



## City of Hamilton

### CITY COUNCIL ADDENDUM

Wednesday, November 22, 2023, 9:30 A.M.

Council Chambers

Hamilton City Hall

71 Main Street West

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#### 5. COMMUNICATIONS

5.4 Correspondence respecting No Boundary Expansion:

\*at. Rose Beraldo

Recommendation: Be received and referred to the consideration of Item 11 of Planning Committee Report 23-019.

\*5.15 Correspondence from Ian Borsuk, Executive Director, Environment Hamilton in support of the decision to approve the development proposal at 65 Guise Street East (Pier 8, Block 16) on the condition that the development to "demonstrate net zero carbon, high

efficiency building standards, Pier 8 Block 16 will use best efforts to target the CaGBC's Zero Carbon Building v3 Design Certification".

Recommendation: Be received and referred to the consideration of Item 8 of Planning Committee Report 23-019.

- \*5.16 Correspondence from Joshua Weresch respecting the 2023-4 rate supported and tax operating budgets.

Recommendation: Be received and referred to a future General Issues Committee (Budget) meeting.

- \*5.17 Correspondence from Joshua Weresch respecting the motions regarding one-time community safety funding.

Recommendation: Be received and referred to the consideration of Items 7.7 and 7.9.

- \*5.18 Correspondence Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property:

\*a. Barb Heemskerk

\*b. Val Perei

\*c. Clement Feierabend, CPA, Clement Feierabend Professional Corporation

Recommendation: Be received and referred to the consideration of Bill 217.

- \*5.19 Correspondence from Jesse Elders, Manager, Bay Area Climate Change Council in support for Zero Carbon Development and Green Building Standards.

Recommendation: Be received and referred to the consideration of Item 8 of Planning Committee Report 23-019.

- \*5.20 Correspondence respecting the Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans and Official Plan Amendments (PED23252):

\*a. Susan Rosenthal, Professional Corporation, Davies Howe LLP

\*b. Denise Baker, WeirFoulds LLP

\*c. Nancy Smith, Turkstra Mazza Associates, Lawyers

Recommendation: Be received and referred to the consideration of Item 11 of Planning Committee Report 23-019.

## **8. NOTICES OF MOTIONS**

- \*8.2 Funding to Support Community Group with User Fee for the Flamborough Santa Claus Parade

- \*8.3 Format of the December 14, 2023 Public Update Meeting for the GFL Stoney Creek

## **11. PRIVATE AND CONFIDENTIAL**

Members of the public can contact the Clerk's Office to acquire the documents considered at this meeting, in an alternate format.

\*11.2 Red Hill Valley Parkway Inquiry Update

Pursuant to Section 9.3, Sub-sections (e), (f), (i) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

**Pilon, Janet**

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**Subject:** No to urban boundary expansion, No to OLT orders

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**From:** Rosa Beraldo

**Sent:** November 20, 2023 11:01 AM

**To:** Office of the Mayor <[Officeofthe.Mayor@hamilton.ca](mailto:Officeofthe.Mayor@hamilton.ca)>

**Cc:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca); Cassar, Craig <[Craig.Cassar@hamilton.ca](mailto:Craig.Cassar@hamilton.ca)>

**Subject:** No to urban boundary expansion, No to OLT orders

Respect the environment, the safety and wishes of the citizens. Please do not reward the undemocratic and corrupt practices of the Ford government and developers.

Rosa Beraldo  
Ancaster, ON

November 20, 2023



For the consideration of Hamilton City Council,

I am writing today to support the Planning Committee decision to approve the development proposal at 65 Guise Street East (Pier 8, Block 16) on the condition that the development to *“demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use best efforts to target the CaGBC’s Zero Carbon Building v3 Design Certification”*.

As Council knows - Environment Hamilton has been pushing for the City of Hamilton to address the ongoing climate emergency through a variety of efforts under the power and control of the City. One consistent course of action that has been discussed in Hamilton and other cities has been sustainable or green building standards. As Council also knows - buildings new and old pose a particular challenge to our collective efforts in reducing both construction related greenhouse gas emissions but also energy consumption caused greenhouse gas emissions. As we and others have stated in numerous delegations to the current and previous Councils - it is imperative that we build sustainable and resilient buildings now so that they do not further contribute to the climate crisis in the future.

It is within this context that I encourage you to take this same approach to all new developments. Every new building constructed in our community that does not achieve these important standards only exacerbates the global problem, and ultimately generates future costs for owners, residents, and the City as we begin to grapple with the daunting task of retrofitting our older and unsustainable building stock.

It is with this in mind and by truly paying attention to what the climate crisis makes a necessity that is increasingly reinforced by the long standing worldwide scientific consensus - it is quite obvious that we ought to be holding all new developments to these same standards. It is my hope that we can build on this decision and ensure that we no longer approve building structures that are already obsolete anywhere in Hamilton. To put it bluntly - at this point in the crisis we find ourselves in, we should not be approving developments anywhere that are not able to meet these conditions.

- Ian Borsuk, Executive Director  
Environment Hamilton

**Pilon, Janet**

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**Subject:** Letter to Council re: 2024 budget

From: Joshua Weresch  
Sent: November 20, 2023 3:41 PM  
To: clerk@hamilton.ca  
Subject: Letter to Council re: 2024 budget

Dear Clerk,

Hope this finds you well.

Below, please find a letter to Council regarding the 2023-4 rate-supported and tax-operating budgets. Thank you for your time and attention in these regards.

Kindly,

Joshua Weresch

To the mayor and councilors of Hamilton, Ontario:

Hope this finds you well. I write as a life-long resident in Hamilton, regarding the budgets to be considered and passed later this and early next year. I am encouraged to read of Council's endorsed priorities between last year and 2026, priorities for sustainable economic and ecological development, safe and thriving neighbourhoods, and responsiveness and transparency (see <https://www.hamilton.ca/city-council/council-committee/2022-2026-council-priorities-outcomes-measures-success>).

An outcome for sustainable economic development is the reduction of the burden on residential taxpayers and as a resident in the city it is a reduction I am hopeful to see reflected on property tax bills. While the reduction of storm-water fees for residences whose storm-water foot-print is reduced by the use of rain barrels and de-paving and the use of permeable surfaces is one I hope to see reflected in the budget, as well as an equalization of the tax burden between other sectors be they institutional or commercial, and an end to the subsidy of single-family dwellings by multi-residential units whose taxes are almost three times as high, I am most deeply concerned with the percentage of each tax dollar that is directed toward policing services. It is the largest budget item in the 2023 budget, \$717 of \$4784 dollars, \$0.14 of every tax dollar. The other outcomes in sustainable development can handily be addressed as more money is diverted from policing services toward an accelerated response to climate change, further investments in public transit and a reduction in GHG emissions by lowering the use of private transit, the protection of green spaces and waterways by planting more trees, and the growth of key sectors in the city by enhancing the city's reputation as it lurches toward flourishing.

Safe and thriving neighbourhoods can also be garnered by the immediate expropriation of any and all available housing for people in need on a temporary, emergency basis. Under the province's Expropriations Act s. 5(1)(a), the council of the municipality is legally authorized to expropriate land for municipal purposes and I can think of no better way to increase supportive housing and reduce chronic homelessness, short of petitioning the province to increase welfare and disability-support payment rates and to tie further increases to the cost of living in a given municipality. The safe and

efficient movement of people can again be had by a continued investment in public transit and the re-direction of 90% of the provincial gasoline tax revenue into public transit and not into road maintenance, roads which are already \$100,000,000 behind in repairs. Increasing public transit supports will lead inexorably to the support, growth, and use of public space.

