

September 17, 2018

Attn:

Mr. Doug Ford, Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1

Honourable Steve Clark, Minister of Municipal Affairs and Housing  
c/o Dan Jacobs, Chief of Staff  
Ministry of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, Ontario M5G 2E5  
minister.mah@ontario.ca

Dear Messrs. Ford, Clark and Jacobs:

**RE: Request for Removal of Lands from the Greenbelt Plan and Specialty Crop Area  
Northwest Corner of Barton Street and Fifty Road, City of Hamilton  
OUR FILE 1736A**

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We are retained as the planning consultants for Avatar International and 1800615 Ontario Inc. with respect to their lands located at the northwest corner of Barton Street and Fifty Road (the 'subject lands') in the City of Hamilton. These lands are approximately 4 hectares (9.9 acres) in size and are located adjacent to the City of Hamilton Urban Boundary within the City's "Lower Stoney Creek" area (see Figure 1 attached). The lands are currently designated 'Protected Countryside' on Schedule 1 and 'Niagara Peninsula Tender Fruit and Grape Lands' on Schedule 2 of the 2017 Greenbelt Plan. These lands are currently vacant and are surrounded by residential (Foothills of Winona Subdivision) and institutional (St. Gabriel Catholic Elementary School). They are not farmed and cannot be farmed given their physical location and size.

Our client was actively engaged in the Province's Co-ordinated Land Use Planning review process and the Province's Agricultural Land Base Mapping review. Throughout the processes, our client has been seeking the justified removal of the subject lands from the Greenbelt Plan Boundary and the Specialty Crop Area, both of which have been supported, on numerous occasions, by City of Hamilton Planning staff and Council.

As the new Minister for Municipal Affairs and Housing and Member of Provincial Parliament, we are writing to provide you with the detailed information and analysis submitted under the previous

government in support of these requests for your information and consideration as part of any future Provincial Greenbelt and Agricultural Land Base reviews. We have also provided this information to Donna Skelly the new local Member of Provincial Parliament for the Flamborough-Glanbrook riding.

### **HISTORY OF THE REQUESTS**

Our clients were actively engaged in the Provincial Co-ordinated Land Use Planning review process seeking the justified removal of these lands from the Greenbelt Boundary. These requests were supported by City of Hamilton Council, who endorsed the removal of these lands from the Greenbelt Boundary in 2015 and also made separate comments to the Province, through the Co-ordinated Review, that these lands be removed from the Greenbelt Boundary. These requests were based on professional planning opinion, by both the City's Consultant (Dillon Consulting) and MHBC Planning, on behalf of our client; and, ground-truthed scientific evidence provided by both the City's consultant (AgPlan Limited, who conducted a LEAR in 2003) as well as an independent consultant retained by our clients to study their lands (DBH Soil Services Inc.).

Submissions and correspondence on these matters have been provided to the Province, for consideration, throughout the various commenting windows. We have included a detailed chronology of the materials submitted under the previous government, as part of this package. We have also provided an update to this chronology, which includes additional correspondence since the original submission was made, up to and including information from February 2018.

The requests are quite simple:

1. Remove the Subject Lands from the Greenbelt Plan
2. Amend the Agricultural Land Base Map by removing the Specialty Crop Areas designation

### **ANALYSIS AND JUSTIFICATION FOR REQUEST FOR REMOVAL FROM GREENBELT BOUNDARY AND SPECIALTY CROP DESIGNATION**

As noted, above, considerable amount of detailed analysis has been undertaken by qualified professionals and experts in the fields of planning and agrology. Ultimately, the planning analysis undertaken by MHBC and DBH Soil Services and the City of Hamilton's consultants (Dillon and AgPlan) arrived at the same conclusion, being that the Subject Lands do not constitute Specialty Crop and should not be within the Greenbelt Plan Boundary. A summary of the justification provided in these reports is highlighted below:

