

Ministry of Municipal Affairs and Housing

Briefing Note

City of Hamilton Urban Boundary

Purpose/Issue(s)

To seek direction on how City of Hamilton should accommodate residential growth to 2051.

Analysis/Current Status

- On June 8, 2022, Hamilton City Council adopted amendments to the City's Urban Hamilton Official Plan and Rural Hamilton Official Plan, which represent Phase 1 of the City's municipal comprehensive process.
- The amendments would implement a firm urban boundary to 2051, whereby all forecasted population and employment growth is accommodated within the City's existing urban area.
- The City's Land Needs Assessment initially outlined three different scenarios to accommodate residential growth to 2051 in accordance with the Growth Plan for the Greater Golden Horseshoe (Growth Plan).
- In March 2021, City staff recommended the Ambitious Density scenario, and Council directed additional public consultation for a Firm Urban Boundary scenario. The scenarios are summarized below:

Growth Scenario	Intensification Target ¹	Greenfield Area Density Target	Land Need	Housing Unit Mix	
				Ground-Related ²	Apartments
Firm Urban Boundary	80%	70 residents + jobs / ha ³	0 ha	22%	78%
Ambitious Density	60% average	77 residents + jobs / ha	1,310 ha	50%	50%
Increased Targets	55% average	75 residents + jobs / ha	1,630 ha	53%	47%
Growth Plan Minimum	50%	65 residents + jobs / ha ⁴	2,190 ha	57%	43%

¹ Where an average is shown, intensification targets increase incrementally from 2021-2031, 2031-2041 and 2041-2051

² Ground-related units per the LNA include single, semis and row houses

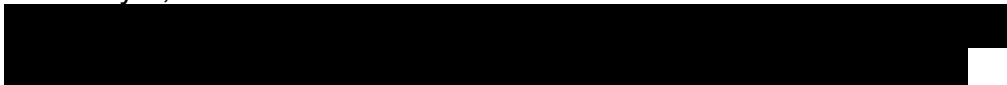
³ The City's urban area includes existing designated greenfield area land

⁴ This is above the Growth Plan minimum designated greenfield area target of 50 people and jobs / ha

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- In July 2021, the City completed a city-wide survey of potential growth scenarios. Over 90% of the City's approximately 18,000 survey respondents supported the Firm Urban Boundary.
- On September 17, 2021, MMAH staff wrote a letter to City staff stating concerns that the Firm Urban Boundary approach may not conform to the Growth Plan and may conflict with the objective of the provincial Land Needs Assessment Methodology. MMAH staff further noted the strong growth management principles underpinning the Ambitious Density scenario.
- In October 2021, a peer review of the Land Needs Assessment approach and methodology was completed, which concluded that the Land Needs Assessment generally meets provincial policy requirements in the Growth Plan and the provincial Land Needs Assessment Methodology.
- In November 2021, City Council directed staff to implement the Firm Urban Boundary scenario through official plan amendments.

Ongoing Appeals – 2031 Land Supply

- There are ongoing appeals before the Ontario Land Tribunal (OLT) from the City's 2006 Growth Plan conformity, which relate to whether an urban boundary expansion is required for residential purposes to the 2031 planning horizon.
 - The ministry was the approval authority for these matters and is a party to the proceedings.
 - The Ontario Land Tribunal has scheduled a 7-week hearing commencing February 6, 2023.
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Options

1) The Minister approve the Ambitious Density scenario and expand the urban area by 1,310 hectares.

Considerations

- Exceeds the minimum requirements in the Growth Plan and directs most of the growth (74%) to the existing urban area.
- Demonstrates strong growth management principles and represents a significant shift towards intensification from the City's current trends.
- Represents an achievable market shift per the City's Land Needs Assessment, with approximately 50% of all new households needing to be accommodated as intensification within apartment units.
- Requires new infrastructure for urban expansion areas (e.g., services, stormwater, roads), as well as infrastructure upgrades in the existing urban area.
- Results in the permanent loss of 1,310 hectares of largely prime agricultural areas, as well as impacts to natural heritage and water systems.

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- Conforms to the Growth Plan and the provincial Land Needs Assessment Methodology.
- [REDACTED]
- Additional work would be required to identify the most appropriate lands for expansion:
 - City staff are best positioned to identify the most appropriate location for the expansion in accordance with Growth Plan criteria (e.g. infrastructure, servicing, financial viability, watershed planning, agricultural and natural heritage considerations).
 - Partner ministries would need to be engaged regarding conformity with Growth Plan criteria (e.g. Agricultural Impact Assessment).
 - Some Whitebelt lands are restricted from residential development as they are above the 28 Noise Exposure Forecast (NEF) from the Hamilton International Airport.
 - The cumulative area of three main candidate Whitebelt areas outside of the 28 NEF, per the City's analysis, is approximately 1,622 ha of net developable area⁵ (See map).
- Significant policy and mapping modifications to the official plan amendments would also be required, including potential phasing policies.
- Through the Minister's approval, consideration could be provided to modifying the City's Official Plan to expand the boundary by 1,310 hectares and require the City to determine the most appropriate lands for expansion through subsequent secondary planning processes.

2) The Minister approve a different scenario in the LNA and expand the urban area by 1,630 or 2,190 hectares

Considerations

- Exceeds the minimum requirements in the Growth Plan.
- Requires new infrastructure for urban expansion areas (e.g., services, stormwater, roads), as well as infrastructure upgrades in the existing urban area.
- Results in the permanent loss of 1,630 to 2,190 ha of largely prime agricultural areas, as well as impacts to natural heritage and water systems.
- Conforms to the Growth Plan and the provincial Land Needs Assessment Methodology.
- [REDACTED]
- Additional work would be required to identify the most appropriate lands for expansion, which would impact timing:


⁵ Net area includes net developable lands after removing core natural heritage areas, rights-of-way (e.g. roads, railways, electricity transmission) and cemeteries, pursuant to the Growth Plan. Also does not include Whitechurch lands.

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- City staff are best positioned to identify the most appropriate location for the expansion in accordance with Growth Plan criteria (e.g., infrastructure, servicing, financial viability, watershed planning, agricultural and natural heritage considerations).
- Partner ministries would need to be engaged regarding conformity with Growth Plan criteria (e.g., Agricultural Impact Assessment).
- Some Whitebelt lands are restricted from residential development as they are above the 28 Noise Exposure Forecast (NEF) from the Hamilton International Airport.
- The cumulative area of four candidate Whitebelt areas outside of the 28 NEF, per the City's analysis, is approximately 1,940 ha of net developable area (See map).
- Significant policy and mapping modifications to the official plan amendments would also be required, including potential phasing policies.
- Through the Minister's approval, consideration could be provided to modifying the City's Official Plan to expand the boundary by 1,630 or 2,190 hectares and require the City to determine the most appropriate lands for expansion through subsequent secondary planning processes.

3) The Minister approve a firm urban boundary as adopted by City Council

Considerations

- Exceeds the minimum requirements in the Growth Plan and directs nearly all growth (99.6%) to the existing urban area, (save for minor rural infill and a 5 hectare expansion to Waterdown, a Village in the Greenbelt).
- Requires infrastructure upgrades in the existing urban area.
- Protects existing prime agricultural areas, as well as natural heritage and water systems.
- Optimizes existing and planned transit in the existing urban area.
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- Pursuant to the Land Needs Assessment, approximately 80% of all new households would need to be accommodated as intensification within apartment units and achieving this share of apartment unit construction is unlikely from a market demand perspective.
 - This may result in forecasted growth (particularly for ground-related units) being directed away from the City of Hamilton into other areas less suited to accommodate growth. This could have broader regional impacts (e.g. on prime agricultural areas), given that outer ring municipalities have lower intensification and density targets.
 - A comprehensive monitoring program, as established in the adopted amendments, would mitigate this risk. Should the City be at risk of not

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- meeting forecasts, the City would have the opportunity to revisit its land needs at the next municipal comprehensive review in five years.
- The City's adopted amendments introduce "gentle density" policies, creating opportunities for intensification in the form of triplexes and fourplexes in areas of the City where only single detached and semi-detached dwellings are currently allowed.
 - The City has not demonstrated, however, how their adopted amendments resolve the issues identified in the Land Needs Assessment:
 - Additional Land Needs Assessment work is required to demonstrate conformity with the Growth Plan and provincial Land Needs Assessment Methodology.
 - City staff have indicated that updated Land Needs Assessment work was prepared, however, it has not been shared with MMAH staff.