Responsiveness and transparency can be helped by the clear, safe, and dignified organization of city-run town halls. As the recent town halls on the tiny shelters have demonstrated, it remains important for the city's staff and councillors to talk with and to neighbours about placement and care for all neighbours. Establishing a network of neighbourhood associations which can meaningfully engage both with neighbours and with councillors, sharing information openly and democratically so that those who are most impacted by decisions have the most say over how those decisions happen are ways that such transparency can be had. As trust improves in institutions, as councillors are shown to be reflective of all residents' concerns in a ward, this priority, too, can be met.

I hope that the budget passed by Council with community input, direction, and over-sight is a budget that reflects the lived experiences and concerns of many residents in the city, particularly those who are poorest and have the most deeply-felt and lived concerns of all.

Respectfully,

Joshua Weresch

**Pilon, Janet**

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**Subject:** Letter to Council

From: Joshua Weresch  
Sent: November 20, 2023 3:45 PM  
To: clerk@hamilton.ca  
Subject: Letter to Council

To the mayor and councillors of Hamilton, Ontario's council:

Hope this finds you well. I write as a resident in Ward 8, a life-long resident in Hamilton, with my wife and 4 children. I write as a life-long Christian.

It has come to my attention that Councillors Maureen and Alex Wilson have requested one-time community safety funding for security cameras for Jewish synagogues and the Jewish Family Services in Wards 1 and 13, respectively. I am grateful to hear of their concern for the safety and protection of Jews in Hamilton and I hope that Council will pass these motions with unanimity. I am concerned, however, that the protection of mosques and of Islamic social and cultural institutions was not also offered, hope that community consultations with mosques and cultural institutions were held, and would ask that the mayor or councillors move a motion to extend the same amount of one-time community safety funding to mosques and those religious institutions, funding which the mosques and institutions are, of course, free to accept or reject. The Mountain and downtown mosques, the Islamic schools in the city, their faithful and students are equally at risk and need support, care, and safety, too.

Thank you for your time and attention in these regards. I hope that equal dignity will be supported, unanimously.

Respectfully,

Joshua Weresch



**Pilon, Janet**

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**Subject:** pending passing of bylaw AUTHORIZE CLIMATE CHANGE MITIGATION & ADAPTATION WORK ON PRIVATE RESIDENTIAL PROPERTY

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**From:** barb heemskerk

**Sent:** November 21, 2023 10:19 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca); Ward 1 Office <[ward1@hamilton.ca](mailto:ward1@hamilton.ca)>

**Subject:** pending passing of bylaw AUTHORIZE CLIMATE CHANGE MITIGATION & ADAPTATION WORK ON PRIVATE RESIDENTIAL PROPERTY

As a resident of Ward 1, I strongly **OBJECT** to the passing of this bylaw.

This bylaw seems to only mention the pilot project and I fail to see the reason for it.

If voluntary, why the need for the bylaw.

What happens after the pilot?

Does this give the city the right to enter anyones property?

What if a resident chooses to not comply?

What is the penalty, monetary or otherwise?

What is next that this bylaw will cover? water? livestock? pets?

It is called PRIVATE PROPERTY for a reason.

Allowing this bylaw to pass is a slippery slope. How about the city look at allocating those dollars improving the city streets, assisting with homelessness, drug addiction?

I hope all councillors will vote with a the good of the people in mind and not follow blindly.

DO THE RIGHT THING FOR PEOPLE, NOT TO FURTHER YOUR AGENDA.

*Barb Heemskerk*

**Pilon, Janet**

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**Subject:** Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property

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**From:** Val Perei

**Sent:** November 21, 2023 11:03 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Deadline Nov 21 12noon QnA

Subject:

Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property

Hello and Good day,

I am writting you today as per your Notice sent Nov 2nd 2023 this is my formal submission of questions and concerns regarding the "Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property"

I will try to make this brief as I imagine you have alot of emails to review and reply to. Seeing there is no in person deligations with realtime QnA I look trust and look forward to your follow up with me on my specific questions and concerns.

My main theme to this topic is you cant manage what you don't messure, so on that note here are my questions and conconcerns

1. This Notice indicates it is a pilot please be specific, when does this pilot end? What happens when the pilot is over?
2. The City of Hamilton is still deemed to be in a Climate emergency the people of this City including myself need to know as of Nov 2023 what constitutes a climate emergency for our City please provide details facts and figures to justify continuation of this emergency?

What percentage of climate change is this pilot projects expectation? How much climate change emmisions and improvement is expeexpected or how much gas emmisions reductions is expected from this project?

3. Why is the City using our money to finance lhome owner projects? When has the city become a Bank a financial institution? When have the people of this city agreed to our consilors providing loans?

5. Who's idea was it to make Climate action a priority specifically for the City of Hamilton?

6. Currently Canada uses only 3.5% of the worlds total gas consumption while USA/Russia/china combined use 41% of gas. What percentage is Hamilton of the 3.5% of what canada uses? What if any impact will this have on the Global Climate change? I trust that you have done your research and analysis to the cost savings and value of this project and will be making it public to all your constituents prior to making any decisions.

<https://www.worldometers.info/gas/gas-consumption-by-country/>

[City of Hamilton needs to stop inflating issues and disclose true evidence of our City's personal climate crisis and impacts and start reducing Taxes on the people. It seems our City is by far the cleanest the heavy hitters are the major contributors unless you can prove our citys impact to the global crisis and cost benibenfits this needs to stop.](#)

You can't manage what you don't measure we the people are demanding measurements.

7. Bylaw officers should only have the authority to come on to Public Lands, not private property. This by law is extending rights to bylaw officers which they should not have. Can you guarantee that these powers are specifically limited to ONLY inspections of work in progress by the applicant? Can you guarantee that these powers will not be abused, over step and /or encroach on to other private property owners?

8. Prior to any decision the public including myself, must be informed and provide substantial proof facts figures and evidence that proves moving from Natural Gas to Electricity is better for the environment? And how much improvement will this have on Hamiltons climate emergency?

9. Please provide facts on where City of Hamilton gets their electricity from? How is the city of Hamiltons electricity used by its constituents produced?

9. Will this pilot end the City's if Hamilton Climate emergency?

There are alot more emergencies that are far more urgent here in Hamilton and immediate then Climate change. Stop this exaggeration of the word "emergency" the vision of net zero by 2050 is a vision a goal NOT AN EMERGENCY

10. Had the city factored in the cost benefits for a homeowner / landlord? This seems like a major undertaking for a property. And example Do staff know whats involved in converting a gas boiler system with no duct work to a furnace system? Will you guarantee these costs are not passed on to tenants as a RENT INCREASE ?

Has the city calculated how much and how quickly homeowners will see savings and how many years of those monthly saving will it take for the home owner to pay back the loan?

11. Is this a real solution? Telling people they will "save" money and be efficient at the same time not getting rid of the Carbon tax and the HST on top of the carbon tax nor has the city made any attempt at reducing costs and efficiencies insread the city adds more and more tax burden. So if all these taxes on taxes were reduced people wouldn't be complaining. So you expect a \$20k investment to reduce their future costs and yet take no steps to reduce taxes which is a major part of their costs to begin with.

This project and approach is an optical illusion that the City of Hamilton is helping. Once you provide measurements i have no doubt my point will be made.

