SUBJECT: Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application AN/A-07:317 (1622134 Ontario Ltd. and Klaver & Sons Construction Ltd. - Owners), 522 Book Road East (Former Town of Ancaster) (PED08043) (Ward 12)

RECOMMENDATION:

That Council agrees to the following actions, as detailed in Report PED08043, respecting the appeal of the City of Hamilton Committee of Adjustment Minor Variance Application AN/A-07:317 (1622134 Ontario Ltd. and Klaver & Sons Construction Ltd. - Owners), 522 Book Road East, former Town of Ancaster, as shown on Appendix “A” to Report PED08043, approved by the Committee of Adjustment, but recommended for denial by the Planning and Economic Development Department:

(a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application AN/A-07-317.

(b) That Council direct appropriate Legal Services and Planning staff to attend the future Ontario Municipal Board (OMB) Hearing.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

Application AN/A-07:317, to permit the conversion of the existing legally established non-conforming school into a place of worship through a 24.3m x 12.1m one-storey addition notwithstanding that a church is not a permitted use, was considered by the City of Hamilton Committee of Adjustment on December 13, 2007. Comments to the
SUBJECT: Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application AN/A-07:317 (1622134 Ontario Ltd. and Klaiver & Sons Construction Ltd. - Owners), 522 Book Road East (Former Town of Ancaster) (PED08043) (Ward 12) - Page 2 of 8

Committee of Adjustment from the Planning and Economic Development Department supported the conversion of the existing legally established non-conforming school into a place of worship; however, the proposed addition was recommended for denial as it is contrary to the applicable policy documents and would compound the existing noise and land use conflicts.

The subject property is within the Airport Employment Growth District (Appendix “E”); within close proximity to John C. Munro Hamilton International Airport; within an area above the 30 NEF/NEP noise contour; and is within Special Policy Area 9, as established by Board Order 3080 (Appendix “D”). A map of Special Policy Area 9 of the Regional Official Plan and Specific Policy Areas 57 and 57a of the former Town of Ancaster Official Plan, now referred to as the “Airport Employment Growth District”, is attached as Appendix “E”.

The proposed addition does not conform to Ontario Municipal Board Order 3080, dated November 2, 2006, for Case PL050686 (Appendix “D”), and the subsequently amended Hamilton-Wentworth Official Plan and the former Town of Ancaster Official Plan policies. The proposed addition would be in direct conflict with the policies as amended by the Board, prohibiting new development that is incompatible with the future industrial and employment development objectives for this area. In addition to the above, the proposal is contrary to the applicable policies of the Provincial Policy Statement regarding development in the vicinity of an airport as the proposed use is considered a “Sensitive Land Use”, as defined by the Provincial Policy Statement and the Ministry of the Environment Procedure D-1-3.

The Committee of Adjustment approved the application in its entirety (conversion and addition) on December 13, 2007 (Appendix “C”). Due to the appeal period, Planning and Economic Development Department staff has submitted an appeal letter and the required fee to the Secretary-Treasurer of the Committee of Adjustment to initiate the appeal process, subject to Council’s approval/ratification.

**BACKGROUND:**

Roles and Responsibilities of the Committee of Adjustment (PD02116(a))

In December 2002, City Council endorsed a staff report related to the roles and responsibilities of the Committee of Adjustment. The recommendations included the following:

“That the Planning and Development Department be authorized and directed to prepare an Information Report to the Committee of the Whole when an appeal is made to the Ontario Municipal Board, of a decision made by the Committee of Adjustment to deny an application(s) that was supported by staff. In response to such a report, Council may determine its position on the Committee of Adjustment decision and may instruct Legal Services to attend the Ontario Municipal Board Hearing, in support of the Committee’s decision, and to retain outside professional(s) accordingly.”
The situation with the subject Book Road East application is one in which the Committee of Adjustment “approved” an application that was “not” supported by staff. What is consistent between the above resolution and the subject application is that the Committee of Adjustment decided against the staff recommendation. As a result, the above application is being brought to the attention of Council for their consideration and direction.