Background

- A primary objective of the Growth Plan is to optimize the use of the existing urban land supply to avoid over designating lands for future urban development. This represents an 'Intensification First' approach which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area.
- The Growth Plan encourages municipalities to go beyond the minimum standards and targets set out in the plan.
- Growth Plan forecasts (or higher forecasts established by municipalities) is the basis for planning and growth management to 2051.
 - The City is required to demonstrate that it is planning to accommodate all forecasted growth to the horizon, including satisfying the direction in the Growth Plan to support housing choice through the provision of a range and mix of housing.
 - The City is required to determine whether there is a need to expand its settlement area boundaries using the LNA Methodology. The LNA Methodology requires municipalities to ensure that sufficient land is available to accommodate market demand for all housing types.
- Pursuant to the Growth Plan, the City is forecast to achieve a total population of 820,000 in 2051, an increase of 236,000 people from 2021, and a significant amount of growth relative to the past.
 - This growth translates into approximately 110,00 new housing units to 2051.
- The Growth Plan forecast for employment growth in the City is 360,000 jobs, an increase of 122,000 jobs from 2021 to 2051.
 - The Land Needs Assessment identified that employment lands are in balance and no new land is required to accommodate the forecasted employment growth to 2051. Some employment land conversions would be implemented through the amendments.
- To implement the neighbourhood intensification policies contained in the amendments, the City is proposing amendments to local zoning by-laws to:

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- Facilitate the development of 27,000 housing units within existing stable neighbourhoods through intensification.
- Change the uses permitted in the Low Density Residential zone to generally include semi-detached dwellings, triplexes, fourplexes, and street townhouse dwellings.

Legal Analysis:



General Information

Contact	Telephone
Branch Contact: Erika Ivanic, Senior Planner, MSO-C	437-227-2531
Branch Approval: Heather Watt, Manager, MSO-C	437-232-9474
Branch Approval: Sharon Rew, Director	705-741-8511

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Division Approval: Hannah Evans, ADM, MSD	416-585-6427
Division Approval Date: (dd/mm/yyyy)	
Other Contacts:	
Legal Services Branch - Ugo Popadic, Counsel	647-637-7400

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING
Environmental Significance and Statement of Environmental Values Consideration Form
INSTRUMENTS

Date: November 3, 2022

ERO Number: 019-5732
Min. Ref Number: 25-OP-229116
Instrument Type: Approval of Official Plan Amendments (Section 17 (34) of the *Planning Act*)
Instrument Holder: The City of Hamilton

MMAH Statement of Environmental Values (SEV), must be considered in the context of this proposal/decision. Please provide a rationale describing either:

- How the principles were considered, OR
- Why the principles are not applicable to this proposal/decision, OR
- Why it is not possible to take a specific SEV guiding principle or principles into account at this time.

Please provide a response for each SEV principle below. If a principle does not apply, enter N/A.

Summary of Decision

Pursuant to Subsection 17(34) of the *Planning Act*, a decision was made to approve, with 77 modifications, Amendment No. 167 to the Hamilton Urban Official Plan, and to approve, with 25 modifications, Amendment No. 34 to the Hamilton Rural Official Plan, as adopted by By-law Nos. 22-145 and 22-146 respectively.

Most modifications implement direction with respect to an urban boundary expansion, as well as policy modifications related to densities, building heights and site-specific matters, including employment area conversions. Other modifications were made to ensure consistency with the Provincial Policy Statement and conformity with applicable provincial plans, including the Growth Plan for the Greater Golden Horseshoe.

Maintaining Strong Relationships with Local Governments

The Ministry of Municipal Affairs and Housing will build and maintain strong relationships with municipal governments through the sharing of governance tools and innovative ideas for environmentally-responsible decision-making.

Comments and input related to environmental matters were provided to the City of Hamilton at different stages through development of the official plan amendments. The draft and adopted official plan amendments were circulated to partner ministries, including ministries with an environmental mandate such as the Ministry of Environment, Conservation and Parks (MECP) and the Ministry of Natural Resources and Forestry (MRNF). Three modifications address natural hazard policies, including ensuring that development in special policy areas is consistent with the PPS, as well as to clarify the process for wildland fire mapping.

The City's adopted official plan amendments were for a firm urban boundary. The Minister's decision to expand the City's urban boundary by 1,940 ha may result in impacts to natural heritage and water features and systems, however, the extent of potential impacts is unknown given that this analysis has not yet been completed. Secondary planning is required to ensure that development of the urban expansion areas will minimize and mitigate any potential negative impacts pursuant to provincial policies.

Promoting Building Safety, Accessibility and Energy Efficiency

The Ministry of Municipal Affairs and Housing, through the Building Code Act, 1992 and the Building Code, will support a regulatory system that enhances environmental integrity, resource conservation, and safe, accessible and energy efficient buildings.

The Hamilton Urban Official Plan Amendment includes policies to mitigate and adapt to climate change, reduce greenhouse gas emissions, implement low impact development techniques and green infrastructure, encourage energy efficiency in neighbourhood designs and buildings, improve climate resiliency, and promote safe, accessible communities.

Principles of Ensuring Well-Planned and Healthy Communities while Protecting Greenspace

The Ministry of Municipal Affairs and Housing will support a land use planning system that promotes environmentally sustainable, complete communities, and transit-oriented development by applying the ministry's expertise to effectively direct growth; optimize investments in infrastructure, including transit; support green space; natural heritage and water quality and quantity; ensure wise management, conservation and use of natural resources; and protection of public health and safety.

The Hamilton official plan amendments provide policy updates with respect to cultural heritage, employment, infrastructure, climate change, housing, transportation, and neighbourhoods.

Given City Council's direction for a firm urban boundary, which was not supported by the City's Land Needs Assessment, the materials submitted by the City in support of the amendments do not comprehensively address feasibility of or provide locational analysis of potential urban expansion areas as required by the Growth Plan. Secondary planning will be required to ensure that development of the urban expansion areas will consider these matters, such as capacity and financial viability of infrastructure and public service facilities, avoidance of key hydrologic areas and the Growth Plan Natural Heritage System where possible, water and wastewater planning, compliance with minimum distance separation formulae, and assessment of impacts on the agri-food network, in a more comprehensive manner, and minimize and mitigate any potential negative impacts pursuant to provincial policies.

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As the amendments are focused on growth management and represent Phase 1 of the City's municipal comprehensive review, matters required for conformity with the Growth Plan, Greenbelt Plan and Niagara Escarpment Plan, including natural heritage systems and water resource policies and mapping in the Rural Hamilton Official Plan, will be addressed through future phases of the City's municipal comprehensive review.

Increasing and Maintaining the Supply of Housing

The Ministry of Municipal Affairs and Housing will continue to ensure that good planning principles enable the construction of safe and healthy buildings, and that protections for the environment, human health and safety are maintained. This may include supporting intensification and more efficient use of existing community housing sites; working to include energy efficiency as part of new housing development programs, and for renovation, retrofit and redevelopment programs.

The official plan amendments aim to intensify the existing urban area and contain policies to provide a mix of housing options, rental housing and affordable housing. The Urban Hamilton Official Plan Amendment permits fourplexes across low density residential areas, as well as multiple dwellings of up to six units in proximity to collector or arterial roads.

The Minister's modifications to the Hamilton official plan amendments implement an urban boundary expansion of 1,950 net ha for residential development to 2051 and contribute to the provincial target of building 1.5 million new homes over 10 years.

Opportunities for Consultation

Indicate how MMAH provided an open and consultative process (including, but not limited to, posting on the Environmental Registry) and/or opportunities for involvement of Aboriginal People whose interests may be affected

Pursuant to *Planning Act* requirements, the ministry ensured that the City consulted the prescribed public bodies on the official plan amendments, that adequate information and material, included the most current version of the plan was made available to the public prior to adoption, and that a public meeting and open house were held.

The City reached out to 23 Indigenous communities and organizations from spring 2021 to winter 2022 during key stages of the official plan review. The City also held virtual meetings with the Six Nations of the Grand River First Nation, the Hamilton Regional Indian Centre, and the Mississaugas of the Credit First Nation. The Six Nations of the Grand River indicated support for a firm urban boundary.

Public consultation by the ministry on the adopted official plan amendments was provided through a notice posted on the Environmental Registry of Ontario (ERO) for 30 days between September 8, 2022 and October 8, 2022, and by considering direct submissions on the adopted official plan amendments.

A total of 80 comments were received through the ERO, and an additional 24 comments were received through direct submission during the 30-day period. Most comments received were with respect to Hamilton's urban boundary, including support for a firm urban boundary (60 submissions), support for modest expansion (8 submissions), requests for expansion ranging from 1,310 to 2,190 ha (22 submissions), and requests for expansion in Waterdown (2 submissions). Other submissions address policy matters (e.g. land use compatibility, building heights, density targets) and site-specific requests (e.g. employment area conversions, removal from the Greenbelt).

Ministry staff also sent notification letters to the following Indigenous communities on the adopted official plan amendments: Six Nations of the Grand River First Nation, Haudenosaunee Confederacy Chiefs Council and Mississaugas of the Credit First Nation. The commenting period was September 9, 2022 to October 11, 2022. One letter was received from the Six Nations of the Grand River, which outlines support for a firm urban boundary in the City of Hamilton. The letter also identifies concerns related to the negative impact of urban boundary expansions on treaty rights.

