

Notice of Appeal to the Ontario Municipal Board

Date of Appeal: Friday, July 22, 2005

Appellant: Mr. Michael and Mrs. Carol Desnoyers, in trust for a company to be incorporated
998 Courtland Drive
Ancaster, Ontario
L9G 3L1

Matter and Subject Lands: Aerotropolis – City of Hamilton Urban Boundary Expansion; City Initiative 05-F to amend the official plans for the former Regional Municipality of Hamilton Wentworth, former Town of Ancaster and the former Township of Glanbrook to recognize and expand the existing Airport Influence Area and to create a Special Policy Area for employment purposes (PED05015)(City Wide)

Applicant: City of Hamilton

REASONS FOR THE APPEAL:

Planning Issues

- Inconsistent with the Provincial Policy Statement (PPS) 2005
- Inconsistent with the Official Plan policies restricting boundary expansions to review periods
- Inconsistent with existing Official Plan
- Inconsistent with the fact that GRIDS has not been completed
- Violation of numerous principles of GRIDS
- Failure to plan properly including:
 - Lack of consideration of risks
 - Failure to determine even approximate costs
 - Failure to follow Vision 2020 direction set by council
 - Failure to consider relevant global trends including peak oil, climate change and global economics
- Location of expansion area makes it impossible to achieve transit-supportive development
- Reliance in the decision on the future development of a mid-peninsula highway, but without any consideration of the implications of that project
- Single use development. Failure to consider mixed use development

Agricultural Land

- Loss of prime agricultural land and implications for provincial policies and Vision 2020 policies
- Impacts on other pre-existing agricultural operations within the Special Policy Area including, but not limited to pollution, noise, and conflicting land uses
- Loss of “century farms”, loss of historical rural character, etc.
- Loss to Hamiltonians collectively of “green space” (or at minimum non-industrial space)
- Costs and health/ecological/environmental issues related to the importation of agricultural products

Aerotropolis Issues

- Viability of the entire Aerotropolis concept
- Council's (mis) understanding of:
 - the concept and its degree of academic acceptance (or want thereof), and
 - the applicability (i.e. appropriateness of the model) to a City like Hamilton, even if one does accept the proposition at a conceptual level
- The comments on viability of satellite or feeder airports are important. There is inadequate analysis on the likely viability of the Hamilton airport given its location, weather conditions, competitive environment including proximity to Pearson, Waterloo and London, etc. Since the whole Aerotropolis scheme is founded on the viability of the airport, this is a key consideration
- Apparent misinformation regarding potential employment opportunities

Noise Issues

- Unreasonable continuation of the 24/7 operations of the airport and the resulting noise and other implications. Also will likely result in increased air traffic and, therefore, increased noise and other nuisance effects
- Noise impacts of added truck traffic not considered

Fiscal Implications

- Decision taken without benefit of an understanding of the financial implications to the municipality and its taxpayers
- Damage to existing businesses
- Mis-application of public monies and increases in property taxes as a result
- Compromising improvements of downtown
- Encouraging abandonment and neglect of brown field sites
- Misdirecting businesses and residents into purchasing homes and businesses in unsustainable locations
- Failure to undertake and present an economic analysis of the competitiveness of lands in the Special Policy Area with respect to cost per acre, location, cost to service, proximity to major roads, taxation levels, employee availability, and other factors considered by businesses in determining the location of a major new facility

Environmental Issues

- Failure to address existing air pollution from airport operations and likelihood of increases in these pollutants. This includes failure to examine air pollution effects, especially to take account of impacts on residential and/or agricultural areas
 - Failure to consider pollution from increase roads and traffic
 - Respiratory system and circulatory system deaths and disease associated with elevated air pollution
 - Risks of germ-line mutations being elevated by increased air pollution
 - Failure to consider emergency procedure impacts eg. fires, fuel dumping etc.
- Failure to consider impacts on watershed health, groundwater recharge and stream water quality

Aboriginal Issues

- Failure to consider aboriginal rights including treaty rights and land claims
- Potential for destruction of archaeological sites

Process Issues

- Reasonable apprehension of bias in the decision making process
- Staff information to councillors appeared incomplete, misleading and sometimes appeared to be false
- Improper conduct of public meetings
- Failure of majority of planning committee to attend during presentation of public concerns
 - committee members repeatedly left the meeting while public presentations were taking place, so that no more than a minority of the committee heard all the presentations
- Failure of councillors to properly consider public concerns
- Lack of public disclosure, awareness, and access in relation to planning meetings
- Improper and inadequate notification of public meetings, including failure to directly notify affected landowners
- Failure to provide information about the proposal in reasonable time prior to meetings
- Public and councilors appear to have been misinformed and misled