Due to the short appeal time frame regulated through the Planning Act, the prescribed fee and appeal letter were submitted to begin the appeal process, subject to confirmation of this action from Council.

Proposal

The subject property is located at 522 Book Road East in the former Town of Ancaster (see Appendix “A”). The application requests relief from the provisions of Zoning By-law No. 87-57, under Section 45 of the Planning Act, R.S.O. 1990, c. P. 13, so as to permit the conversion of the existing legally established non-conforming school into a place of worship and to construct a 24.3m x 12.1m one-storey addition, notwithstanding a church is a use not permitted in the Agricultural Zone, as shown on Appendix “B”.

The application was reviewed against all applicable planning policy documents, which included the Provincial Policy Statement, the Hamilton-Wentworth Official Plan, and the former Town of Ancaster Official Plan. Staff also reviewed the subject application against Ontario Municipal Board Order 3080, dated November 2, 2006, for Case PL050686, attached as Appendix “D”.

Planning and Economic Development Department staff recommended denial of the proposed redevelopment on the basis of non-conformity with the Provincial Policy Statement, Ontario Municipal Board Order 3080 (Appendix “D”), and the subsequently Board ordered amendments to the Hamilton-Wentworth Official Plan and the former Town of Ancaster Official Plan.

The Committee of Adjustment approved the application on December 13, 2007 (Appendix “C”).

ANALYSIS/RATIONALE:

The subject lands are within an area above the 30 NEF/NEP noise contour and is considered a sensitive land use; the proposed addition is, therefore, contrary to the Provincial Policy Statement. The lands are also within the Airport Employment Growth District, which was established through Ontario Municipal Board Order 3080, dated November 2, 2006, for Case PL050686, attached as Appendix “D”. In particular, staff notes that the Board order amended sections of the Hamilton-Wentworth Official Plan and former Town of Ancaster Official Plan prohibiting any new development considered incompatible with future industrial and employment objectives for this area. Staff notes that as per Ministry of the Environment Procedure D-1-3, a church is considered a
sensitive land use; this classification is consistent with that of the Provincial Policy Statement. Based on the foregoing, staff recommended denial of the proposed building addition.

**ALTERNATIVES FOR CONSIDERATION:**

**Option 1**

Council could proceed with the appeal and direct appropriate Legal Services and Planning staff to attend the Ontario Municipal Board Hearing in opposition to the approved variance application, as recommended in this report.

**Option 2**

Council may direct staff to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the Ontario Municipal Board (OMB).

Should the appeal be withdrawn, the application will be considered approved as there are no other appeals.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:** Planning and Economic Development Department staff has submitted the required fee of $125.00 to the Minister of Finance to begin the appeal process. Other than this one-time fee, the costs for the Hearing are covered by the respective Departmental Work Programs/Budgets. Therefore, no additional funds would be required.

**Staffing:** One representative from each of Development Planning and Legal Services would be required for preparation and attendance at an Ontario Municipal Board Hearing.

**Legal:** No legal implications are expected.

**POLICIES AFFECTING PROPOSAL:**

**Ministry of the Environment D-1-3 Procedure: Land Use Compatibility: Definitions**

The Ministry of the Environment D-1-3 Procedure defines a “Sensitive Land Use” as a building, ‘amenity area’ or outdoor space where routine or normal activities occurring at reasonably expected times would experience one or more ‘adverse effect(s)’ from contaminant discharges generated by a nearby ‘facility’. The ‘sensitive land use’ may be a part of the natural or built environment. Depending upon the particular ‘facility’ involved, a sensitive land use and associated activities may include one or a combination of:
(ii) a permanent structure for non-facility related use, particularly of an institutional nature (e.g. schools, churches, community centres, day care centres).

Based on the foregoing, the proposed church is considered a “Sensitive Land Use”.

**Ontario Municipal Board Order 3080 dated November 2, 2006 for PL050686**

The subject lands are contained within Special Policy Area (SPA) 9, Appendix “E”, as established by the Board on November 2, 2006 (Appendix “D”). Staff notes that the Board’s order prohibits any new development considered incompatible with future industrial and employment development objectives for this area. Furthermore, the Board order amends the Hamilton-Wentworth Official Plan and Town of Ancaster Official Plan to reflect this prohibition. These amended policies, and their applicability to the proposed development, are discussed below in the relevant sections.