Suggesting a home owner invest thousands of dollars to help reduce costs when govts are adding unjustified taxes on top of taxes is absurd and backwards approach this is not helping the citizens

Based on these concerns I request that this bylaw be stopped until everything is throughly investigated and the public have consented

I look forward to your research facts and findings in your rresponse.

Thank you  
Kind regards

Val Perei



# Hamilton

## Public Notice

### Notice of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property

TAKE NOTICE that Hamilton City Council, at its meeting scheduled for 9:30 am on Wednesday, November 22, 2023 will consider a By-Law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program.

This by-law enables Council to authorize the undertaking of Climate Change Mitigation and Adaptation Works on private residential property as local improvements under the Better Homes Hamilton Program, as set out in Schedule "A" to this by-law, for the purpose of raising all or any part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located.

[View a copy of the By-law](#) to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program.

#### Written Notice of Objection

Members of the public who would like to provide written submission are encouraged to do so and will be accepted by email, mail or fax. Please send written submissions by 12 noon on Tuesday, November 21, 2023 to:

Office of the City Clerk  
1st Floor, 71 Main Street West, Hamilton, Ontario L8P 4Y5  
Fax [905-546-2095](tel:905-546-2095)  
Email [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

Dated this the 3rd day of November, 2023.

Janet Pilon  
Acting City Clerk  
Hamilton, Ontario

[Read the full Public Notice](#)

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**Pilon, Janet**

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**Subject:** Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property

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**From:** Clement Feierabend

**Sent:** November 21, 2023 11:59 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property

Ms. Janet Pilon  
Acting City Clerk  
Hamilton, Ontario

Dear Ms. Pilon:

I am writing in response to the Notice that you published on November 3, 2023 announcing the proposed by-law to authorize climate change mitigation and adaptation work on private residential property. I would be grateful if you would share the comments/questions that follow with City Councillors to include in their discussion as they consider the proposed by-law.

I understand that it is proposed that initially, a pilot involving 50 homeowners will be launched under the by-law. Each of these homeowners will be provided with an interest-free loan of up to \$20,000 to finance improvements intended to make their home more energy-efficient, and therefore presumably reduce their carbon footprint. Is there an end date for this pilot? Does the pilot involve any followup investigation, after the improvements to the particular property have been completed, to estimate the benefit achieved as a result of the pilot? If yes, what is the duration of the followup period? I assume that a report on the pilot will be presented to Council and made public following conclusion of the followup period.

I understand that Canada accounts for approximately 3.5% of the world's consumption of natural gas. Has Council been provided with an estimate of Hamilton's share of Canada's consumption? Has there been any analysis to estimate the reduction in Hamilton's share of natural gas consumption as a result of running this pilot? Assuming yes, has there been any analysis to determine what impact this reduction due to the pilot will have on climate change overall? Furthermore, has there been any analysis to determine if the estimated benefit of running this pilot justifies its cost (both real cost as well as opportunity cost, since the \$1 million to be loaned to these 50 homeowners will not be available to finance other City responsibilities, such as maintaining infrastructure, etc.)?

My hope is that only if Councillors are provided with the analyses referenced in each question, will they be able to make an informed decision, based on something more than just "feelings" or rhetoric that has been widely promoted, whether to support this by-law. Without these analyses, in my view, at the very least, the by-law should be put on hold until Councillors are provided with the analyses. Thank you in advance for sharing these comments/questions with City Councillors in advance of the meeting tomorrow.

Clement

Clement Feierabend, CPA  
Clement Feierabend Professional Corporation

1104 Fennell Avenue East, Suite 222  
Hamilton ON L8T 1R9

Phone: (905) 385-3254 1-800-420-6801

Fax: (905) 574-1383 1-800-420-6638

E-mail: [clement@cfca.ca](mailto:clement@cfca.ca)

Dear Members of City Council,

**Re: Support for Zero Carbon Development and Green Building Standards**

We are writing on behalf of the Bay Area Climate Change Council (BACCC), a collective of organizations in the Hamilton-Burlington Bay Area committed to achieving a thriving and resilient net-zero Bay Area by 2050. Members of the Council and our implementation teams span the two cities and represent organizations in the non-profit, public, and private sectors, and include citizen and Indigenous representatives.

Greenhouse gas emissions from heating, cooling, and powering buildings in the City of Hamilton account for nearly 18% of our region's carbon pollution. A low carbon future for the Bay Area requires transitioning our existing buildings off of fossil fuels and undertaking deep energy retrofits on a massive scale. At the same time, we must build new buildings to achieve low emissions and high energy efficiency, ultimately ensuring net zero new developments – thereby avoiding costly retrofits in the immediate future.

**Given the urgency and extent of the climate crisis, the City of Hamilton needs mandatory building development and performance standards aligned with the City of Hamilton's goal of net-zero by 2050.** Building development and performance standards are policy tools taking root in municipalities across Canada,<sup>1</sup> and municipalities have the legal authority to implement them.<sup>2</sup> The City of Toronto, for example, has implemented tiered Green Standards that set minimum energy and emissions requirements for new developments, alongside financial incentives for the voluntary adoption of more ambitious energy efficiency and emissions limits. Ultimately, through its tiered system, the City of Toronto plans that all buildings constructed on or after 2030 will be at or near net zero.<sup>3</sup> As with any policy development, we must ensure that new standards do not inadvertently create new or perpetuate existing inequalities within our communities; community consultation will be an important component of our policy development to ensure that future building development standards are fair and equitable.

The City of Hamilton has an opportunity to become a leader in green development, joining the growing momentum toward net zero development across North America. Our city already has many examples of new buildings achieving a passive or net zero standard, such as the Putnam Family YWCA (which received the [Passive House Building Certification](#)) and the Joyce Centre

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<sup>1</sup> The Atmospheric Fund, *Building Performance Standards Primer* (2023)

[https://taf.ca/custom/uploads/2023/10/TAF-BPS-Primer\\_202310.pdf](https://taf.ca/custom/uploads/2023/10/TAF-BPS-Primer_202310.pdf)

<sup>2</sup> Canadian Environmental Law Association, *Recommendations for Municipalities: Mandatory Building Performance Standards* (2023),

[https://taf.ca/custom/uploads/2023/09/CELA-TAF-Legal-Review-MBPS\\_2023.pdf](https://taf.ca/custom/uploads/2023/09/CELA-TAF-Legal-Review-MBPS_2023.pdf)

<sup>3</sup> City of Toronto, *Toronto Green Standard* (n.d.),

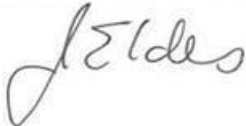
<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>



for Partnership and Innovation (which achieved the premiere [Zero Carbon Building](#) certification).<sup>4</sup> Now is the time to build on these successes.

We believe that building development standards aligned with the City of Hamilton's net-zero targets are an important and promising tool for achieving our shared climate goals. BACCC is prepared to support the development of these standards, and we are looking forward to continuing this discussion in the near future.