#### *Planning Opinion (Dillon Consulting)*

- Connects residential development planned in neighbouring areas;
- Concerns with retaining viable farms in remnant parcels;
- Potential Rapid Transit Route along Barton Street;
- Adjacent to Highway 8 potential transportation corridor expansion;
- Potential multi-modal hub north of the area;
- Contiguous with existing urban boundary;
- Existing servicing in area;
- LEAR (2005) did not identify these lands as specialty crop;

#### *Planning Opinion (MHBC)*

- Small parcel size and fragmentation from agricultural operation renders lands not viable for agricultural use;

- Lands are located in an area identified for future urbanization and are surrounded by urban development;
- Adjacent land uses (school, residential) pose land use compatibility issues for specialty crop production;
- City of Hamilton Council passed a resolution which supports the inclusion of these lands within the urban area and has directed staff to initiate the identification of these lands as a strategic growth area for future development for urban areas through the City's GRIDS 2 process (GRIDS 2 forms part of the City's Municipal Comprehensive Review);
- Lands are comprised primarily of Class 4 soils, in accordance with the Canada Land Inventory, and referred to as 'Non-Prime Agricultural Lands';
- LEAR assessment undertaken for the City identified the area as having low potential for specialty crop production;
- Surrounding context is urban in nature;
- The lands are contiguous to urban land that contributes to forming a complete community;
- Surrounding development has been designed in consideration of the potential future development of the subject lands including the extension of municipal services and roads;

*AgPlan Limited Report (2003)*

- Relative closeness of the urban development increases the probability of conflict over some of the practical necessities associated with farming;
- The proposed Lower Stoney Creek Expansion area currently has a restricted and relatively lower potential for specialty crop production for the Study Area;
- Soil capability of the former Regional Municipality of Hamilton-Wentworth is relatively lower when compared on the average capability of agricultural lands in other Counties or Regions in Central to Southern Ontario;
- Need to use Lower Stoney Creek lands for agricultural purposes is diminished given existing economic conditions for agriculture in Southern Ontario;
- Significant differences in agricultural activity and agricultural potential are present within the Study Area;

*DBH Soil Services Report (2016)*

- Subject lands have not been used for specialty crop for at least 8 years and, within the past 8 years, the Subject Lands have been used in diminishing capacity and area for the production of common field crop;
- Existing soil materials on the Subject Lands are predominantly CLI Class 4 lands, or lands considered as Non-prime Agricultural Land;
- The Lands are immediately abutting an area of active development (new school and subdivision to the west and north). Agricultural lands, particularly Specialty Crop lands, that are located in areas of active development or adjacent to developed areas are prone to additional risks/challenges including trespassing, vandalism, traffic and complaints concerning common farm practices such as the use of pesticides, fertilizers and manures;
- Subject Lands lack artificial tile drainage, irrigation or topsoil layer, leading to lower soil capability;
- Adjacency to a major arterial road with connection to the QEW highway leads to potential traffic conflicts when moving farm equipment;
- Comprise 4.0 hectares of land, well below the 10 hectare minimum lot size for Agricultural Specialty Crop Zones as indicated in the City of Stoney Creek By-law No. 3692-92 (June 2015);
- Have no potential for agriculture in the existing condition; and,
- Have great potential for conflict between any potential agricultural operation at this location and the adjacent developments.

These reports have all been made available to various Ministry of Municipal Affairs and Ministry of Agriculture, Food and Rural Affairs staff. In March of 2017, this information was presented by City of Hamilton's General Manager of Planning, Jason Thorne, and Director of Planning, Steve Robichaud, to Sharon Bailey of OMAFRA.

Copies of the Dillon Consulting Report and the DBH Soil Services Inc. report as well as MHBC's previous justification letters are all included in the chronology binder, for your information. Additional supplemental mapping which provides contextual evidence for the above, including the location of existing and future urban development and transportation infrastructure adjacent to and surrounding the Subject Lands was also provided. These are included with this letter for easy reference, in addition to being contained within the chronology binder.