**Provincial Policy Statement (PPS)**

In addition to the definition for “Sensitive Land Use” provided above in the Ministry of the Environment D-1-3 Guideline, the Provincial Policy Statement defines a sensitive land use as:

“buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse affects from contaminant discharges generated by a nearby major facility … Examples may include day care centres and educational and health facilities.”

As such, Policy 1.6.7.1 of the Provincial Policy Statement (PPS) states that Planning for land uses in the vicinity of airports shall be undertaken so that:

a) The long-term operation and economic role of airports is protected; and,

b) Airports and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

In addition, Policy 1.6.7.2 states that airports shall be protected from incompatible land uses and development by:

a) Prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) that have been reviewed by Transport Canada; and,

b) Considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP, only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport.
The proposal is not in conformity with the above policies as it has not been demonstrated there will be no negative impacts on the long-term function of the airport. The appropriateness of the proposal should be addressed under the present study of the Airport Employment Growth District (Appendix “E”), as established by the Ontario Municipal Board.

**Hamilton-Wentworth Official Plan**

The property is designated in the Hamilton-Wentworth Official Plan as “Rural Area – Prime Agricultural Lands”. As discussed in the Ontario Municipal Board Section above, the Hamilton-Wentworth Official Plan was amended by establishing Special Policy Area 9, and by adding the following new applicable policy:

\[
\text{C-3.1.4.7:}
\]

“It is recognized that portions of SPA 9 contain concentrations of existing residential and other land uses incompatible with industrial, business service and other essential uses associated with an airport employment growth district. In planning for the proposed Airport Employment Growth District, the City shall prohibit all new residential, retail commercial or other forms of development that are incompatible with future industrial and employment development objectives for this area.”

Based on the foregoing, as the subject lands are within Special Policy Area 9 (Appendix “E”), the proposed building addition is contrary to the above noted policy.

**Former Town of Ancaster Official Plan**

The subject lands are designated “Agricultural” within the former Town of Ancaster Official Plan. The Agricultural designation does not permit the proposed use. Furthermore, as noted above, the former Town of Ancaster Official Plan was amended by Board Order 3080, dated November 2, 2006, (Appendix “D”) to establish Specific Policy Areas 57 and 57a (Appendix “E”), and to include the following new policy:

5.12 **Specific Policy Area No.57:**

5.12 In addition to the existing applicable policies in this Plan, this Section sets out additional policies for the lands identified on Schedule “F-1” as Specific Policy Areas 57 and 57a.

5.12.1 The area identified as Specific Policy Area 57 on Schedule “F-1” shall be subject to Policies C.4.3.5.3 and C.4.3.5.4 of the Regional Official Plan.

5.12.2 The area identified as Specific Policy Area 57a on Schedule “F-1” shall be subject to Policies C.3.1.4.6, C.3.1.4.7, C.3.1.4.8, C.3.1.4.9, C.3.1.4.10 and C.3.1.4.11 of the Regional Official Plan.
As the subject lands fall within Specific Policy Area 57a (Appendix “E”) of Schedule “F-1” of the former Town of Ancaster Official Plan, the relevant Regional Official Plan policies are applicable; in particular C-3.1.4.7, as noted in the Hamilton-Wentworth Official Plan Section above, stipulates that no new development that is incompatible with future industrial and employment development objectives for this area shall occur. Based on the foregoing, the proposal does not conform to the policies of the former Town of Ancaster Official Plan.

**Former Town of Ancaster Zoning By-law 87-57**

The subject lands are zoned “A” Agricultural within the Ancaster Zoning By-law, which does not permit places of worship. However, staff notes that the present use of the property is considered legal non-conforming and is, therefore, permitted to be converted/expanded, provided the use is more compatible with the intent and purpose of the applicable By-law. It is expected that such legal non-conforming uses will eventually be brought into compliance with the By-law at the earliest practical date.

