



**Arlene VanderBeek**  
Our voice on Hamilton City Council



**Councillor - Ward 13 - Dundas & Central Flamborough**

September 5<sup>th</sup>, 2021

Ministry of Natural Resources and Forestry  
Resource Development Section  
300 Water Street, 2<sup>nd</sup> Floor South  
Peterborough, ON K9J 3C7

**Attention: Robert Pineo**

*Submitted virtually through ERO on-line*

**Re: Amendment to Ontario Regulation 826 to Add the Pleasant View Survey Lands within the Niagara Escarpment Plan Area in the City of Hamilton to the Area of Development Control (ERO number - 019-3898)**

Good day,

I write today, as the Hamilton City Councillor for Ward 13 (Dundas & Central Flamborough). The Pleasant View Survey Lands are wholly and completely within my Ward. I also write as a resident of this Ward – one who has been aware and involved in the preservation of these lands since the days of the 1994/95 OMB hearings. I also write as the previous Niagara Escarpment Commission representative for the City of Hamilton (2014-19).

I truly hope that you will see the importance of placing the Pleasant View Survey Lands under Development Control as soon as possible. It's the last step in an almost fifty-year process, which began in 1973, to control development to preserve its rural, natural and environmentally sensitive heritage and wildlife corridors as well as the integrity of the nearby Cootes Paradise.

The current municipal planning process of the municipal zoning under the Niagara Escarpment Plan, without NEC Development Control, provides opportunity for error. Development Control under the NEC will minimize these opportunities, simplify the planning process for property owners and purchasers, better protect this sensitive area, and bring increased confidence to a community that fought so hard to protect these lands.

We have experienced some issues over the years. The neighbourhood and the overall community are confused and worried – confidence in the municipal and provincial regulatory protections shatter when mistakes occur and issues arise.

These have been an unfortunate wrinkle in a hard-fought victory for a former Town, an entire community, a particularly environmentally conscious neighbourhood, and many individuals who toiled tirelessly, and paid personally at the OMB to preserve and protect the natural beauty, wildlife corridors, and hazard lands of the Pleasant View Area in Dundas over the past 25 plus years.

A six-week long Appeal hearing in front of a Member of the, then, Ontario Municipal Board. The community received a well-celebrated and much appreciated Decision in 1995 which limited development in the defined Pleasant View area to lots with a minimum of 25 acres (10 hectares). In 1998, an amended Decision was issued by the same Member of the OMB, clarifying the wording in the Dundas Zoning By-law and specifying that the only exemption to the 25 acre/10 hectare lot size limitation was for specific properties where single detached dwellings already existed before August 14, 1998 or where a Building Permit, Site Plan, or Ministry amendment approval had been in place before August 14, 1998. These exempted lots are zoned as RU/S-58.

The Lot Area Requirement on all RU Zoned properties is 10 hectares (25 acres). Exceptions to the lot area of 10 hectares are only allowed under the RU/S-58 EXCEPTION ZONE – Special provisions shall apply:

A single detached dwelling legally existing as of August 14, 1998

A new single detached dwelling...with a valid building permit issued by the Chief Building Official prior to August 14, 1998 and the construction of which has not been completed by August 14, 1998

A new single detached dwelling... with a site plan approval granted by Council prior to August 14, 1998 and for which a building permit has not yet been issued by August 14, 1998

A new single detached dwelling in accordance with an amendment to Ontario Regulation No. 484/73 or 486/73 granted prior to August 14, 1998 by the Minister of Municipal Affairs and Housing and for which a building permit has not yet been issued by August 14, 1998.

RU/S-58 was applied only to lots with existing residential dwellings which existed *or were already approved BEFORE August 14, 1998, on lots which are LESS than the required 10 hectares or 25 acres), This exception allowed a minimum lot area of 0.8 hectares (1.98 acres) if the lot already had municipal water supply, in order to replace or finish building a single detached dwelling in Pleasant View.*

A “Lot of Record” does not apply in Pleasant View.