The modifications implement MO direction for an urban boundary expansion of 1,950 net ha for residential and approximately 13 ha for employment. Other modifications address policies on densities and building heights, land use compatibility matters and site-specific requests, including employment area conversions.

Additional Information

Indicate any other elements of the MMAH SEV that were considered in the context of this proposal/decision

N/A

The aforementioned has been taken into consideration in the decision to approve the application under the *Planning Act*.

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Form Completed By:

Erika Ivanic, Senior Planner, MSO
Central

Date: 11/03/2022.

Signature (Lead Director):



Sharon Rew, Director, MSOC

Date: 11/04/2022

TAB 28

Modification Analysis for the City of Hamilton Official Plan

Mod #	Recommended Modification Additions are shown in <u>bold underline</u> and deletions are shown in strikethrough .	Purpose of Modification and Policy Basis/ Rationale	Source	Anticipated Stakeholder Reaction			
				Municipal	Indigenous	Public	Environmental
Urban Hamilton Official Plan Amendment – Volume 1							
1.	Modify A.1.2: By 2051, the City is expected to grow to achieve a <u>minimum</u> population of <u>at least</u> 820,000 and <u>at least</u> 360,000 jobs...		THIRD PARTY REQUEST	Concerns	Concerns	Concerns	Concerns
2.	Modify A.1.4: The Official Plan plays a major role in setting a framework of actions that will lead to the sustainable, healthy future envisioned by Our Future Hamilton and the City’s Strategic Plan. The framework of the Official Plan is centred on the following principles: <ul style="list-style-type: none"> • compact and healthy urban communities that provide opportunities to live, work, play, and learn; • a strong rural community <u>protected by firm urban boundaries</u>; • environmental systems ...		THIRD PARTY REQUEST	Strong concerns	Strong concerns	Strong concerns	Strong concerns
3.	Modify A.1.6: Other Initiatives – The City has developed a Corporate Energy and Sustainability Policy, a Community Climate Change Action Plan, and developed Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation to provide a comprehensive, coordinated and multidisciplinary approach to climate change mitigation and adaptation. These plans will <u>require, where possible</u> , incentivize and encourage environmental sustainability including reducing GHG emissions and improving climate resiliency.		THIRD PARTY REQUEST	Concerns	Concerns	Concerns	Concerns

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4.	<p>Modify Policy A.2.3:</p> <p>Growth Management – Provincial The Province of Ontario's A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan), as amended, sets out a vision to 2051 for how and how much growth should occur in the Greater Golden Horseshoe (GGH). This area is expected to grow by <u>a minimum of</u> 4.6 million people by 2051 with Hamilton projecting to take a <u>minimum</u> 5.1% share of the GGH growth.</p>		THIRD PARTY REQUEST	Concerns	Concerns	Concerns	Concerns
5.	<p>Modify A.2.3.4.2:</p> <p>Greenfield areas shall be planned to achieve an overall minimum density of 60 people and jobs per hectare. The minimum density target for greenfield areas shall be established through a future Amendment to this Plan as part of this municipal comprehensive review. The greenfield density target shall be measured over the entirety of Hamilton's greenfield area, excluding natural heritage features designated in this Plan, right-of-way for electrical transmission lines, energy transmission pipelines, roads classified as freeways, as defined and mapped as part of the Ontario Road Network, as well as railways, employment areas, and cemeteries.</p>		THIRD PARTY REQUEST	Strong concerns	Strong concerns	Strong concerns	Strong concerns
6.	<p>Modify A.2.3.4.4:</p> <p>The residential intensification target shall be established through a future Amendment to this Plan as part of this municipal comprehensive review. The residential intensification target is a minimum percentage. The City shall plan to achieve a minimum of 80% of all residential development occurring annually within its built-up area. A total of 88,280 units are to be accommodated within the built-up area between 2021 and 2051. The built-up area for Hamilton is identified on Appendix G.</p>		THIRD PARTY REQUEST	Strong concerns	Strong concerns	Strong concerns	Strong concerns
7.	<p>Modify A.2.4:</p> <p>The urban boundary is expanded to accommodate growth to 2051 by adding Urban Expansion Area – Neighbourhoods and Urban Expansion Area – Employment Areas as shown on all Schedules to this Plan. Development of Urban Expansion Areas shall not proceed until detailed secondary planning has been completed and incorporated through a future Amendment to this Plan. Secondary planning will be based on detailed assessment and consideration of applicable provincial policies. In May 2006, City Council adopted the City's first Growth Management Strategy. The Growth Related Integrated Development Strategy (GRIDS) identified the broad land use structure,</p>		THIRD PARTY REQUEST	Strong concerns	Strong concerns	Strong concerns	Strong concerns

	associated infrastructure and major transportation networks to be in place for Hamilton by 2031. In November 2021, through the update to GRIDS known as GRIDS 2, City Council endorsed a No Urban Boundary Expansion growth scenario to plan for the City's growth to 2051. The No Urban Boundary Expansion scenario accommodates the City's growth to 2051 within the existing Urban Area through intensification and development of existing designated greenfield lands, and a limited amount of infill development within Rural Hamilton. The City will be required to accommodate 109,880 new housing units within the existing Urban Area, of which 88,280 will be within the built-up area and 21,600 will be within the greenfield area. An additional 440 housing units will be developed through limited infill within Rural Hamilton.						
8.	<p>Modify B.2.1.1:</p> <p>The <i>urban boundary</i> defines the area where all <i>urban development</i> occurs. Lands within the urban boundary are already serviced or planned to be serviced with major roads, transit and full municipal services. The land within the <i>urban boundary</i> includes both the area within the <i>built-up area</i> and <i>greenfield area</i>. Lands within the existing urban boundary represent a 30-year supply of designated urban land and are intended to accommodate all of the City's projected urban growth.</p>		THIRD PARTY REQUEST	Strong concerns	Strong concerns	Strong concerns	Strong concerns
9.	<p>Modify B.2.2.1</p> <p>The City's urban boundary is firm and expansion to accommodate growth to the year 2051 is not required. All planned growth to 2051 shall be accommodated through development of the City's existing designated greenfield area, and intensification throughout the <i>Urban Area</i>, development of the City's designated greenfield area, and a limited amount of infill development within <i>Rural Hamilton</i>.</p>		THIRD PARTY REQUEST	Strong concerns	Strong concerns	Strong concerns	Strong concerns
10.	<p>Modify B.2.2.2 as follows:</p> <p>Notwithstanding Policy B.2.2.1, adjustments to the urban boundary may be permitted through a municipal comprehensive review provided:</p> <ul style="list-style-type: none"> a) there is no net increase in land within the urban area; b) the adjustment would support the City's ability to meet intensification and redevelopment targets provided in Section A.2.3 –Growth Management–Provincial; c) prime agricultural areas are avoided where possible. Alternative locations across the City will be evaluated, prioritized and determined based on avoiding, minimizing and mitigating impacts on the Agricultural System and in accordance with the following: <ul style="list-style-type: none"> i) an adjustment into speciality crop areas is prohibited; 	The criteria for permitting adjustments to the urban boundary does not include all of the applicable criteria outlined in the Growth Plan (e.g. protection of prime agricultural areas, key hydrologic areas and the Natural Heritage System for the Growth Plan.	OMAFRA	Neutral	Positive	Positive	Positive

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	<p>ii) reasonable alternatives that avoid prime agricultural areas are evaluated, and;</p> <p>iii) where prime agricultural areas cannot be avoided, lower priority agricultural lands are used.</p> <p>d) the lands are not located within the Greenbelt Area;</p> <p>e) for lands within the Niagara Escarpment Plan area, the lands are designated Urban Area in the Niagara Escarpment Plan; and,</p> <p>f) there is sufficient reserve infrastructure capacity to service the lands;</p> <p>g) the location of any lands added to the urban boundary will comply with the minimum distance separation formulae;</p> <p>h) any adverse impacts on the agri-food network, including agricultural operations, will be avoided, or if avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment; and</p> <p>i) key hydrologic areas and natural heritage systems should be avoided where possible.</p>	<p>Growth Plan 2.2.8.3 and 2.2.8.4</p>					
<p>11.</p>	<p>Modify B.2.2.3:</p> <p>Expansions of the Urban Area of 40 hectares or less in accordance with policy 2.2.8.5 and 2.2.8.6 of the A Place to Grow: Growth Plan shall not be permitted in advance of a municipal comprehensive review.</p>		<p>THIRD PARTY REQUEST</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>
<p>12.</p>	<p>Modify B.2.4.1.3:</p> <p>The residential intensification target shall be established through a future Amendment to this Plan as part of this municipal comprehensive review, of 80% or 88,280 The housing units, specified in Policy A.2.3. 2.3.4 shall generally be distributed through the built-up area as follows:</p> <p>a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 30% of the intensification target.</p> <p>b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.</p> <p>c) 30% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned 27,000 housing units to be developed within the Neighbourhoods through intensification.</p>		<p>THIRD PARTY REQUEST</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>