Sincerely,



**Jesse Elders**  
**Manager, Bay Area Climate Change Council**  
[jesse.elders@mohawkcollege.ca](mailto:jesse.elders@mohawkcollege.ca)  
437-290-4825



**Richard Koroscil**  
**Chair, Bay Area Climate Change Council**  
[rk@korlon.ca](mailto:rk@korlon.ca)  
905-531-1900

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<sup>4</sup> Clean Air Partnership, *Towards Low Carbon Communities: Creating Municipal Green Development Standards* (2023),  
<https://www.cleanairpartnership.org/wp-content/uploads/2023/03/Final-CAP-Towards-Low-Carbon-Communities-2023-Update.pdf>

November 20, 2023

**By E-Mail Only** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

Mayor and Members of Council  
City of Hamilton  
Hamilton City Hall  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

**Attention: City Clerk**

Dear Madam Mayor and Members of Council:

**Re: Agenda Item 6.4 - Planning Committee Meeting (Item 11) – Province  
Winding Back Changes on Official Plans and Official Plan Amendments  
(PED23252) (City Wide)**

We are writing further to the correspondence sent to Planning Committee by our co-counsel, Ms. Denise Baker, in relation to the above mentioned matter, on behalf of our clients, Carmen Chiaravalle, 1694408 Ontario Inc., Demik Brothers Hamilton Ltd., John Edward Demik, Peter Demik and the estate of Elaine Vyn, collectively, the “Twenty Road East Landowners Group”). A copy of Ms. Baker’s correspondence is enclosed for your information.

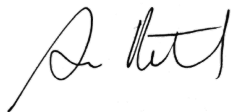
The Planning Committee’s recommendation that Council reconfirm its position on Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34, as adopted by Council on June 8, 2022 would result in the adoption of Official Plans which do not conform to the Growth Plan, nor are they consistent with the Provincial Policy Statement. The Planning Act is clear that any Official plan adopted or approved must conform to the Growth Plan and must be consistent with the Provincial Policy Statement.

As noted in Ms. Baker’s correspondence, prior to council’s adoption of the Official Plan on June 8, 2023, staff were very clear that the City’s ability to achieve the housing it requires in order to conform to the provincial policy under a “no urban boundary expansion” was based on unreasonable and unachievable intensification and densification targets. Because it was obvious that the City would never meet its targets under this scenario and thus has a shortfall of needed housing, planning staff was clear that the ambitious density scenario permitting an urban boundary which would include the Twenty Road East, Twenty Road West and Elfrida lands was the right option for adoption

by Council. All of these lands are in the Whitebelt. This option meets the right balance to ensure that needed housing could be provided, while continuing to promote ambitious intensification within the built boundary, together with ambitious density targets, to minimize the extent of expansion land needed to meet the City's housing requirements.

In light of the forgoing, should Council proceed with a "no urban boundary expansion" option, an assessment of its conformity with provincial policy must be undertaken. We therefore request that Planning Committee's recommendations be amended to include a request to the Province to refer OPA 167 and OPA 34 to the Ontario Land Tribunal for a full assessment.

Yours sincerely,  
**DAVIES HOWE LLP**



Susan Rosenthal  
Professional Corporation

SR:SR  
encl.:

copy: Clients  
Maria Gatzios, Gatzios Planning  
Denise Baker, Weir Foulds

## 5.20 (b)

November 10, 2023

Lisa Kelsey  
Legislative Coordinator  
Planning Committee City of Hamilton  
Hamilton City Hall  
71 Main Street West  
Hamilton, ON  
L8P 4Y5

**Denise Baker**  
Managing Partner  
T: 416-947-5090  
dbaker@weirfoulds.com

File No. 16056.00001

Dear: Ms. Kelsey

**Re: Agenda Item 11.3 - Province Winding Back Changes on Official Plans and Official Plan Amendments (PED23252) (City Wide)**

We, together with Davies Howe, are the solicitors for, Carmen Chiaravalle, 1694408 Ontario Inc., Demik Brothers Hamilton Ltd., John Edward Demik, Peter Demik and Elaine Vyn (collectively, the “Twenty Road East Landowners Group”), being owners of lands in the south area of the City of Hamilton centered around the intersection of Twenty Road and Miles Road.

We are writing to request that Council advise the Province that it would like to proceed with the “Ambitious Density” scenario that was recommended by the City’s own planning staff on March 29, 2021 in PED17010(i) and on November 9, 2021 in report PED17010(n) with respect to an expansion of the City’s urban boundary.

As Council will recall, the ambition density scenario was based on an average intensification target of 60% and a density in new urban expansion areas of 77 person and jobs per hectare, resulting in a urban boundary expansion of 1340 ha to the 2051 planning horizon.

The staff recommendation was based on detailed planning and land economics work by professionals which are either employed by the City or were retained by the City to undertake this detailed planning work. More specifically the Land Needs Assessment (“LNA”) work that was undertaken on behalf of the City was also Peer Reviewed by the City, and the peer review found that the approach and methodology utilized in the City’s LNA and Market Demand Study was an appropriate application of the Growth Plan and the Provinces LNA Methodology.

It is of note that the LNA work that was completed for the City indicated that a “no urban boundary expansion option” would require an intensification rate exceeding 80% for the period from 2021-2051. Currently the City experiences an approximately 40% intensification rate. As such, the City will be required to accommodate more than twice as much intensification within the existing

neighbourhoods as is currently being experienced by existing residents. Moreover, the City's own work identified that the "no urban boundary expansion option" would not meet the required need to provide market-based housing under the LNA methodology which requires the City to plan for the full range of market needs.

The work that was completed by the City indicated that the "no urban boundary expansion option" would produce a shortfall of approximately 59,000 units. It is not new information to this Council that the Province, and in fact much of the country, is experiencing a housing crisis. This is a significant issue for all levels of government and requires the involvement of all levels of government to do their part to address this housing crisis.

We therefore respectfully request that the City follow the recommendations of its own staff and consultants and approve the staff recommended urban boundary expansion of 1340 ha, and to direct that those 1340ha to be deployed in the areas of Twenty Road East, Twenty Road West and Elfrida.

Yours truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "DBaker", written in a cursive style.

Denise Baker

DB/fa

15 Bold Street  
Hamilton Ontario Canada L8P 1T3  
Receptionist 905 529 3476 (905 LAW-FIRM)  
nsmith@tmalaw.ca

VIA EMAIL

November 21, 2023

Mayor and Members of Council  
Hamilton City Hall  
71 Main Street West  
Hamilton ON L8P 4Y5

Attention: City Clerk

Council Meeting  
November 22, 2023

Planning and Development Committee Report

PROVINCIAL ANNOUNCEMENT IMPACTING PROVINCIAL DECISIONS ON MUNICIPAL OFFICIAL PLANS AND  
OFFICIAL PLAN AMENDMENTS

### THE ELFRIDA LANDS

---

I write on behalf of the Elfrida Community Builders Group (“**Elfrida Group**”). The Elfrida Group are local residents, businesspeople, and homebuilders. They are long-standing members of the Hamilton community. In fact, as a group, they have constructed a significant portion of Hamilton’s existing housing. The Elfrida Group owns land in Hamilton’s Elfrida area (“**Elfrida Lands**”).

I spoke at the Planning and Development Committee (“**Committee**”) meeting on November 14, 2023. I submitted a letter, attached here for ease of reference. I asked the Committee to:

1. Support the Expansion Lands remaining within the City’s urban boundary as reflected in the Minister’s 2022 Approval; and
2. In the alternative, support the Ambitious Density Scenario and the Ambitious Density Lands (the Elfrida Lands, the Twenty Road East area (“**TRE**”) and the Twenty Road West area (“**TRW**”)) remaining within the City’s urban boundary.

The Committee declined my request. Instead, it resolved to support Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34 as adopted by Council on June 8, 2022 (“**No Urban Boundary Expansion**”).