A Community sighed with relief – protection was in place.

Subsequent to the 1995 and 1998 Decisions, the community-at-large continued to work toward the protection and preservation of this significant environmental gem. The necessary modifications were made to the Town of Dundas Official Plan and the Dundas Zoning By-law (both of which remain in effect to this day), The Provincial Parkway Belt West Plan (which first froze development in Pleasant View in 1973) remained in place, The Niagara Escarpment Plan which put protective designations in place through a separate section for Pleasant View in the Plan, and the area was included within the Province's Greenbelt Plan.

In 2004, the MP of the day (Russ Powers) attempted to have the area recognized as the first Urban National Park. Although that initiative failed, the spin-off was the formation of a group of individuals who came together and created a plan for a Cootes to Escarpment EcoPark. This project led to the formation of group of significant individual and corporate stakeholder partners who now collaborate to protect, restore and connect more than 3,900 hectares (9,600 acres) of natural lands in public and private hands, as The Cootes to Escarpment EcoPark System.

This is one of the most biologically rich areas of Canada, home to nearly a quarter of the country's wild plants and more than 50 species at risk. The partners in this endeavour are The City of Hamilton, City of Burlington, Halton Region, Hamilton Conservation Authority, Conservation Halton, McMaster University, Hamilton Naturalists Club, the Bruce Trail Conservancy, and the Royal Botanical Gardens, along with the Hamilton Harbour Remedial Action Plan Office who provide advice and secretarial support. Private landowners also play an important role in protecting and restoring the natural heritage of the Cootes to Escarpment EcoPark System. These are the people of Pleasant View.

The Provincial Niagara Escarpment Plan, which includes a specific section dedicated to Pleasant View (Amendment 179, Section 2.2.21), is clear that no residential dwellings can be built on vacant land under 10 hectares (25 acres).

As the Councillor for Ward 13, and Pleasant View in particular, I support the amendment to include the area in Development Control under the Niagara Escarpment Plan and the Niagara Escarpment Commission:

- (a) Fundamental regulations and vision were applied in this area through the Provincial Parkway Belt West Plan which was implemented in 1973 to freeze development and limit it to agricultural and existing uses.
- (b) A six-week-long Ontario Municipal Board Hearing's Decision, and the subsequent ruling by the same OMB Member in an additional Decision to specifically provide the necessary Zoning By-law language, formed the required regulations for the area which engrained protective limitations within our local regulations.
- (c) Several layers of protection have, over the years, been added to ensure compliance with the OMB Decision and the Zoning and to preserve this limitation of lot size, and other pertinent regulations – including the current Official Plan and Provincial

- Amendment 179 which included the Pleasant View Area in the Niagara Escarpment Plan;
- (d) The proximity and importance to the Cootes Paradise and the Cootes to Escarpment EcoPark System substantiates the relevance of those 1995 & 1998 Decisions and the subsequent layers of regulatory protections for this area.
  - (e) Both the Niagara Escarpment Commission and Hamilton City Council have formally expressed their support for the inclusion of Development Control on the Pleasant View Survey Lands.

In light of my many years representing this area – as a former Town of Dundas Councillor, Hamilton Ward 13 Constituent Assistant, and current City of Hamilton Councillor, my understanding and support for the Pleasant View restrictions, the Dundas and Pleasant View community, the goals of the Niagara Escarpment Plan, and the Cootes to Escarpment EcoPark System Plan, I wanted to take the opportunity to express why I wholeheartedly support the application of Development Control on the Pleasant View Survey lands and hope this can be implemented as quickly as possible.

These layers of protection reflect the mission, vision and values of the neighbourhood, the overall community, the municipal and provincial governments, and the partners in the Cootes to Escarpment EcoPark System and respond to the community which has so valiantly upheld them.

I appreciate your consideration of my thoughts.

Warm regards,



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