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<p>13.</p>	<p>Add new subsections d) and e) to policy B.3.1.1</p> <p>The City shall strengthen its economy by:</p> <ul style="list-style-type: none"> a) directing business activity to suitable locations as identified on Schedules E Urban Structure and E-1 – Urban Land Use Designations; b) preparing a new comprehensive Zoning By-law to implement the policies of the Official Plan; and, c) encouraging improved urban design and quality architecture, as well as improving the urban design elements of the public realm; d) <u>supporting growth through planning for infrastructure by considering the full life cycle costs of these assets and developing options to pay for these costs over the long-term; and</u> e) <u>consider establishing development criteria, outside of Employment Areas, to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.</u> 	<p>There are policies in this section addressing life cycle costs for stormwater infrastructure, waste management facilities and community facilities, but not infrastructure at large as required by the Growth Plan.</p> <p>The OPA does not establish development criteria to ensure that the redevelopment of any employment lands (outside of employment areas) will retain space for a similar number of jobs to remain accommodated on site, in accordance with the Growth Plan.</p> <p>Growth Plan 2.2.1.3 b), 3.2.1.2 c) & 2.2.5.14 PPS 1.6.6.1 b)</p>	<p>MMAH</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>
<p>14.</p>	<p>Add new subsection e) to B.3.1.2:</p> <p>The City shall:</p> <ul style="list-style-type: none"> a) protect the supply of Employment Areas, as designated on Schedule E-1 – Urban Land Use Designations, for employment uses by minimizing the establishment of non- employment lands uses, in accordance with the policies of this Plan; b) increase the supply of market-ready employment sites though various initiatives; c) complete the Airport Employment Growth District Secondary Plan, associated Class Environmental Assessments, financial analysis and any other required studies; and, d) endeavour to provide for and plan for a range of lot sizes throughout the designated Employment Areas; and e) <u>support existing office parks, including improving connectivity with transit and active transportation networks, in accordance with the Growth Plan for the Greater Golden Horseshoe and the policies of this Plan.</u> 	<p>The OPA does not include Growth Plan employment policies which support existing office parks.</p> <p>Growth Plan 2.2.5.16</p>	<p>MMAH</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>

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15.	Add new policy B.3.1.5 and renumber the subsequent policies accordingly: <u>Retail</u> <u>3.1.4.5 The City will support the retail sector by promoting compact urban form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.</u>	The OPA does not include Growth Plan employment policies which support the retail sector. Growth Plan 2.2.5.15	MMAH	Neutral	Neutral	Neutral	Neutral
16.	Delete policy B.3.2.3.7: <u>The City shall study the feasibility of implementing an inclusionary zoning framework to provide opportunities for affordable housing units within the City's identified Protected Major Transit Station Areas.</u>		THIRD PARTY REQUEST	Concerns	Neutral	Concerns	Concerns
17.	Modify B.3.2.4.4 as follows: A secondary dwelling unit <u>and a secondary dwelling unit – detached</u> shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations.	Conformity with Planning Act s. 16 (3) and Growth Plan policy 2.2.6.1 a) i) regarding additional residential units. Planning Act 16 (3) Growth Plan 2.2.6.1 a) i)	MMAH	Neutral	Neutral	Neutral	Neutral
18.	Modify B.3.4.4.11 Where a marked or unmarked cemetery or burial place is found, the nearest Indigenous community <u>ies with a known interest in the area</u> shall be notified.	Consistency with PPS policy 2.6.5 regarding Indigenous interests. Notification should be provided to any Indigenous community with a known interest in the area, rather than referring only to Indigenous communities located in nearest proximity. PPS 2.6.5	MMAH MHSTCI	Neutral	Positive	Neutral	Positive
19.	Delete B.3.6.1.1: <u>The City shall require proponents of development or redevelopment proposals to document previous uses of the property(s) affected by the proposal for lands currently or previously used for:</u>		THIRD PARTY REQUEST	Concerns	Neutral	Concerns	Concerns

	<p>a) employment (industrial), commercial, community, transportation, or utility purposes; b) activities involving the elimination or disposal of waste and other residues, including landfill sites or waste disposal facilities; c) any activities involving the storage or use of hazardous substances, including fuels, oils, chemicals, paints, or solvents; and, d) any use with the potential for site contamination, such as dry cleaning facilities, and gas stations.</p>						
20.	<p>Delete B.3.6.1.3: The City shall continue to identify other circumstances pertaining to specific development or redevelopment proposals where the filing of a Record of Site Condition may be required beyond those circumstances contemplated in Policy B.6.1.2. These circumstances may include the age of a building proposed for redevelopment, historic land use, and potential off-site sources of contamination.</p>		THIRD PARTY REQUEST	Concerns	Neutral	Concerns	Concerns
21.	<p>Modify B.3.6.1.4: Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall: ...</p>		THIRD PARTY REQUEST	Concerns	Neutral	Concerns	Concerns
22.	<p>Modify B.3.6.5 as follows: In the City of Hamilton, hazard lands are defined, mapped, and regulated by the Conservation Authorities in accordance with the Conservation Authorities Act. The Niagara Escarpment Commission regulates lands that also have inherent hazards through the Niagara Escarpment Planning and Development Act. Generalized fire mapping provided by the Province helps to identify potentially hazardous forest types. The Ministry of Northern Development, Mines, Natural Resources and Forestry maintains mapping of hazardous forest types for wildland fire. Due to the dynamic nature of hazard lands and forested areas, the condition for hazard lands, including hazardous forest types for wildland fire, is not static and mapping must be updated on an ongoing basis.</p>	<p>Updates needed to reflect the role of MNRF mapping for hazardous forest types, which is outlined in the Wildland fire risk assessment and mitigation reference manual. PPS 3.1.8</p>	MNRF	Neutral	Neutral	Neutral	Positive
23.	<p>Modify B.3.6.5.9 a) as follows: Notwithstanding Policy B.3.6.5.6, B.3.6.5.7, and B.3.6.5.8, development and site alteration may be permitted on hazard lands:</p>	<p>Protection of Special Policy Areas from flooding, and confirmation of the types of</p>	<p>MMAH MNRF</p>	Neutral	Neutral	Neutral	Positive

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	a) in those exceptional situations where a Special Policy Area, under Section 3.1.4 a) of the Provincial Policy Statement has been approved by the Province. Such special policy areas permitting development and site alteration on hazard lands shall be included as Area Specific Policies in Volume 3. The designation of a floodplain Special Policy Area, and any change or modification to the site-specific official plan policies, land use designations or boundaries applying to a floodplain Special Policy Area, must be approved by the Province prior to the City approving such changes or modifications.	modifications requiring joint Ministerial approval. PPS 3.1.4 a)					
24.	Modify policy B.3.6.16: Hazardous forest types for wildland fire are identified and mapped by the Ministry of Northern Development, Mines, Natural Resources and Forestry. The City shall maintain mapping of hazardous forest types for wildland fire to assist in the screening and assessment of development proposals.	Updates needed to reflect the role of MNRF mapping for hazardous forest types, which is outlined in the Wildland fire risk assessment and mitigation reference manual. PPS 3.1.8	MNRF	Neutral	Neutral	Neutral	Positive
25.	Modify C.1.0: The Official Plan must be consistent with the Provincial Policy Statement and conform to the Growth Plan, the Greenbelt Plan and the Niagara Escarpment Plan. However, in some areas of provincial policy, the municipality can be more restrictive than the provincial directions <u>unless doing so would conflict with any other provincial policy.</u> Where land use designations exist, this section details the interrelationship between the various provincial documents and this Plan.	Clarity on potential conflicts between municipal and provincial policies. Growth Plan 1.2.3 PPS Part III	MMAH	Neutral	Neutral	Neutral	Neutral
26.	Add new C.3.2.4 and renumber subsequent policies accordingly <u>Land use compatibility between sensitive land uses, major facilities, major retail uses and major office uses in all land use designations shall be in accordance with policy E.5.2.7.1.</u>	Land use compatibility policies must apply across the City and not specific to Employment Areas, per the PPS. PPS 1.2.6 Growth Plan 2.2.5.8	MMAH THIRD PARTY REQUEST	Neutral	Neutral	Neutral	Neutral
27.	Add new C.4.2.11: <u>Corridors along the entire BLAST Network shall be supported by transit-oriented communities and the City shall encourage higher density development on all frequent transit corridors.</u>		THIRD PARTY REQUEST	Neutral	Neutral	Neutral	Neutral