It is the opinion of staff that the proposed conversion is permissible; however, the proposed addition would not be in keeping with the intent and purpose of the By-law as the land use conflict will be compounded. The proposal is, therefore, contrary to the former Town of Ancaster Zoning By-law, and is not supported by staff.

**Rural Hamilton Official Plan**  
(Awaiting Provincial Approval – For Information Purposes Only)

The subject lands are designated as “Rural Area” and “Special Policy Area C” (Appendix “E”) within the Rural Hamilton Official Plan. Volume 3 Policy A-3.2 states that it is recognized that portions of SPA “C” contain concentrations of existing residential and other land uses incompatible with the industrial, business service and other essential uses associated with an employment growth district. In planning for the employment growth district, the City shall prohibit all new residential, retail commercial or other forms of development that are incompatible with future industrial and employment objectives for this area. The proposed addition is, therefore, contrary to the above noted policy.

Based on the foregoing, the proposed addition is not in conformity with the policies of the Rural Hamilton Official Plan, as new development incompatible with future industrial and employment objectives of the area are prohibited.

**RELEVANT CONSULTATION:**

- Legal Services Division.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes ☑ No
The subject lands are within the Airport Employment Growth District; as such, the proposed sensitive land use will be detrimental to the future growth and future employment area land use possibilities for the study area. All development in this area considered sensitive and/or incompatible with future industrial and employment development objectives is prohibited, until such time as the study has been completed to determine appropriateness.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
There are no perceived environmental impacts from the proposed development.

Economic Well-Being is enhanced. ☐ Yes ☑ No
As the proposed use is considered a sensitive land use, the establishment of this use and proposed addition will limit the future potential of the airport employment growth district and potential industrial/commercial uses intended for this area.

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:AC
Attachs. (5)
COMMITTEE OF ADJUSTMENT

DEcision of the Committee

Application No. AN/A-07:317
Submission No. A-317/07

In the Matter of The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 87-57, of the City of Hamilton (formerly Ancaster), Section 8.

And in the Matter of the Premises known as Municipal number 522 Bock Road East, formerly in the Town of Ancaster, now in the City of Hamilton and in an "A" (Agricultural) district;

And in the Matter of an Application by the agent Lisa Sherritt on behalf of the owners 1632134 Ontario Ltd. and Klaver & Sons Construction Ltd. (Klaas Klaver), for relief from the provisions of the Zoning By-Law No. 87-57, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the conversion of the existing legally established non-conforming school into a place of worship through a 24.3m x 12.1m one storey addition notwithstanding that a church is a use not permitted in the Agricultural Zone.

The Decision of the Committee is:

That the said application IS GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

Dated at Hamilton this 13th day of December, 2007.

M. Dudzic (Chairman)

L. Gaddie

C. Lewis

M. Switzer

V. Abrilham

D. Drury

D. Serwaub

D. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS January 2nd, 2008.

NOTE: This decision is not final and binding unless otherwise noted.
The Ministry of Municipal Affairs and Housing, Michael Desnoyers and Carol Desnoyers, and James Capuccinello and Felicia Capuccinello have appealed to the Ontario Municipal Board under subsection 17(36) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Hamilton to approve Proposed Amendment No. 25 to the Regional Official Plan for the City of Hamilton
OMB File No. 0050105

The Ministry of Municipal Affairs and Housing, Michael Desnoyers and Carol Desnoyers, and James Capuccinello and Felicia Capuccinello have appealed to the Ontario Municipal Board under subsection 17(36) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Hamilton to approve Proposed Amendment No. 104 to the Official Plan for the City of Hamilton (former Town of Ancaster)
OMB File No. 0050106

The Ministry of Municipal Affairs and Housing, Michael Desnoyers and Carol Desnoyers, and James Capuccinello and Felicia Capuccinello have appealed to the Ontario Municipal Board under subsection 17(36) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Hamilton to approve Proposed Amendment No. 50 to the Official Plan for the City of Hamilton (former Township of Glanbrook)
OMB File No. 0050107