#### **SUMMARY**

**With surrounding land uses including residential and institutional; and, a major arterial road and planned transit hub in the immediate vicinity, it is very clear that this area is urban in nature, with limited viable farming opportunities. Despite extensive justification and numerous submissions made throughout the various commenting periods by both our client and the City of Hamilton, which include analysis by both professional land use planners and agrologists that provides evidence that these lands are not Specialty Crop and should not be within the Greenbelt Plan Area, these requests were not appropriately considered by the Ministry and what is at the very core a historical mapping error has not been rectified. This effect of this is that these lands have been rendered essentially undevelopable for any type of use until such time as the Plan is reviewed again as urban uses are not permitted and agricultural uses are not viable due to proximity to sensitive uses. Under the current in-force legislation, this would not be permitted to occur until approximately 2027; however, we would appreciate any assistance you may be able to provide to advance the justified removal of these lands in advance of the next Provincial review.**

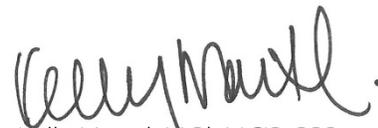
We thank you for the opportunity to bring this matter to your attention and are available to meet with you to present and discuss this information with you and your team if you wish. We would be pleased to discuss this matter with you and provide any further information you may require.

Yours truly,

**MHBC**



Dana Anderson, FCIP, RPP  
Partner



Kelly Martel, M.PI, MCIP, RPP  
Planner

cc. *Messrs. Sergio Manchia & Anthony DiCenzo- Avatar International & 1800615 Ontario Inc.*



Figure 1  
**Location Map**

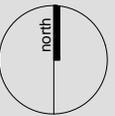
**LEGEND**  
 Subject Lands

**DATE:** September 27, 2017

**SCALE:** 1:5,000

**FILE:** 16261C

**DRAWN:** DGS



K:\16261C-AVATAR AND 1800615 ONTARIO LIMITED-FIFTY ROAD-HAMILTON\RPT\LOCATION MAP.DWG

**Avatar International/  
 1800615 Ontario Limited**  
 Barton Street and Fifty Road  
 City of Hamilton

Base Map Sources:  
 City of Hamilton Open data and Google Earth Satellite Imagery (April, 2017)

**MHBC** PLANNING  
 URBAN DESIGN  
 & LANDSCAPE  
 ARCHITECTURE  
 200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9  
 P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