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<p>28.</p>	<p>Modify C.4.2.18: Additional transportation corridors may be added to the integrated transportation network in Hamilton in the future. Recognizing the need to plan proactively for future infrastructure requirements and sustainable transportation solutions, the City supports active participation with provincial, inter-provincial and federal transportation planning studies such as the Greater Golden Horseshoe Transportation Plan. Ontario-Quebec Continental Gateway and Trade Corridor Study.</p>	<p>The Ontario-Quebec Continental Gateway and Trade Corridor Study dates to 2007 and was abandoned in 2011. PPS 1.2.1 d) Growth Plan 3.2.1</p>	<p>MTO</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>
<p>29.</p>	<p>Modify C.4.6: An important component of Hamilton’s transportation network is an efficient system of goods and services movement, which helps attract and retain industries and business, thus contributing to the City’s economy. The major goods movement facilities and corridors in Hamilton consists of provincial highways, the road network, rail, the John C. Munro Hamilton International Airport and the Port of Hamilton. The local goods movement network links to the wider inter-regional, inter-provincial, and inter-national goods movement network as detailed shown in the Growth Plan for the Greater Golden Horseshoe and further detailed in the GGH Transportation Plan’s Strategic Goods Movement Network and associated policy directions. Hamilton has access to a wide range of major goods movement facilities and corridors. These facilities and corridors form a network which contributes to making the City an ideal location for a “goods movement gateway.”</p>	<p>The Strategic Goods Movement Network (SGMN) included in the GGH Transportation Plan identifies a coordinated goods movement network. It has been developed to guide municipalities on implementing the provincial policies set out in the PPS and Growth Plan related to planning for employment near major goods movement facilities and corridors, and planning for infrastructure to support growth. The SGMN network provides a framework for municipal consistency and conformity with provincial policy, aligning local planning for goods movement across the region. PPS 1.2.1 d) Growth Plan 3.2.1 & 3.2.4 GGH Transportation Plan</p>	<p>MTO</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>
<p>30.</p>	<p>Modify C.5.3.11:</p>	<p>The policies on the City’s Water and Wastewater Master Plan do not address that it is to be informed by</p>	<p>MMAH</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>

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	The City shall maintain and update a Water and Wastewater Master Plan, <u>informed by watershed planning or equivalent</u> , which is supported by the policies of this Plan, providing direction for...”	watershed planning, in accordance with the Growth Plan. Growth Plan 3.2.6.2 c)					
31.	Add new E.2.1 b) and renumber subsequent policies accordingly: <u>“Major office and appropriate major institutional development will be directed to Urban Nodes, Urban Corridors and Delineated Major Transit Station Areas.</u>”	Conformity with Growth Plan re: directing major office and major institutional development to major transit station areas or other strategic growth areas with existing or planned frequent transit service. Growth Plan 2.2.5.2	MMAH	Neutral	Neutral	Neutral	Neutral
32.	Delete and replace E.2.3.3.12: <u>Notwithstanding any secondary plans, and notwithstanding policy B.1.2 of Volume 2, Chapter B of the Urban Hamilton Official Plan, lands designated Mixed Use Medium Density in Community Nodes shall contain a range of densities and buildings heights to a maximum of six storeys. Additional density above 150 units per hectare and additional height up to a total of eight storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:</u> <ul style="list-style-type: none"> <u>a) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;</u> <u>b) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,</u> <u>c) buildings are stepped back from the street to minimize the height appearance from the street, where necessary.”</u> “Notwithstanding Policy E.2.3.3.7, through the preparation of a Secondary plan, a lower density target for a Community Node may be established where the Secondary Plan process determines it is appropriate based on to the character of the adjacent Neighbourhood, other infrastructure, or transportation constraints as follows: a) For the Ancaster Community Node, a target density in the range of 50 persons and jobs per hectare shall apply due to transportation constraints and the existing character of the adjacent neighbourhoods.”		THIRD PARTY REQUEST	Strong concerns	Neutral	Strong concerns	Neutral

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<p>33.</p>	<p>Modify E.2.5: “A Major Transit Station Area is the area including and around any existing or planned higher order transit station or stop. Within the City, Major Transit Station Areas will include the Hamilton Centre and West Harbour GO Stations, the future Confederation Centennial GO Station and future higher order transit station areas along the priority transit corridor.”</p>	<p>The text in this section refers to a Future Centennial GO station. Consistent with Appendix B Major Transportation Facilities and Routes, this should refer to “Confederation” GO station.</p>	<p>MTO</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>
<p>34.</p>	<p>Delete E.3.6.7: For high density residential uses, the maximum height shall be 30 storeys. For high density residential uses below the Niagara Escarpment, building height shall not exceed the height of the top of the Niagara Escarpment, nearest to the development site. Applicants shall demonstrate that the proposed development shall not exceed the height of the top of the Niagara Escarpment through the submission of a height elevation survey depicting the proposed building in profile to the height of the top of the escarpment located nearest to the development site, to the satisfaction of the City.</p>		<p>THIRD PARTY REQUEST</p>	<p>Strong Concerns</p>	<p>Neutral</p>	<p>Strong Concerns</p>	<p>Strong Concerns</p>
<p>35.</p>	<p>Modify E.5.2.7.1: The following provisions apply to all land use designations, as specified: lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations (OPA 35):</p>	<p>The PPS requires that these policies be met in accordance with provincial guidelines, and must apply throughout the City, rather than just within Employment Areas. PPS 1.2.6 Growth Plan 2.2.5.8</p>	<p>MMAH MECP THIRD PARTY REQUEST</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>
<p>36.</p>	<p>Modify E.5.2.7.1 b): b) Sensitive land uses within the Neighbourhoods, Institutional or Commercial and Mixed Use designations shall be protected from the potential adverse impacts of heavy industrial uses major facilities within the lands designated Employment Area, and industrial uses major facilities shall be protected from <i>sensitive land uses</i> as follows: i) The City shall have regard for follow provincial guidelines concerning land use compatibility between industrial facilities and <i>sensitive land uses</i>. Major facilities, and sensitive land uses, major retail uses and major office uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize</p>	<p>The PPS requires that these policies be met in accordance with provincial guidelines, and must apply throughout the City, rather than just within Employment Areas. Major facilities is a defined term in the PPS and encompasses more than the term heavy industrial uses.</p>	<p>MMAH MECP THIRD PARTY REQUEST</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>

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	<p>risk to public health and safety, to ensure the long-term viability of major facilities in accordance with provincial guidelines, standards and procedures.</p> <p>ii) Where avoidance of impacts is not possible, in accordance with Policy E.5.2.7.1 b) i), the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses, major retail uses and major office uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:</p> <ol style="list-style-type: none"> 1. there is an identified need for the proposed use; 2. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; 3. adverse effects to the proposed sensitive land use are minimized and mitigated; and, 4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated. 	<p>The land use compatibility policies do not address compatibility for major retail uses or major office uses proposed near industrial or manufacturing uses, pursuant to the Growth Plan.</p> <p>PPS 1.2.6 Growth Plan 2.2.5.8</p>					
37.	<p>Modify F.1.2.7:</p> <p>Neighbourhood plans are were policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan. and no longer reflect either municipal or provincial policy.</p>		THIRD PARTY REQUEST	Concerns	Neutral	Concerns	Neutral
38.	<p>Delete F.1.2.8:</p> <p>Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.</p>		THIRD PARTY REQUEST	Concerns	Neutral	Concerns	Neutral
39.	<p>Modify F.1.14.3.1:</p> <p>Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:</p> <ol style="list-style-type: none"> a) The lots comply with the policies of this Plan, including secondary plans, where one exists; b) The lots comply with existing Neighbourhood Plans; c)b) The lots are in conformity with the Zoning By-law or a minor variance is approved; 		THIRD PARTY REQUEST	Concerns	Neutral	Concerns	Neutral

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	<p>d)c) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;</p> <p>e)d) The lots are fully serviced by municipal water and wastewater systems; and,</p> <p>f)e) The lots have frontage on a public road.</p>						
40.	<p>Add new definition to Glossary:</p> <p><u>Agricultural impact assessment: A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts (Greenbelt Plan, 2017).</u></p>	<p>Evaluating the potential impacts of non-agricultural development (e.g., settlement boundary adjustments) on the Agricultural System and agricultural operations.</p>	OMAFRA	Neutral	Neutral	Neutral	Neutral
41.	<p>Add new definition to Glossary:</p> <p><u>Major facilities: means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.</u></p>	<p>Major facilities is a defined term in the PPS, and a definition is needed to implement the corresponding policy modification.</p> <p>PPS 1.2.6 Growth Plan 7.0</p>	<p>MMAH MECP</p> <p>THIRD PARTY REQUEST</p>	Neutral	Neutral	Neutral	Neutral
42.	<p>Add new definition to Glossary:</p> <p><u>Office parks: Employment areas or areas where there are significant concentrations of offices with high employment densities.</u></p>	<p>Defined term to support policy addition regarding office parks.</p> <p>Growth Plan 7.0</p>	MMAH	Neutral	Neutral	Neutral	Neutral
43.	<p>Add new definition to Glossary:</p> <p><u>Prime agricultural area: An area where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas are to be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs using guidelines developed by the Province as amended from time to time (Greenbelt Plan, 2017).</u></p>	<p>Defined term to support the implementation of policies addressing agricultural interests.</p> <p>Growth Plan 7.0 Greenbelt Plan 7.0 PPS 6.0</p>	OMAFRA	Neutral	Neutral	Neutral	Neutral
44.	<p>Add new definition to Glossary:</p>	<p>Defined term to support the implementation of policies</p>	OMAFRA	Neutral	Neutral	Neutral	Neutral