At the request of Sullter Twenty Limited, Spallacci and Sons Limited and Twenty Roac Developments Inc., the Regional Municipality of Hamilton-Wentworth has referred to the Ontario Municipal Board under subsection 17(24) of the Planning Act, R.S.O. 1990, c. P.13, as amended Deferral No. 11 of the Official Plan for the former Regional Municipality of Hamilton-Wentworth
OMB File No. 0060179

APPEARANCES:

<table>
<thead>
<tr>
<th>Parties</th>
<th>Counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Hamilton</td>
<td>N. Smith</td>
</tr>
<tr>
<td>Ministry of Municipal Affairs and Housing</td>
<td>M. MacNeill</td>
</tr>
<tr>
<td>Sillstar Limited</td>
<td>J. D. Farber</td>
</tr>
<tr>
<td>Twenty Roads Development Limited</td>
<td></td>
</tr>
<tr>
<td>Spallaci @ Sons Ltd.</td>
<td></td>
</tr>
<tr>
<td>Tradeport International Corporation</td>
<td>B. Parker</td>
</tr>
<tr>
<td>Swisscan Properties Inc.</td>
<td></td>
</tr>
</tbody>
</table>

MEMORANDUM OF ORAL DECISION DELIVERED BY R. G. M. MAKUCH ON SEPTEMBER 25, 2006 AND ORDER OF THE BOARD
The City had brought a Motion for an Order of the Board dismissing the appeals without holding a full hearing on the grounds that the notices of appeal did not disclose any apparent land use planning grounds upon which the Board could be approved or refused by the Board.

At the commencement of the hearing, counsel for the parties advised the Board that the parties had reached a settlement and requested that the Board dismiss the City's motion and that the appeals be allowed in part in order for the Board to amend the official plan amendments under appeal.

The Board is satisfied based on the undisputed and uncontradicted evidence of Guy Paparella, the professional land use planner for the City, that the proposed amendments are in conformity with the Provincial Policy Statement 2005 and represent appropriate land use planning.

The official plan amendments do not constitute an expansion of a settlement area but rather the creation of a special study area for study. The lands in question are in the vicinity of the John C. Munroe International Airport and the creation of the special policy area in order to consider an Airport Employment Growth District around the airport. The city proposes to carry out a number of studies related to all of the issues related to such a development such as, the amount of land required, the nature of then proposed employment uses, the infrastructure needed to service the lands, provisions required to maintain the key functions of the airport, including the minimization of land use conflicts related to existing/planned airport operations, and the cost and method of financing the employment district. The proposed amendments to the official plan amendments enacted by City Council and attached to the executed Minutes of Settlement between the parties provide further particulars and clarification with respect to the process of preparing the necessary studies including the consultations to take place.

The lands covered by Deferral 11 in the Regional Municipality of Hamilton Wentworth Official Plan

Map No. 1, Regional Development pattern, as it applies to part of the West Half of Lot 3, Concession II, generally located south of Twenty Road West, north of Dickenson Road West, east of Lancaster Road and west of Highway No. 6, as indicated in blue on Map 1 identified as Number 11.
as referred to the Ontario Municipal Board by the Minister of Municipal Affairs and Housing by letter dated September 18, 2006, will also be subject to the Policies referred in this settlement, which in no way changes the underlying designations of these lands. The settlement clarifies the planning review necessary to consider these lands for an urban designation. All references to Deferral 11 in the Regional Municipality of Hamilton Wentworth Official Plan will be deleted.

Accordingly, the Board orders as follows:

1. The City’s Motion for an Order of the Board dismissing the appeals without holding a full hearing are hereby dismissed;

2. The appeals are allowed in part; and

3. Proposed Amendment No. 25 to the Regional Municipality of Hamilton Wentworth Official Plan; Proposed Amendment No. 104 to the Official Plan for the City of Hamilton (former Town of Ancaster); and Proposed Amendment No. 50 to the Official Plan for the City of Hamilton (former Township of Glanbrook) are hereby amended in accordance with Attachment “1”, (Appendix 1 to the Minutes of Settlement, Exhibit 4) hereto.

It is so Ordered.

