in the surrounding area. The very basic of which would include the supply of treated potable water, proper treatment of sewage and effective waste removal from all proposed sites. Our family has four major concerns we feel the City of Hamilton needs to address prior to approving the rezoning of the land described above.

1. Firstly, we have a major concern about the sustainability of potable well water in the area. There are well-documented well and water problems within the Village of Jerseyville. Even on our street (Poplar Street), we found the current water supply was reduced and the quality was negatively impacted when only one house was constructed (95 Poplar St) across the street from our current location. The water supply has been cut in half and isn’t as plentiful during the summer months.

   We have concerns about City of Hamilton representatives allowing rezoning of the previously green belted aforementioned land based upon unproven studies and a lack of understanding regarding ground water. We are concerned that eight new building lots and homes will further negatively affect the water supply in our area given the history of water problems within the Village. We believe the building of
Re: File No: ZAC-09-024, OPA-09-006 & 25T200905

eight new homes should not be approved unless the City of Hamilton is prepared to provide municipally-controlled water to homes in the area.

2. Secondly, we ask the City of Hamilton to ensure a study has been completed to determine if there is sufficient space for septic beds and wastewater treatment so that there will be no adverse effect on any of the neighboring properties, wells and ground water through uncontrolled leaching etc.

3. Thirdly, does the City of Hamilton have a thorough plan to control the runoff of water and any contaminants should a development be allowed in the future?

4. Lastly, we ask that the City of Hamilton ensure that there is appropriate landscaping and buffering in place to minimize intrusions upon neighboring homes. Also, we suggest the inclusion of proper concrete sidewalks and street lights as there are an abundant of very young children (including our own) who will be put at risk if exposed to increased traffic and vehicle density.

Please accept this letter as official notice that we may be required to pursue resolution of these issues through other means if rezoning and subsequent building leaves us with no or limited potable water either through contamination or lack of water supply in the future.

Should you have any questions or wish to discuss this further, I can be reached during the day at [redacted] or evening [redacted] or by email at [redacted]. Thank you for your time and consideration.

Sincerely,

Jamie Balardo
104 Poplar Street
Jerseyville, ON
L0R 1R0
October 27, 2009

City of Hamilton
Planning and Economic Development Department
77 James Street North, Suite 400
Hamilton, ON
L8R 2K3

Attention: Mr. Chris Bell, Senior Planner

Re: File Nos ZAC-09-024, OPA-09-006 and 25T200905

Dear Chris,

In response to your letter of notification to amend the Official Plan, Zoning By-law and for approval of a Draft Plan of Subdivision for lands at the north side of Poplar Street, West of Sunnyridge Road, Jerseyville, we submit the following comments and concerns for council consideration as part of your staff report.

We welcome rural neighbourhood improvements; however we strongly feel that several concerns need to be addressed prior to approval of any re-zoning or subdivision plans.

A. Due to the existing limited groundwater resource availability on Poplar Street we are greatly concerned that additional wells may further hinder well water sustainability.

We hereby request a complete certified copy of the groundwater sustainability study reports including considerations for the current groundwater use (wells) for all existing homes on Poplar Street showing that the groundwater sustainability will not be adversely impacted by the additional proposed homes and wells. Should the sustainability of the existing wells on Poplar Street be adversely affected, legal action with the City of Hamilton may be pursued.

B. The plan of subdivision should be limited to reduced number of rural residential lots fronting onto the north side of Poplar Street.

C. The construction phase is to be limited to a reasonable duration including finished construction and landscaping of all new homes within this development in order that market values and image of the existing homes on Poplar Street not be decreased or affected.

D. We are concerned that the existing street (Poplar Street) may not be maintained to its current condition during the construction phase this development. Upon completion of the construction, we request that
Poplar Street be resurfaced with hard top asphalt and a concrete sidewalk along the north side of Poplar Street as population and traffic will be increased. This will allow area street residents with a high density of small children to continue living in a safe neighbourhood keeping pedestrians off the street with increased vehicle traffic.

As stated in your letter, please respond and provide a copy of the staff report presented to council prior to the public hearing, the date for the council meeting when this report will be presented, notification of draft conditional approval, notification of the adoption or refusal of proposed Official Plan Amendment, proposed Zoning By-law Amendment and proposed Draft Plan of Subdivision.

Should you have any questions or wish to discuss the above mentioned comments, I can be contacted at [redacted] or by email at [redacted]

Yours truly,

Tim Verhey  
85 Poplar Street

Ken McKittrick  
96 Poplar Street