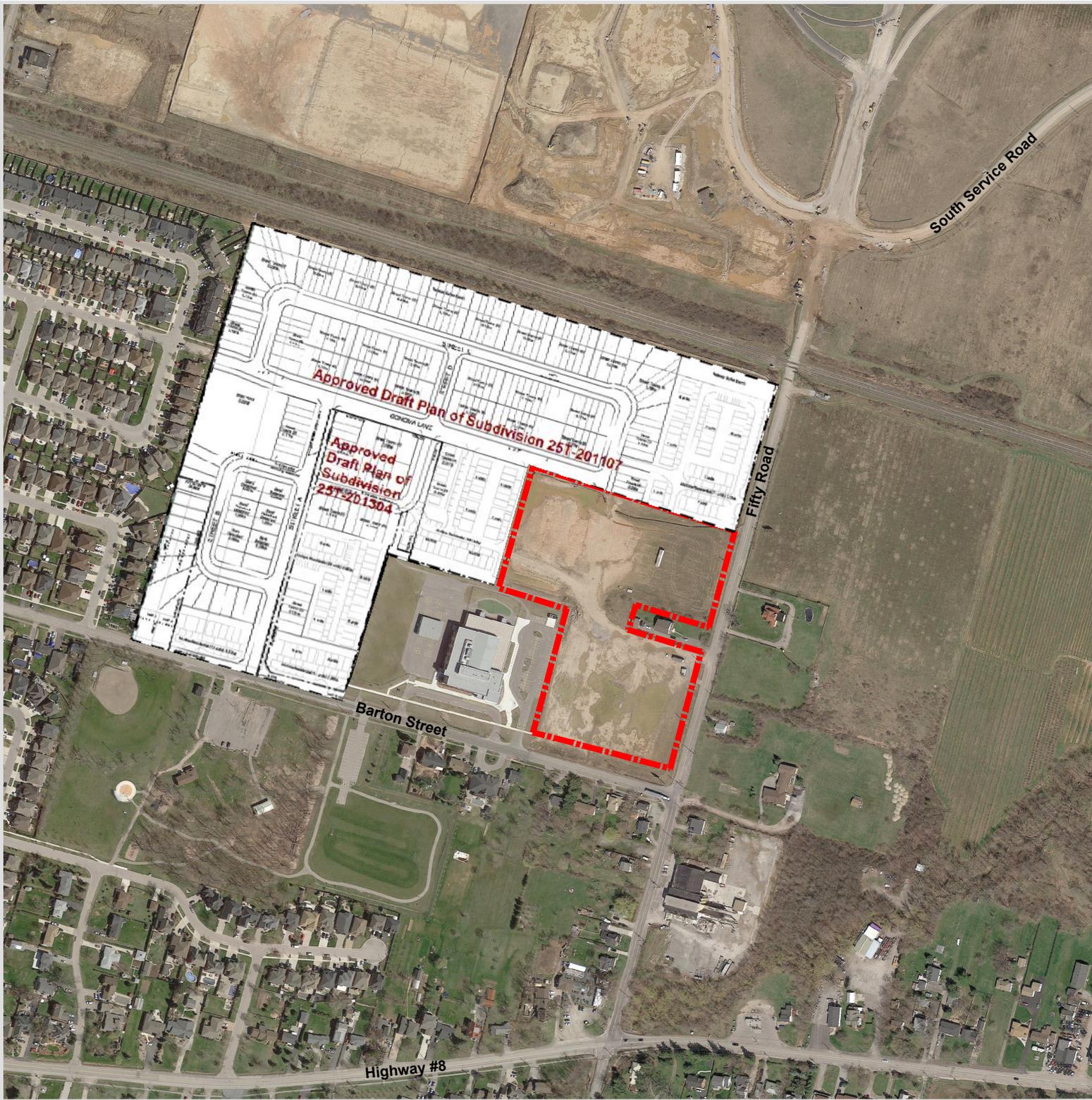


Figure 2

# Surrounding Urban Development

**LEGEND**

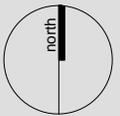
 Subject Lands

**DATE:** September 27, 2017

**SCALE:** 1:5,000

**FILE:** 16261C

**DRAWN:** DGS



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**Avatar International/  
1800615 Ontario Limited**  
Barton Street and Fifty Road  
City of Hamilton

Base Map Sources:  
Google Earth Satellite Imagery (April, 2017)