“R. G. M. Makuch”

R. G. M. MAKUCH
MEMBER
Attachment 1

Amendments

to the

Regional Municipality of Hamilton-Wentworth, Town of Ancaster, the
Township of Glanbrook Official Plans

The following text, together with Schedule "A" (Map No. 7, Airport Influence Area
of the former Regional Municipality of Hamilton-Wentworth Official Plan),
Schedule "B" (Map No. 1 - Regional Development Pattern of the former Regional
Municipality of Hamilton-Wentworth Official Plan), Schedule "C" (Schedule "F-1 -
Special Policy Areas"), of the Official Plan of the former Town of Ancaster and
Schedule "D" (Schedule "A" - Land Use Plan) of the former Township of
Glanbrook Official Plan, attached hereto, constitutes:

1. Official Plan Amendment No. 25 to the Regional Municipality of Hamilton-
   Wentworth Official Plan;
2. Official Plan Amendment No. 104 to the Town of Ancaster Official Plan;
3. Official Plan Amendment No. 50 to the Township of Glanbrook Official Plan;

Purpose:

The purpose of this amendment is to identify a Special Policy Area in which to
consider an Airport Employment Growth District centered around the John C.
Munro International Airport. This is to recognize, protect and capitalize on the
long-term economic importance of the Airport and its unique role as a catalyst for
airport related and other employment uses.

The effect of the Amendment is:

• to protect John C. Munro International Airport's 24 hour operation by
  restricting incompatible and noise sensitive land uses from encroachment
  into Airport noise sensitive areas; and,

• to provide for the development of a future employment land growth centre.

Further study is required to demonstrate such matters as the amount of land
required for the Airport Employment Growth District, the nature of the proposed
employment uses, the infrastructure (particularly sewage, water and
transportation) needed to service the lands, provisions required to maintain the
key functions of the airport, including the minimization of land use conflicts
related to existing/planned airport operations, and the cost and method of
financing the employment district.
Location:

The lands subject to this Amendment are in the vicinity of the John C. Munro Airport.

The lands identified for further study as a Special Policy Area, are generally bounded by the existing Urban Area Boundary adjacent to Upper James Street to the east, White Church and Fiddler's Green Roads on the south, Garner Road on the west and Glancaster Road and Twenty Road West on the north.

Basis:

1. City Council's Strategic Plan "Right on Course" commits to the following:
   (a) to focus all available resources on economic development as its No. 1 priority with particular attention to the airport as a key economic node to future prosperity;
   (b) to pursue initiatives at the airport to ensure benefits of economic development are felt city-wide; and,
   (c) to pursue investment in strategic infrastructure to attract new non-residential business.

2. City Council's adopted Economic Development Strategy (October, 2004) and the HIA Gateway Opportunities Study (October, 2002) commits to the creation of an Aerotropolis Cluster which is intended to form an industrial, commercial and residential community around the John C. Munro Hamilton International Airport in support of the airport operation and the City's economic development objectives.

3. The Places to Grow discussion paper identified the Airport as Hamilton's top economic priority, by stating growth should "take advantage of the economic opportunities provided by the airport."

4. The Province, in conjunction with the GTA municipalities and Hamilton prepared growth forecasts for employment lands. Based on the Hemson forecasts, total employment on employment lands in the City of Hamilton will increase by approximately 50,000 jobs in the 2001-31 time period. As part of the comprehensive amendment process, the City shall complete background studies and conduct community planning and public consultation processes, including the establishment of a community liaison committee. This work will assist in identifying the types and layout of future employment land uses, determining land supply and infrastructure
requirements, and developing community growth management policies and designations.

5. A secondary plan will be required to determine the mix of employment uses, the servicing requirements, the appropriate transportation network and the funding required for the completion of the hard infrastructure. This will be completed in conjunction with GRIDS and all related Master Servicing Plans to ensure that the airport is an integral part of the City’s future growth.

6. The Regional Official Plan identifies an Airport Influence Area. The boundaries have been modified to coincide with 28 NEF contour as identified in the Airport Master Plan. The Airport Influence Area will protect John C. Munro International Airport’s 24 hour operation by restricting incompatible and noise sensitive land uses from encroachment into Airport noise sensitive areas.