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	<p><u>“Prime agricultural land: Specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection (PPS, 2020).”</u></p>	<p>addressing agricultural interests.</p> <p>Growth Plan 7.0 Greenbelt Plan 7.0 PPS 6.0</p>					
45.	<p>Add new definition to Glossary:</p> <p><u>Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.</u></p>	<p>PPS 6.0</p>	<p>THIRD PARTY REQUEST</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>
46.	<p>Modify definition:</p> <p><i>Significant Habitat of Threatened or Endangered Species:</i> means that habitat, as approved by the Ministry of Northern Development, Mines, Natural Resources and Forestry, <u>the Environment, Conservation and Parks</u> that is necessary for the maintenance survival and/or recovery of naturally occurring or reintroduced populations of species at risk and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its lifecycle. To identify which species are threatened or endangered, the City will refer to the Species at Risk in Ontario list O. Reg. 230/08: SPECIES AT RISK IN ONTARIO LIST that is prepared and updated by the Ministry of Northern Development, Mines, Natural Resources and Forestry <u>Environment, Conservation and Parks</u>. The City may collaborate with the Province during the early stages of the planning process, to ensure that the significant habitat of threatened or endangered species on lands affected by or contiguous to any proposed <i>development</i> or <i>site alteration</i> is properly evaluated and identified.</p>	<p>Update definition to refer to appropriate ministry and O. Reg. 230/08.</p> <p>PPS 6.0</p>	<p>MECP</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>
47.	<p>Add new definition to Glossary:</p> <p><u>Specialty Crop Areas: Areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil usually resulting from:</u></p> <p><u>a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;</u></p> <p><u>b) farmers skilled in the production of specialty crops; and</u></p> <p><u>c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops (PPS, 2020).</u></p>	<p>Defined term to support the implementation of policies addressing agricultural interests.</p> <p>Growth Plan 7.0 Greenbelt Plan 7.0 PPS 6.0</p>	<p>OMAFRA</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>	<p>Neutral</p>

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Urban Hamilton Official Plan Amendment – Volume 1, Schedules and Appendices							
48. to 58., 61., 64. to 73.	Modify all schedules and appendices in the Urban Hamilton Official Plan to include the new Urban Boundary, which includes Urban Expansion Area – Neighbourhoods and Urban Expansion Area – Employment Areas, as shown on Appendix A.		THIRD PARTY REQUEST	Strong concerns	Strong concerns	Strong concerns	Strong concerns
59.	Redesignate 128 Tope Crescent, as shown on Appendix B, from “Employment Areas” to “Neighbourhoods” on Schedule E.		THIRD PARTY REQUEST	Concerns	Neutral	Neutral	Neutral
60.	Redesignate 1400 South Service Road, as shown on Appendix C, from “Employment Areas” to “Neighbourhoods” on Schedule E.		THIRD PARTY REQUEST	Concerns	Neutral	Concerns	Neutral
62.	Redesignate 128 Tope Crescent, as shown on Appendix B, from “Industrial Land” to “Neighbourhoods” on Schedule E-1.		THIRD PARTY REQUEST	Concerns	Neutral	Neutral	Neutral
63.	Redesignate 1400 South Service Road, as shown on Appendix C, from “Business Park” to “Mixed Use – High Density” on Schedule E-1.		THIRD PARTY REQUEST	Concerns	Neutral	Concerns	Neutral
Urban Hamilton Official Plan Amendment – Volume 2, Chapter B							
74.	Delete policy 2.8.6.1 g): g) The overall density for the Ancaster Community Node shall be 50 people and jobs per hectare.		THIRD PARTY REQUEST	Strong concerns	Neutral	Strong concerns	Neutral
75.	Redesignate 15 Lorne Avenue, as shown on Appendix D, on Map B.2.6-1 of the Ancaster Wilson Street Secondary Plan from “Low Density Residential 1” to “Mixed-Use Medium Density.”		THIRD PARTY REQUEST	Some concerns	Some concerns	Neutral	Neutral
76.	Redesignate 128 Tope Crescent, as shown on Appendix B, on Map B.6.2-1 of the Ainslie Wood Westdale Secondary Plan from “Employment Area – Industrial Lands” to “Low Density Residential 3.”		THIRD PARTY REQUEST	Some concerns	Neutral	Neutral	Neutral

Urban Hamilton Official Plan Amendment – Volume 3, Chapter C							
77.	<p>Add new subsection 4.0 to site-specific policy UFN-5:</p> <p><u>4.0 Through future development of the subject lands, if potential adverse impacts on any nearby agricultural operations are identified and cannot be avoided, they will be minimized and mitigated to the extent feasible.</u></p>	<p>The Growth Plan requires that any adverse impacts on the <i>agri-food network</i>, including agricultural operations, from expanding <i>settlement areas</i> be avoided, or if avoidance is not possible, minimized and mitigated.</p> <p>The studies and reports provided in support of the 5 hectare urban area expansion in Waterdown do not provide an evaluation of any potential adverse impacts on any nearby agricultural operations has been completed in support of the expansion, as required by the Growth Plan.</p> <p>Growth Plan 2.2.8.3 h)</p>	OMAFRA	Neutral	Neutral	Neutral	Neutral
Rural Hamilton Official Plan Amendment							
1.	<p>Modify B.2.1</p> <p>Communities in the rural area of the City of Hamilton can be defined in multiple ways. Land use definitions of communities include:</p> <p>a) the urban boundary which delineates the urban area from the rural area. The urban boundary is delineated through the Urban Hamilton Official Plan. It is the intent of the City of Hamilton to maintain a firm urban boundary. Lands shall not be removed from the boundaries of Rural Hamilton and added to the Urban Area; and,..."</p>		THIRD PARTY REQUEST	Strong concerns	Strong concerns	Strong concerns	Strong concerns

2.	<p>Add new policy D.2.2.1 and renumber subsequent policies accordingly:</p> <p><u>Lands designated Agriculture shall not be redesignated for non-agricultural uses, except for expansions to the urban boundary through a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe.</u></p>	<p>As the OPA proposes new policies D.3.2.1 and D.4.2.1 to limit redesignation of Specialty Crop and Rural lands, a parallel policy should also be added for prime agricultural areas to conform to provincial policies. PPS requires that land may only be excluded from prime agricultural areas for expansions of or identification of settlement areas.</p> <p>Greenbelt Plan 3.1.3.2 PPS 2.3.5.1</p>	<p>OMAFRA MMAH THIRD PARTY REQUEST</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>
3.	<p>Modify policy D.3.2.1:</p> <p>Lands designated Specialty Crop shall not be redesignated for non-agricultural uses, <u>except for expansions to the urban boundary through a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe.</u></p>	<p>PPS requires that land may only be excluded from prime agricultural areas for expansions of or identification of settlement areas.</p> <p>PPS 2.3.5.1</p>	<p>MMAH THIRD PARTY REQUEST</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>
4.	<p>Modify policy D.4.2.1:</p> <p>Lands designated Rural shall not be redesignated for uses not permitted by the policies of this Plan, <u>except for expansions to the urban boundary through a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe.</u></p>	<p>PPS requires that land may only be excluded from prime agricultural areas for expansions of or identification of settlement areas.</p> <p>PPS 2.3.5.1</p>	<p>MMAH THIRD PARTY REQUEST</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>
<p>Rural Hamilton Official Plan Amendment – Schedules and Appendices</p>							
5. to 25.	<p>Modify all schedules and appendices in the Rural Hamilton Official Plan to include the new Urban Boundary, which includes Urban Expansion Area – Neighbourhoods and Urban Expansion Area – Employment Areas, as shown on Appendix A.</p>		<p>THIRD PARTY REQUEST</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>	<p>Strong concerns</p>

TAB 29

PROPOSED DECISION
On City of Hamilton Urban and Rural Official Plan Amendments

- Municipality:** City of Hamilton
- Subject:** Urban Hamilton Official Plan Amendment and Rural Hamilton Official Plan Amendment
- Timing:** On September 12, 2022, the Minister suspended the 120-day decision timeline pursuant to ss. 17(40.1) of the *Planning Act*

Ministry Assessment

- Ministry staff reviewed the City of Hamilton’s Official Plan Amendments at the draft and adopted stages to ensure conformity with the Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2019, as amended, the Greenbelt Plan, 2017, the Niagara Escarpment Plan (NEP), 2017, consistency with the Provincial Policy Statement (PPS), 2020 and to meet the requirements of the Planning Act.