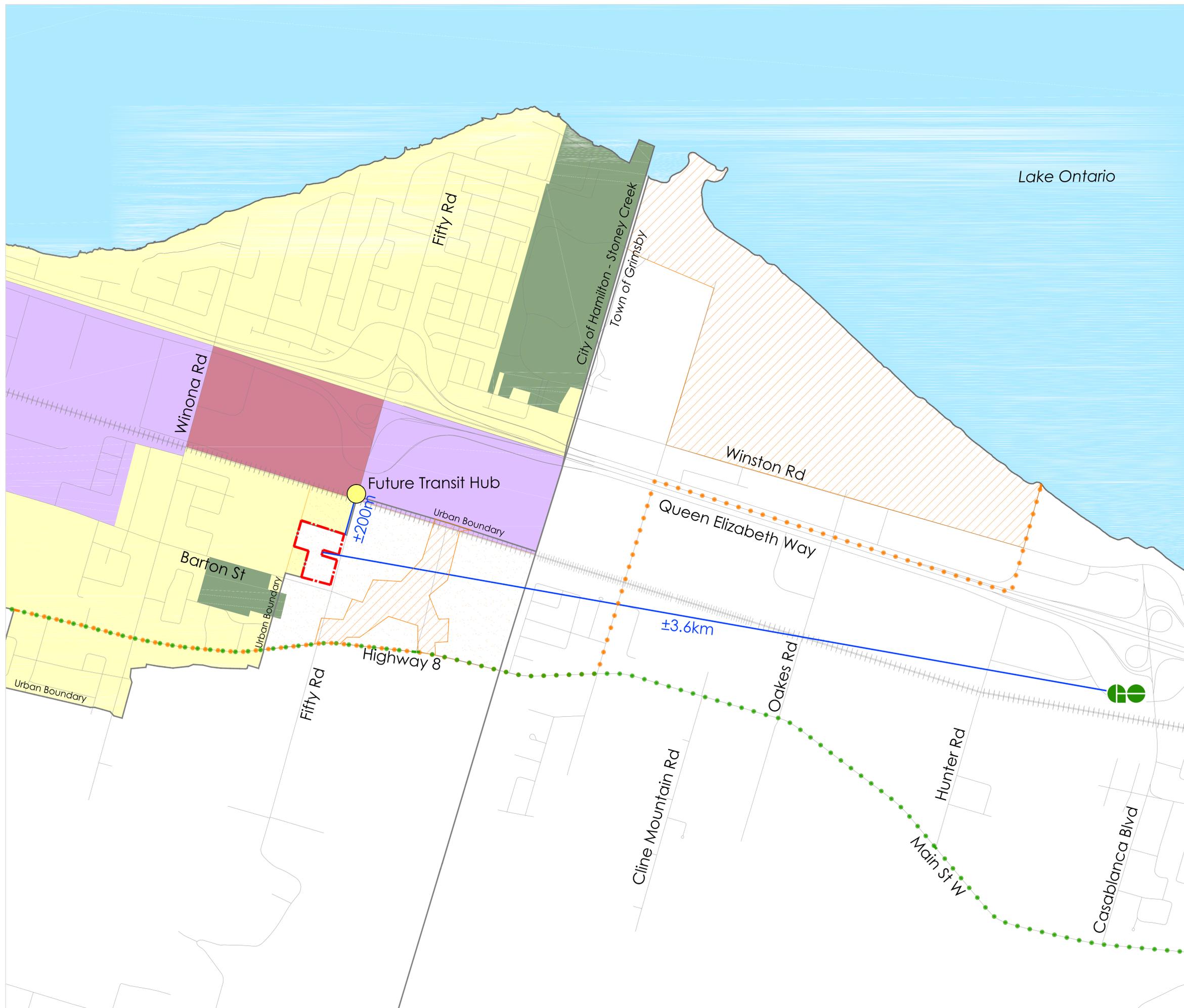
**MHBC** PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE  
200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9  
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

**Figure 2  
Location Plan**

Barton Street and Fifty Road  
City of Hamilton

**LEGEND**

-  Subject Lands
-  Distances
-  Niagara Escarpment Plan Boundary
- Greenbelt Protection Plan**
-  Limit of Protected Countryside
-  Natural Heritage System
-  Tender Fruit Grape
- City of Hamilton - Land Use (Urban Official Plan)**
-  Neighbourhoods (Residential)
-  Open Space
-  District Commerical
-  Business Park
-  Casablanca Blvd at QEW Park and Ride



Source: City of Hamilton and Niagara Region - 2016  
City of Hamilton - Urban Official Plan, Schedule E-1, Jan. 2017

**DATE:** February 2017

**SCALE:** 1:7,500

**FILE:** 1736A

**DRAWN:** CAC



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