Actual Changes

Regional Official Plan

1. That the Official Plan for the Regional Municipality of Hamilton-Wentworth be amended as follows:

1.0 Add a new schedule titled “Map 7- Airport Influence Area”, attached as shown on the attached Schedule “A” of this Amendment.

1.1 Delete Policy C.4.3.5.3 in its entirety and replace it with the following policy:

"Minimize future conflicts between the operation of the Airport and surrounding land uses. Under this policy, the affected Area Municipalities will be required, in their Official Plans and Zoning By-laws, to apply noise exposure forecast contours (Transport Canada) and guidelines for development in the Vicinity of the Airport (Transport Canada) so that:

a) no sensitive land uses are permitted to be developed within areas exposed to noise disturbance levels greater than the 28 NEF, except where the lands are currently designated Urban; and,

b) any sensitive land uses permitted to be developed between 25 and 28 NEF contours will be required to implement noise mitigative measures in accordance with Provincial and Federal guidelines/standards."

1.2 Amend Policy C.4.3.5.4 to delete the last sentence and replace it with the following sentence.

"The limitations of the Airport Influence area are defined on Map 7 – Airport Influence Area."

1.3 Add a new policy to section C.4.3.5 as follows:

"C.4.3.5.5 The City of Hamilton, in conjunction with the John C. Munro Airport, are required to update and maintain up-to-date Airport Zoning Regulations and Noise Exposure Forecast to protect the long term 24 hour, seven day a week and three hundred and sixty five day a year operation."

1.4 Map No. 1 – Regional Development Pattern – be revised by adding Special Policy Area 9, as shown on the attached Schedule “B” of this Amendment.

1.5 Section C.3.1.4 be amended by adding the following new policies:

"C.3.1.4.6 The lands identified as SPA 9 on Map 1, are designated Rural in this Plan and are subject to all relevant policies pertaining to the Rural designation of this Plan and the applicable Agricultural designation in the Town of Ancaster Official Plan and the applicable Agricultural and Open Space designation of the Township of Glenbrook Official Plan, as well as to the Airport Influence Area policies of this Plan. They shall not be construed to be within the Urban Area unless and until such time as a comprehensive amendment has been developed by the City and approved to permit urban uses in all or part of such lands.

3.1.4.7 It is recognized that portions of SPA 9 contain concentrations of existing residential and other land uses incompatible with the industrial, business service and other essential uses associated with an airport employment growth district. In planning for the proposed Airport Employment Growth District, the City shall prohibit all new residential, retail commercial or other forms of development that are incompatible with future industrial and employment development objectives for this area.

3.1.4.8 The City shall not accept nor approve a privately-initiated amendment to this Plan pertaining to SPA 9 prior to consideration of municipally-initiated studies as set out below and the preparation and final approval of a municipally-initiated comprehensive amendment to permit
employment uses in part or all of SPA 9 as described in Section C.3.1.4.6 above.

As part of the comprehensive amendment process, the City shall complete background studies and conduct community planning and public consultation processes, including the establishment of a community liaison committee. The background studies and public consultation processes shall assist in identifying the types and layout of future employment land uses, determining land supply and infrastructure requirements, and developing community growth management policies and designations. More specifically, the background studies shall include the following:

a) A comprehensive review and land budget analysis to demonstrate the need for an urban boundary expansion which includes an assessment of occupied and vacant urban land, land use densities and intensification opportunities. Any lands identified for the proposed Airport Employment District will be considered in the context of a comprehensive amendment for other urban uses.

b) Environmental Impact Statements pertaining to the Natural Heritage System as required by applicable Official Plan and provincial policies.

c) Demonstrating that the public infrastructure which is planned or available will be suitable to service the future proposed employment lands over the long term. This infrastructure shall include, but not limited to, the provision of full municipal sanitary sewage and water supply and an appropriate transportation network.

d) The completion of a financing policy for cost effective urban services and other community infrastructure;

e) An assessment of agricultural capability which considers directing the proposed Airport Employment Area Growth district onto those lands which are not, or on lower priority lands which area designated Agriculture.

f) Demonstrating that impacts from new or expanding employment areas on agricultural operations which are adjacent or close to the employment area are mitigated to the extent feasible.
g) Other studies and policies which the City deems necessary for the development of SPA 9 as a sustainable, employment growth district.