Summary of Public Consultation

- The adopted official plan amendments were posted on the Environmental Registry of Ontario (ERO) for 30 days between September 8, 2022 and October 8, 2022
- A total of 80 comments were received through the ERO, and an additional 24 comments were received directly by the Ministry during the 30-day period.
- The vast majority of comments received were with respect to Hamilton’s urban boundary.

Urban Boundary

- A number of comments outlined concerns with Hamilton’s no urban boundary decision, and requested an expansion of the urban boundary with a varying quantum (generally 1,310 ha to 2,190 ha) and location:
 - Expansion into Upper West Side Area / Twenty Road West (1,340 ha) – six landowners and 11 individuals.
 - Expansion into Twenty Road West, Twenty Road East and Elfrida – two landowners.
 - Minimum 1,630 ha expansion – Ontario Home Builders Association and West End Home Builders Association.
 - 2,190 ha expansion including Elfrida and Whitechurch – four landowners.
 - Expansion for employment uses – one landowner.
- Comments supporting a modest expansion / balanced approach of expansion and intensification to better align with Housing Task Force recommendations were received from six individuals and two consultants.
- Comments supporting Hamilton’s decision on a firm urban boundary for reasons including preventing sprawl, protecting farmland and the environment, climate change, intensification etc. were received from 60 individuals.

Waterdown Expansion

- Three comments were received with respect to the adopted 5 ha expansion in Waterdown, with two landowners requesting inclusion within the Waterdown expansion, and one landowner (whose lands were included per the City's adoption) requesting partial approval for their lands to proceed with development.

Policy Specific

- CN Rail provided policy recommendations relating to land use compatibility in proximity to CN Rail corridor.
- Ontario Home Builders Association and West End Home Builders Association requested various policy modifications related to intensification and transit-oriented development, including removal of height limits, parking standards and urban design policies.
- One landowner requested specific policy modifications, including removal of the lower density target for the Ancaster community node, and permitting development of up to eight storeys in height for mixed-use medium density designations across all community nodes.
- A landowner group submitted policy specific comments, including modifications to accommodate urban expansion, support transit-oriented development, and remove perceived barriers to intensification.

Site Specific

- Urban Solutions on behalf of Avatar International requested to remove lands at Barton Street and Fifty Road from the Greenbelt Specialty Crop Area and include within the urban boundary or redesignate the lands for urban uses within the Greenbelt Plan.
- Four landowners submitted site-specific requests for employment area conversions.
- One landowner requested to redesignate a property from low density residential to mixed-use medium density in Ancaster

Indigenous Engagement

Municipal Engagement

- The City reached out to 23 Indigenous communities and organizations via email, from spring 2021 to winter 2022 during three key stages: commencement of the official plan review, draft cultural heritage policies and the City's Archaeological Management Plan, and draft official plan policies.
- The Indigenous communities contacted by the City include the Mississaugas of the Credit First Nation, Haudenosaunee Confederacy Chiefs Council, Six Nations of the Grand River Territory, Huron-Wendat First Nation, and Metis Nation of Ontario.
- The City held virtual meetings in winter 2022 with the following communities and organizations:
 - Six Nations of the Grant River First Nation: provided feedback on cultural heritage, housing, transportation, climate-related, infrastructure and growth management policies. They indicated support for a firm urban boundary.
 - Hamilton Regional Indian Centre: provided feedback on cultural heritage, housing and transportation policies.
 - Mississaugas of the Credit First Nation: provided feedback on cultural heritage policies, as well as a copy of the letter sent to Minister Clark on Dec. 16, 2020, which outlines expectations with respect to clear acknowledgement of Indigenous people and treaty rights, as well as a process for notification and ongoing engagement.
- City staff have indicated that a land acknowledgement will be included during a subsequent phase of the municipal comprehensive review.

Ministry Engagement

- On September 12, 2022, Ministry staff notified the following Indigenous communities of the adopted official plan and requested feedback by October 11, 2022:
 - Six Nations of the Grand River First Nation
 - Haudenosaunee Confederacy Chiefs Council
 - Mississaugas of the Credit First Nation
- The Ministry received one response as a result of Indigenous consultation: a letter dated September 28, 2022 from the Six Nations of the Grand River First Nation. The letter outlines:
 - Strong support for the City of Hamilton's rejection of an urban boundary expansion as well as support for strengthened environmental passages and the language bringing First Nations into the planning process.
 - Concern with the negative impact of urban boundary expansions on treaty rights and the large quantum of land that is being approved for expansions in the region, including concerns that Indigenous communities were not properly consulted in the development in the policy mechanisms that are being used to justify these expansions (such as population growth forecasts).
 - Capacity issues related to their ability to adequately assess the documents they're consulted on a provide comments.

Decision Summary

- The City of Hamilton's adopted official plan amendments represent phase one of the City's municipal comprehensive review, which is focused on growth management, including implementation of a firm urban boundary to 2051 to accommodate the Growth Plan forecasts of 820,000 people and 360,000 jobs in 2051.
- The amendments as adopted would also implement the following:
 - An intensification target of 80% and a designated greenfield area target of 60 residents and jobs per ha.
 - A 5 ha expansion to Waterdown, a Village in the Greenbelt.
 - Three urban boundary adjustments, two of which relate to approved designation changes in the NEP.
 - Nearly 60 ha of employment area conversions, as supported by the City's Land Needs Assessment.
 - Policy changes in the Urban Hamilton Official Plan with respect to cultural heritage, employment, infrastructure, climate change, housing, transportation, and neighbourhoods.
 - Permitting fourplexes across low density residential areas, as well as multiple dwellings of up to six units in proximity to collector or arterial roads.
- Ministry staff reviewed the official plan amendments with respect to conformity with provincial plans, consistency with the PPS and Planning Act requirements.
- As part of the review, Ministry staff assessed comments from partner ministries, submissions from individuals, landowners, agencies, and the development industry (both direct and through the ERO), as well as a submission from the Six Nations of the Grand River. In addition, studies conducted by the City of Hamilton relating to growth options and potential, including all of the Land Needs Assessment work, were considered.
- Ministry public consultation and notification to Indigenous communities were based on the City's adopted official plan amendments for a firm urban boundary.

Urban Boundary

- A primary objective of the Growth Plan is to optimize the use of the existing urban land supply to avoid over designating lands for future urban development. This represents an 'Intensification First' approach which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area.
- The Growth Plan encourages municipalities to go beyond the minimum standards and targets set out in the plan.
- Growth Plan forecasts (or higher forecasts established by municipalities) are the basis for planning and growth management to 2051.
- To achieve its growth forecasts, the City's Land Needs Assessment outlined three scenarios which would result in a residential land need of 1,310, 1,630 or 2,190 gross ha to 2051, depending on the respective intensification and density targets and housing unit type.
 - The City's Land Needs Assessment was prepared in accordance with the provincial Land Needs Assessment Methodology.
 - City staff recommended the Ambitious Density approach, which would result in a residential land need of 1,310 ha.
 - The City's Land Needs Assessment identified a small surplus of 60 ha of employment area to 2051.
- Additional Land Needs Assessment work with respect to the firm urban boundary approach identified the following:
 - Key concerns with the firm urban boundary and Growth Plan conformity, including a level of residential intensification (80%) which exceeds recent trends, and the potential result that growth will be redirected to other locations in the southwest GGH, which are less suited to manage it – which may result in a failure to achieve Growth Plan forecasts.
 - Policies and tools to implement a firm urban boundary, as well as an extensive monitoring program.
- Given the direction for a firm urban boundary, the materials submitted by the City in support of the amendments do not address the feasibility of or provide locational analysis of potential urban expansion areas as required by the Growth Plan, including: capacity and financial viability of infrastructure and public service facilities, avoidance of prime agricultural areas where possible and assessment of alternative locations, avoidance of key hydrologic areas and the Growth Plan Natural Heritage System where possible, water and wastewater planning, compliance with minimum distance separation formulae, and assessment of impacts on the agri-food network.
- Potential urban expansion areas for residential uses in the City are constrained by proximity to the John C. Munroe International Airport. The City's official plan policies prohibit residential development within the 28 Noise Exposure Forecast.