NANCY SMITH PROFESSIONAL CORPORATION  
TURKSTRA MAZZA ASSOCIATES, LAWYERS

I write again, Mme. Mayor and Members of Council, to ask you to reject the Committee's recommendation. The consequences to the City and the Province if you accept it are serious. Your decision will impact the City of Hamilton's housing supply for generations to come. Now, in the midst of a provincial housing crisis, it is not the time to reject the non-partisan professional views of your Chief Planner, your retained consultants, your peer reviewers and Ministry staff, for a No Urban Boundary Expansion approach that is not supported by any technical analysis and does not conform to the Growth Plan and Provincial Policy Statement.

Council should advise the Minister that it:

1. Supports the Expansion Lands remaining within the City's urban boundary as reflected in the Minister's 2022 Approval;
2. In the alternative, supports the Ambitious Density Scenario and the Ambitious Density Lands remaining within the City's urban boundary; and
3. In the further alternative, supports the Minister referring the determination of an appropriate and evidence-based urban boundary expansion for Hamilton to the Ontario Land Tribunal ("**OLT**").

Attached to this letter please find:

1. Map;
2. Letter from Turkstra Mazza dated November 13, 2023; and
3. Planning Memo dated November 20, 2023 prepared by Bousfields Inc. entitled Growth Strategy Must Align with Provincial Legislation ("**Planning Memo**").

## **DECADES LONG PLANNING FOR GROWTH IN HAMILTON**

### GRIDS – Planning to 2031

In 2006, City Council endorsed the first Growth Related Integrated Development Strategy ("GRIDS"). It concluded that an urban boundary expansion was required to accommodate population and employment growth targets to 2031. The Elfrida Lands were identified as the preferred growth area. GRIDS was implemented in the City's official plans, master plans (stormwater, transportation, water and wastewater) development charges by-law.

### GRIDS (2) – Planning to 2051

In 2017, to respond to provincial directives in the Growth Plan (2019), Amendment 1 to the Growth Plan (2020) and the Land Needs Methodology (2020), the City initiated GRIDS (2). Non-partisan City staff, City retained consultants and peer reviewers considered four (4) growth strategies, all requiring urban boundary expansion:

1. Current Trends: a growth forecast based on a 40 % minimum intensification target and a 3,440 ha boundary expansion
2. Growth Plan Minimum: a growth forecast based on a 50 % minimum intensification target (Growth Plan minimum) and a 2,200 ha boundary expansion
3. Increased Targets: a growth forecast based on a 50 % minimum intensification target (1<sup>st</sup> 10 years), 55 % (2<sup>nd</sup> 10 years) and 60 % (final 10 years) and a 1,640 ha boundary expansion
4. Ambitious Density: a growth forecast based on a 50 % minimum intensification target (1<sup>st</sup> 10 years), 60 % (2<sup>nd</sup> 10 years) and 70% (final 10 years) and a 1,340 ha boundary expansion

All options studied require additional land to meet growth needs as required by the Province. The City's Chief Planner recommended the Ambitious Density Scenario. It represents the growth option with the least amount of boundary expansion lands required.

### **MINISTER'S 2022 APPROVAL ALIGNS WITH PROVINCIAL LEGISLATION**

The Minister's 2022 Approval aligns with provincial legislation. It is the culmination of the decades long transparent, public planning process led by non-partisan Hamilton staff and supported by non-partisan Ministry staff.

The Minister's 2022 Approval adopts the Growth Plan Minimum growth strategy. While requiring more boundary expansion lands than the Ambitious Density scenario, his decision recognizes that Hamilton has historically fallen short of meeting its Growth Plan targets as required by the Province.



## **CHIEF PLANNER'S AMBITIOUS DENSITY SCENARIO ALIGNS WITH PROVINCIAL LEGISLATION**

City staff and City consultants advised Council, repeatedly, that the Ambitious Density Scenario aligns with Provincial Legislation:

The Ambitious Density scenario represents an aggressive and forward-thinking approach to growth management. [It] represents an achievable, albeit challenging, growth management objective. [It] conforms to the Provincial Growth Plan and the Provincial Land Needs Methodology.

Ministry staff agree:

[We] wish to acknowledge the strong growth management principles that underpin the City's Ambitious Density scenario. The Ambitious Density scenario appears to balance the market-demand for different housing types while also implementing an intensification target (60 %) and a designated greenfield area density target (77 [RJHA] which exceeds the targets set out in... A Place to Grow.

## **CITY'S NO URBAN BOUNDARY EXPANSION DOES NOT ALIGN WITH PROVINCIAL LEGISLATION**

The City's No Urban Boundary Expansion is based on the following assumptions:

- Density of 60 residents and jobs/ha ("**RJHA**") for certain areas and 150 RJHA, 200 RJHA and 500 RJHA for others
- 80 % minimum intensification target

The approach was fueled by the results of a survey of Hamilton residents conducted in the spring of 2021. Council deferred approval of the draft Land Needs Assessment ("**LNA**") and Chief Planner recommended Ambitious Density Scenario. Rather, Council directed staff to undertake a mail-out survey to all households and to include an additional no urban boundary expansion option.

The City's No Urban Boundary Expansion approach is not a growth strategy as required by the Province. There is no research to support its feasibility in Hamilton. Required existing infrastructure upgrades have not been examined nor their costs quantified. Its assumptions are unrealistic and not achievable:

Planning to achieve a density of 60 RJHA is a challenge and an optimistic view of the future (LNA)

The 80 % minimum intensification target is higher than the target recommended by the City's Chief Planner in the Ambitious Density Scenario. It is unrealistic. The City of Hamilton's average intensification rate achieved between 2008 and 2019 was 35%. It never exceeded 50 % in any year. (LNA)

City staff and City consultants advised Council, repeatedly, that the City's No Urban Boundary Expansion does not align with Provincial Legislation:

It is staff's opinion that achieving the intensification levels as required under the no UBE scenario...are not realistic considering the conclusions of the Residential Intensification market Demand report and recent intensification trends.

[A No Boundary Expansion] Option does not conform to the Province's Land Needs Methodology and is unlikely to produce an outcome where the City is able to achieve its growth forecast allocated under the Growth Plan.

Ministry staff agree:

Based on our review..., it appears that the No Urban Boundary Expansion scenario posed a risk that the City would not conform with Provincial requirements.

### **PUBLIC INFRASTRUCTURE INVESTMENTS**

Since 2006, the City has allocated and invested significant public funds to implement its Elfrida Lands growth strategy, including:

- \$1 Million + for Subwatershed Study;
- Growth Area Study (Phase I and 2 complete) including multiple studies, a secondary plan and significant public consultation;
- \$84.2 Million budgeted for the Upper Centennial Parkway Sanitary Trunk Sewer under construction;
- \$31.2 budgeted for the Dickenson Trunk Sanitary Sewer;
- Overall \$229 Million allocated towards various infrastructure projects; and
- Staff time and municipal resources.

The City's 10-year Capital Budget and Development Charges program has committed to fund growth on the Elfrida Lands including the on-going collection of development charges since 2019.

If, at a minimum, the Ambitious Density Lands are not carved out of the urban boundary decision-making reset, these significant public investments will be lost.

## **REALISTIC RESPONSE REQUIRED**

A realistic response to meet housing targets and deliver more affordable housing to people and families in Hamilton is required to address the serious need to get more homes built quickly in Hamilton. A June 2021 research paper by Smart Prosperity Institute addressed Hamilton's housing supply shortage as follows:

Our rough estimate is that Hamilton CMA saw 13,000-15,000 people, on net, leave the community between 2015 and 2020 due to a lack of housing. This exodus, primarily of young families, represents a multi-million-dollar loss of annual municipal revenue and economic activity.