3.1.4.9 In addition to the above, the City shall also prepare a secondary plan concurrently with, or immediately following, the approval of the comprehensive amendment. Though this secondary plan, the following additional requirements will be required:

a) Sub-watershed plans and secondary plan policies/designations related to the protection and/or management of natural heritage features and functions, including the management objectives for storm water infrastructure;

b) The designation of appropriate employment land uses and policies pertaining to the design and density of such uses;

c) Completion of the City-wide water/wastewater (lake based system) master plan, the City-wide storm water master plan and the city wide transportation master plan, that will produce an infrastructure servicing strategy for the proposed airport employment growth district and adjacent urban communities as may be relevant;

d) Completion of Class Environmental Assessments for major urban servicing infrastructure deemed to be essential to commencement or completion of development of all or part of SPA 9 lands;

e) An urban development staging, phasing or implementation strategy in keeping with City-wide Master Plan priorities and Secondary Plan objectives;

3.1.4.10 The City shall establish a comprehensive public participation process that will include a Community Liaison Committee comprised of landowners, public agencies, representatives of other interested community groups and appointed City Councillors to oversee the development of the secondary plan referred to in Policy 3.1.4.9.
3.1.4.11 Coincident with the adoption of a comprehensive amendment, the City of Hamilton will repeal SPA 9 in its entirety.

Town of Ancaster Official Plan

2. That the Official Plan for the Town of Ancaster be amended as follows:

2.1 Schedule "F-1 - Special Policy Areas" be revised by including the subject lands as Specific Policy Area 57 and 57a, as shown on the attached Schedule "B" to this Amendment.

2.2 Section 5 be amended by adding the following new policies;

5.12 SPECIFIC POLICY AREA NO. 57

"5.12 In addition to the existing applicable policies in this Plan, this Section sets out additional policies for the lands identified on Schedule "F-1" as Specific Policy Areas 57 and 57a.

5.12.1 The area identified as Specific Policy Area 57 on Schedule "F-1", shall be subject to Policies C.4.3.5.3 and C.4.3.5.4 of the Regional Official Plan.

5.12.2 The area identified as Specific Policy Area 57a on Schedule "F-1", shall be subject to Policies C.3.1.4.6, C.3.1.4.7, C.3.1.4.8, C.3.1.4.9, C.3.1.4.10 and C.3.1.4.11 of the Regional Official Plan."

Township of Glanbrook Official Plan

3. That the Official Plan for the Township of Glanbrook be amended as follows:

3.1 Schedule "A - Land Use Plan" be revised by including the subject lands as Special Policy Area 2 and 2a, as shown on the attached Schedule "D" to this Amendment.

3.2 Section B.1 be amended by adding a new Subsection B.1.12 as follows;

"B.1.12 In addition to the existing applicable policies in this Plan, including Special Policy Area 1, this Section sets out additional policies for the lands identified on Schedule "A" - Land Use Plan, as Special Policy Areas 2 and 2a.

(i) The area identified as Special Policy Area 2 shall be subject to Policies C.4.3.5.3 and C.4.3.5.4 of the Regional Official Plan."
(ii) The area identified as Special Policy Area 2a shall be subject to Policies C.3.1.4.6, C.3.1.4.7, C.3.1.4.8, C.3.1.4.9, C.3.1.4.10 and C.3.1.4.11 of the Regional Official Plan."

Implementation:

OMB Order No. xxx will give effect to this Amendment. In addition, to the provisions of Section D – Implementation, of the Official Plan for the former Regional Municipality of Hamilton-Wentworth, Section 7 – Implementation, of the Official Plan for the former Town of Ancaster, and Section G – Implementation of the Official Plan for the former Township of Glanbrook, will give effect to the amendments.