Modifications

- A total of 77 modifications to the Urban Hamilton Official Plan Amendments and 25 modifications to the Rural Hamilton Official Plan Amendment are being proposed. A table listing all the modifications and details about their purpose and policy basis for each modification is included as part of this decision package.
- The modifications are focused on implementing phase one of the City's municipal comprehensive review. Other matters required for provincial plan conformity (including agricultural and natural heritage systems, Greenbelt and NEP conformity, major transit station area planning, etc.) will be addressed through future phases of the municipal comprehensive review. Certain ERO comments, such as standards for development

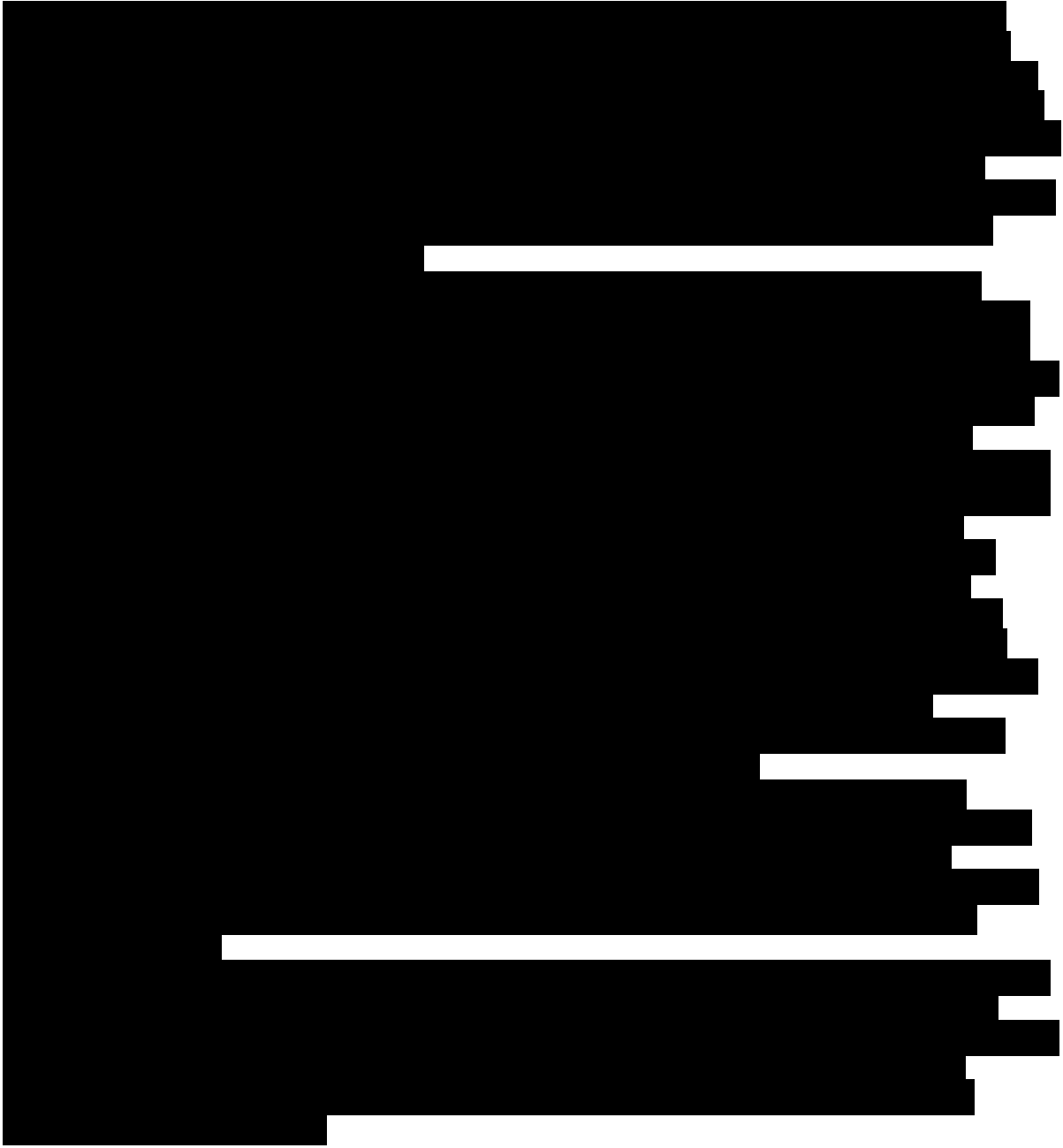
adjacent to rail corridors and facilities, as well as urban design standards, are more appropriately implemented through a subsequent phase of the municipal comprehensive review.

- The key areas of modification are outlined below.
 - Urban Boundary Expansion: 11 policy modifications and 43 corresponding modifications to schedules and appendices are included to implement direction for an urban boundary expansion of 1,940 net ha of residential area to include urban expansion areas known as Twenty Road West, Twenty Road East, Elfrida and Whitechurch. Approximately 13 ha of urban expansion area for employment is included in the Twenty Road West Area, given that the lands are within the 28 Noise Exposure Forecast where residential uses are prohibited.
 - The modifications require secondary planning to be completed through a future amendment to the Plan prior to development of urban expansion areas (i.e. to address provincial policies related to phasing and infrastructure, and mitigating impacts on natural heritage and water systems as well as agricultural operations), and direct the City to establish minimum intensification and designated greenfield area targets through a future amendment as part of the ongoing municipal comprehensive review.
 - Growth Management / Infrastructure: policy modifications are recommended pursuant to the Growth Plan to ensure that urban boundary adjustments are in accordance with Growth Plan criteria, to direct major office and major institutional uses to strategic growth areas, to support life cycle infrastructure planning, to ensure Water and Wastewater Plans are informed by watershed planning, and to reference the GGH Transportation Plan with respect to goods movement.
 - Other policy modifications are included pursuant to third party submissions and direction received, including wording that Growth Plan forecasts are minimums, and permitting 40 ha urban boundary expansions outside of a municipal comprehensive review.
 - Height and Density: policy modifications are included to implement third party submissions and direction, including:
 - Removing the maximum 30 storey building height for high density residential uses.
 - Removing the lower density target for Ancaster and permitting buildings up to six storeys in height (eight storeys subject to criteria) within mixed-use medium density designations across all nine community codes, including Ancaster.
 - Deleting and modifying policies related to Record of Site Condition.
 - Employment: policy modifications are recommended to ensure conformity with the Growth Plan on matters such as redevelopment of employment lands and supporting existing office parks and the retail sector.
 - Employment area conversions to residential and mixed-use, totaling approximately 6 ha (in addition to the nearly 60 ha of conversions as adopted by the City), are also included pursuant to third party requests and direction. The lands converted from employment are 128 Tope Crescent and 1400 South Service Road.
 - Land Use Compatibility: policy modifications are recommended to ensure land use compatibility policies apply across the City and are in accordance with the PPS, including respective definitions.
 - Additional Residential Units: one modification is recommended to clarify that secondary dwelling units permitted also include detached secondary dwelling units, pursuant to the Planning Act.

- Indigenous Notification: one modification is recommended to ensure notification of Indigenous communities with a known interest in the area where a marked or unmarked cemetery is found.
- Natural Hazards: modifications are recommended to ensure joint ministerial approval of special policy areas is provided consistent with the PPS, as well as to clarify wildland fire mapping.
- Prime Agricultural Areas: modifications are recommended to ensure that prime agricultural areas are not redesignated for other uses, except for urban boundary expansions, together with additional agricultural terms to be added to the glossary, pursuant to provincial policies.
- Site-Specific & Secondary Plans:
 - One modification is recommended with respect to the 5 ha expansion in Waterdown, to ensure that any potential impacts on nearby agricultural operations are minimized and mitigated to the extent feasible.
 - 15 Lorne Avenue is redesignated from low density residential to mixed-use medium density, pursuant to a third party submission and direction.

Legal Analysis





Background

- The City’s official plan amendments are the result of a review of its current plan, as required under section 26 of the Planning Act, and constitute phase one of a municipal comprehensive review pursuant to the Growth Plan.
- The amendments result from extensive consultation dating back to spring 2017 with initiation of the City’s municipal comprehensive review and its long-term growth strategy to 2051 known as GRIDS 2.
 - The consultation includes numerous public meetings, the preparation of background studies and reports, consultation with provincial ministries and other public bodies, as well as Indigenous engagement

- Subsequent phases of the City's municipal comprehensive review will include rural planning (including agricultural and natural heritage systems, Greenbelt and NEP conformity), neighbourhoods (including urban design, parks and recreation, neighbourhoods), and major transit station area planning, including implementation of the City's light rail transit network.
- In accordance with the Planning Act, the City will be required to review the new official plan within five years after it comes into effect upon Ministerial approval, however, the city may elect to review it sooner.

Next Steps

- Decision to be signed by the Assistant Deputy Minister of the Municipal Services Division.
- Notice of the Decision and a copy of the signed Decision will be provided to the City Clerk as well as the General Manager of Planning and Economic Development Jason Thorne, and the Director of Planning/Chief Planning Officer Steve Robichaud.
- The Notice of Decision is also to be provided to persons and/or stakeholders who have made a formal request to be notified of any Ministry decision regarding this matter, as well as those who have made submissions via email or letter to the Minister or his staff.
- Post Notice of Decision on the Environmental Registry of Ontario.
- The decision is not subject to appeal to the Ontario Land Tribunal.

Date Approved: November 4, 2022