In its July 12, 2021 Technical Update memorandum to the City, Lorus and Associates, the City's Land Needs consultant, commented:

In our view, the No Urban Boundary Expansion scenario would likely have the effect of redirecting growth away from the City of Hamilton which is not in accordance with the *Growth Plan* and is not considered to be good planning. The City of Hamilton is very well-suited to accommodate growth because of its urban structure, strategic location and well-developed multi-modal transportation connections within the broader metropolitan region.

The Committee recommendation supports a growth management strategy that has not been studied. For the many that have studied growth management in Hamilton, it is unrealistic. A No Urban Boundary Expansion approach will not result in more affordable housing to people and families in Hamilton.

## **CITY LEADERSHIP REQUIRED**

City leadership is deciding now what is the best for Hamilton. I have seen no evidence in this case, from 2006 to present, to support the No Urban Boundary Expansion approach. To the contrary, all evidence (City staff, City consultants, peer reviewers, Ministry staff, Bousfields) supports either the Minister's 2022 Approval or the Ambitious Density Scenario. The midst of a Provincial and City housing crisis is not the time to ignore your Chief Planner and your consultants. You should accept their advice and the results of your Municipal Comprehensive Review process: urban boundary expansion is required in addition to, not as a substitute for, ambitious intensification within your downtown and built-up areas.

On behalf of the Elfrida Group, I request that you reject the Committee recommendation. Reject the No Urban Boundary Expansion approach and support the Minister's 2022 Approval. In the alternative, support the Ambitious Density Scenario and the retention of the Elfrida Lands, TRE and TRW in the urban boundary. Both outcomes are the result of a lengthy, transparent, public planning process led by non-partisan Hamilton staff and supported by non-partisan Ministry staff.

NANCY SMITH PROFESSIONAL CORPORATION  
TURKSTRA MAZZA ASSOCIATES, LAWYERS

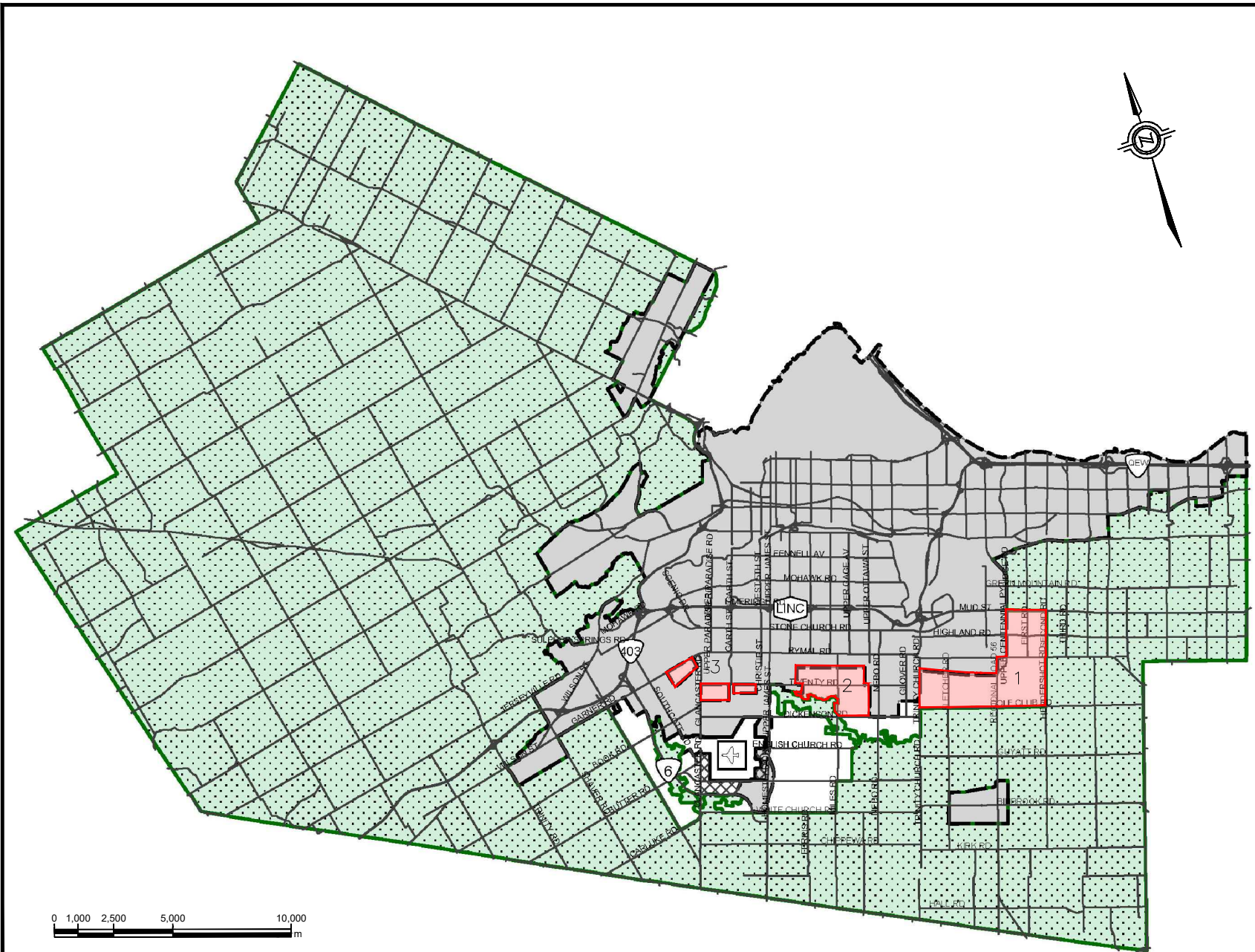
**The consequences are serious. If the No Urban Boundary Expansion scenario is implemented, your Official Plan will not align with Provincial Legislation, you will not contribute meaningfully to the Minister's goal of building homes and the exodus of young families leaving Hamilton for housing in neighbouring communities will continue. At a bare minimum, if you continue to reject our requests, you should advise the Minister that you support a referral to the OLT to determine an evidence-based urban boundary expansion that appropriately addresses Hamilton's housing crisis.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy Smith', written in a cursive style.

Nancy Smith

cc: Minister of Municipal Affairs and Housing



- LEGEND:**
- Greenbelt
  - Existing Urban Boundary
  - Ambitious Density Lands

	Gross Area (+/-ha)	Net Area (+/-ha)
1 Elfrida	1,200.0	930.0
2 Twenty Road East (TRE)	440.0	275.0
3 Twenty Road West (TRW)	175.0	125.0
<b>Total</b>	<b>1915.0</b>	<b>1330.0</b>

15 Bold Street  
Hamilton Ontario Canada L8P 1T3  
Receptionist 905 529 3476 (905 LAW-FIRM)  
nsmith@tmalaw.ca

VIA EMAIL

November 13, 2023

Mayor and Members of Council  
Hamilton City Hall  
71 Main Street West  
Hamilton ON L8P 4Y5

Attention: City Clerk

**RE: Planning and Development Committee Meeting  
November 14, 2023  
Agenda Item 11.3  
THE ELFRIDA LANDS**

I write on behalf of the Elfrida Community Builders Group (“**Elfrida Group**”). The Elfrida Group are local residents, businesspeople, and homebuilders. They are long-standing members of the Hamilton community. In fact, as a group, they have constructed a significant portion of Hamilton’s existing housing. The Elfrida Group owns land in Hamilton’s Elfrida area (“**Elfrida Lands**”).

### **URBAN BOUNDARY EXPANSION**

Between November 2021 and March 2022, through a series of comprehensive planning reports, the City’s Chief Planner recommended that Hamilton expand its urban boundary. After carefully considering a number of growth management scenarios, he recommended the Ambitious Density Scenario. The Ambitious Density Scenario requires a rate of intensification significantly greater than current trends. It also expands the urban boundary to include the Elfrida Lands, and areas known as Twenty Road East (“**TRE**”), Twenty Road West (“**TRW**”) (collectively, “**Ambitious Density Lands**”).

Despite the Chief Planner’s recommendation, City Council approved a no urban boundary expansion scenario (“**No UBE**”). In response, in November 2022, the Minister of Municipal Affairs and Housing (“**Minister**”) approved an urban boundary expansion (“**Minister’s 2022 Approval**”) that includes the Ambitious Density Lands and Whitechurch Lands (collectively, the “**Expansion Lands**”).

## THE ELFRIDA LANDS

In 2006, almost 20 years ago, the City of Hamilton (“City”) identified the Elfrida Lands as the City’s preferred growth area for needed housing. The Elfrida Lands are contiguous to Hamilton’s built-up area, are along a planned higher-order transit corridor, are not in the Greenbelt and do not contain any significant environmental features. They are ideally located and suited to help the City meet its housing needs, while making housing more affordable for people in Hamilton.

Since the Minister’s 2022 Approval, the City adopted OPA 185 to implement the urban expansion areas and secondary planning policy framework. As required by OPA 185, the Elfrida Group has been collaborating with City staff to advance the secondary planning for the area. The City is our partner.

The Elfrida Group has been meeting regularly with City staff for the last 12 months. We agreed to hire top consultants while leaving the City in control of process, including public engagement. We have been updating the extensive studies required by the secondary planning process, many started years ago and paid for by the City. The Elfrida Group is on the verge of submitting the secondary plan *Planning Act* application. This application is one of the last steps in the decades long City-led process to deliver housing on the Elfrida Lands.

[See Appendix 1 – 2006-Present: Elfrida Lands Needed for Housing]

## A PLAN FOR IMPROVING HOUSING AFFORDABILITY IN HAMILTON

On October 23, 2023, the Minister announced his decision to reverse changes to urban boundaries due to province-wide process concerns. In response to the Minister’s request for the City’s position on its urban boundary, the Elfrida Group requests that the City advise the Province that:

1. The City supports the Expansion Lands remaining within City’s urban boundary as reflected in the Minister’s 2002 Approval; or
2. In the alternative, the City supports the Ambitious Density Scenario and the Ambitious Density Lands remaining within the City’s urban boundary.

## ALIGNS WITH LEGISLATION AND REGULATIONS

The Minister’s 2022 Approval conformed to the Growth Plan. It was premised on applying Growth Plan minimum density and intensification targets. The Minister added more land to the urban boundary than the Ambitious Density Lands recommended by City’s Chief Planner. This decision recognizes that Hamilton has historically fallen short of meeting its Growth Plan targets.

At a minimum, carving out the Ambitious Density Lands from any wind back of Hamilton's urban boundary expansion is required to align with legislation and regulations. The November 2021 Land Needs Assessment ("LNA"), prepared by the City's land needs consultant (Lorius and Associates), supported by the City's Chief Planner and peer-reviewed by Watson and Associates Economists Ltd., concluded that an urban boundary expansion of approximately 1300 ha was needed to accommodate growth to 2051 as part of the Ambitious Density Scenario. Both the Chief Planner and land needs consultant also concluded that this 1300 ha urban boundary expansion was needed in addition to, not as a substitute for the significant intensification targets recommended.

In short, carving out the Ambitious Density Lands is required to align with the with the Growth Plan. Conversely, the City's No UBE decision does not align with the Growth Plan, nor does it represent good planning. The LNA states at page 20:

As discussed at the December 2020 and March 2021 GIC meetings, the NUBE scenario [no urban boundary expansion] was not modelled in the LNA because it did not meet Provincial planning policy requirements and was not considered to be good planning. We remain of this view for the reasons summarized below...

Including the Ambitious Density Lands in the urban boundary is required to align with legislation and regulations.

### **CITY STAFF SUPPORT**

City Staff say:

The Ambitious Density option represents an aggressive and forward-thinking approach to growth management, provides reasonable and achievable targets for planning purposes, and is in conformity with Provincial requirements.

It is staff's opinion that achieving the intensification levels as required under the No UBE scenario... are not realistic.

### **MINISTRY STAFF SUPPORT**

Ministry staff say:

[We] wish to acknowledge the strong growth management principles that underpin the City's *Ambitious Density* scenario. The *Ambitious Density* scenario appears to balance market-demand for different housing types while also implementing an intensification target (60%) and a designated greenfield area density target (77 [rjha]) which exceeds the targets set out in... A Place to Grow. Based on [our] review..., it appears that the *No Urban Boundary Expansion* scenario poses a risk that the City would not conform with Provincial requirements.



### **SIGNIFICANT PUBLIC INVESTMENTS**

Since 2006, the City has allocated and invested significant public funds to implement its Elfrida Lands growth strategy, including:

- \$1 Million + for Subwatershed Study;
- Growth Area Study (Phase I and 2 complete) including multiple studies, a secondary plan and significant public consultation;
- \$84.2 Million budgeted for the Upper Centennial Parkway Sanitary Trunk Sewer under construction;
- \$31.2 budgeted for the Dickenson Trunk Sanitary Sewer;
- Overall \$229 Million allocated towards various infrastructure projects; and
- Staff time and municipal resources.

The City's 10-year Capital Budget and Development Charges program has committed to fund growth on the Elfrida Lands including the on-going collection of development charges since 2019.

If, at a minimum, the Ambitious Density Lands are not carved out of the urban boundary decision-making reset, these significant public investments will be lost.

### **REALISTIC RESPONSE REQUIRED**

A realistic response to meet housing targets and deliver more affordable housing to people and families in Hamilton is required to address the serious need to get more homes built quickly in Hamilton. A June 2021 research paper by Smart Prosperity Institute addressed Hamilton's housing supply shortage as follows:

Our rough estimate is that Hamilton CMA saw 13,000-15,000 people, on net, leave the community between 2015 and 2020 due to a lack of housing. This exodus, primarily of young families, represents a multi-million-dollar loss of annual municipal revenue and economic activity.

In its July 12, 2021 Technical Update memorandum to the City, Lorus and Associates commented:

In our view, the No Urban Boundary Expansion scenario would likely have the effect of redirecting growth away from the City of Hamilton which is not in accordance with the *Growth Plan* and is not considered to be good planning. The City of Hamilton is very well-suited to accommodate growth because of its urban structure, strategic location and well-developed multi-modal transportation connections within the broader metropolitan region.

Keeping the Expansion Lands or, at a minimum, the Ambitious Density Lands in the urban boundary is required as part of a realistic response to meet housing targets to address the serious need to deliver housing in Hamilton.

### **MAINTAIN THE COURSE AND FOLLOW STAFF ADVICE**

We request that the City maintain the course it started back in 2006 when it identified and since invested in the Elfrida Lands to accommodate growth. The Ambitious Density Lands should remain in the urban boundary so that the Elfrida Lands secondary planning process can be completed to lay the groundwork for building a smart, well-planned, complete community to serve Hamilton.

The Elfrida Lands secondary planning process is the culmination of a lengthy, transparent, public planning process led by non-partisan Hamilton staff and supported by non-partisan Ministry staff. If it is not carved out of the reset, the Elfrida Group's contribution to achieving the Minister's goal of building homes will be lost, the City's Official Plan will not be in conformity with the Growth Plan, will not represent good planning and thus will not align with Provincial legislation. The exodus of young families leaving Hamilton for housing in neighbouring communities will continue.

City leadership is needed. The Elfrida Group requests that the City advise the Province that it supports the Expansion Lands remaining in the City's urban boundary as reflected in the Minister's 2002 Approval. In the alternative, we request that the City advise the Province that it supports the Ambitious Density Scenario and the Ambitious Density Lands remaining within the City's urban boundary.

Sincerely,



Nancy Smith

cc: Minister of Municipal Affairs and Housing

## **APPENDIX 1**

### **2006-Present: Elfrida Lands Needed for Housing**

1. September 27, 2006: City Council identified the Elfrida Lands as the City's preferred growth area for needed housing. Elfrida Study Area included in the Official Plan.
2. July 9, 2009: City Council adopts Official Plan with the Elfrida Lands identified as the City's preferred growth area for needed housing.
3. December 2013: City Council approved \$500,000 to initiate studies for the Elfrida Urban Boundary Expansion.
4. February 19, 2014: City Council approved a Capital Budget submission adding an additional \$500,000.
5. 2016: City Council initiated the Elfrida Growth Area Study.
6. June 21, 2017: Community Focus Group Meeting.
7. June 22, 2017: Two Workshops.
8. June 22, 2017: Open House.
9. November 21, 2017: Community Focus Group Meeting.
10. December 6, 2017: Public Information Centre.
11. May 30, 2018: Community Focus Group Meeting.
12. June 12, 2018: Public Information Centre.
13. September – November 2018: Pop up events and alternative consultation events.
14. 2020: GRIDS 2 Land Needs Assessment reconfirms the need for the Elfrida Lands to accommodate growth to 2051. City Planner recommends Urban Boundary Expansion.
15. 2022: Minister approves Urban Boundary Expansion.
16. 2022: City Council adopts Official Plan to implement secondary planning process for Urban Boundary Expansion.



# BOUSFIELDS INC.

## MEMORANDUM

Project No.: 20135

From: David Falletta, MCIP, RPP  
Emma West, MCIP, RPP

Date: November 20, 2023

**Re: Growth Strategy Must Align With Provincial Legislation  
Modifications Required in Hamilton**

---

On October 23, 2023, the Minister of Municipal Affairs and Housing (the “Minister” or the “Ministry”) announced his intent to introduce legislation that would reverse the Ministry’s changes to several Official Plans including Hamilton’s OPA’s 167 and 34. More specifically, as stated in a letter from the Minister dated November 2, 2023, the proposed legislation would bring into effect the official plans or official plan amendments as adopted by municipal council without provincial modifications, **except for any modifications that are necessary to protect matters of public health and safety, or which are required to align with legislation or regulations** (emphasis added).

We have concerns with this approach with respect to OPA’s 167 and 34 because these official plan amendments that were adopted by Council did not align with the City staff’s recommendations. Further, this Council decision that did not integrate staff’s recommendations does not conform with provincial policies and plans. In our opinion and as concluded by the City’s Municipal Comprehensive Review (the “MCR”), Land Needs Assessment (the “LNA”), including peer review, and City Staff’s analysis, **modifications to OPA’s 167 and 34 as adopted by City Council are necessary to align with and comply with provincial legislation and regulations** (emphasis added). In this regard, staff’s professional opinion was not addressed and more specifically, OPA’s 167 and 34 as adopted by Council do not align with provincial legislation.

For the reasons outlined herein, it is our opinion that the Minister should either:

- 1. maintain the Growth Plan Minimum growth scenario as approved by the Minister in 2022, including the addition of all of the City’s whitebelt lands;**  
**or,**

- 2. further modify Hamilton’s OPAs 167 and 34 to implement Staff’s recommended Ambitious Density growth scenario and only add Elfrida, Twenty Road East (the “TRE”) and Twenty Road West (the “TRW”) to the City’s urban boundary to accommodate growth to 2051.**

In our opinion, one of the two actions above is necessary because the No Urban Boundary Expansion growth scenario reflected in OPA’s 167 and 34 as adopted by Hamilton City Council is inappropriate, is not consistent with and does not conform to provincial policy, and does not represent good planning.

In this regard, the following provides a summary of the applicable policy and regulatory context, analysis of the Council adopted official plan amendments’ conformity with provincial policy and a conclusion including our planning opinion on this matter.

## **1.0 SUMMARY OF PROVINCIAL POLICY & REGULATORY CONTEXT**

The following is a summary of key provincial legislation and policies that apply to OPA’s 167 and 34.

### **1.1 *Provincial Policy Statement, 2020***

The Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) is provincial legislation that applies to OPA’s 167 and 34. It states, in Section 3(5), that a decision of a municipality and a ministry of the government, in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision. In this regard, any decision on OPA’s 167 and 34 are to be consistent with the Provincial Policy Statement (the “PPS”), including the following policies:

Policy 1.1.1(b) of the PPS states that healthy, liveable and safe communities are sustained by, among other elements, accommodating an appropriate affordable and market-based range and mix of housing types and other uses to meet long-term needs.

Section 1.1.3 of the Provincial Policy Statement (“PPS”) provides settlement area policies and the necessity for development and growth to be focused within such areas. This policy provides that land use patterns within settlement areas should support a mix of land uses and densities that efficiently utilize land, resources and infrastructure, promote energy efficiency and support active transportation.

Policy 1.1.3.5 states that planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, **based on local conditions** (*emphasis added*). It continues to state that where provincial plans establish a target, it shall represent the minimum target for affected areas.

Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Provincial policies to permit the expansion of settlement areas are subject to a set of criteria. PPS Policy 1.1.3.8 provides that a planning authority may allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon. In particular, Policy 1.1.3.8 of the PPS states that a planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated, among other criteria, that sufficient opportunities to accommodate growth and **satisfy market demand** (*emphasis added*) are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon.

Policy 1.4.1 of the PPS requires municipalities to provide an appropriate range and mix of housing options and densities required to meet projected growth requirements. Furthermore, this policy states that planning authorities shall always maintain the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development. Planning authorities must also maintain land with servicing capacity to provide at least a three-year supply of residential units.

The above noted policies of the PPS require an appropriate mix of housing types to meet the City's long-term needs; minimum intensification and redevelopment based on local conditions; new development areas, including urban boundary expansion areas to be adjacent to the existing built-up area and be in a compact mixed use form;

settlement area expansions that are needed to accommodate growth and satisfy market demand over the planning horizon; the City is to maintain at all times a minimum of 15 years of residential growth through intensification and redevelopment; and, land with servicing capacity to provide at least a three-year supply of residential units.

## **1.2 Growth Plan for the Greater Golden Horseshoe, 2019, as amended**

The Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the “Growth Plan”) was prepared and approved under the Places to Grow Act, 2005 and requires, in subsection 12(1), the council of a municipality that has jurisdiction in an area to which a growth plan applies to amend its official plan to conform with the growth plan. Accordingly, any decision on OPA’s 167 and 34 are to conform with the Growth Plan, including the following policies:

Policy 2.2.1.5 states that the Minister will establish a methodology for assessing land needs to implement this Plan, including relevant assumptions and other direction as required. This methodology will be used by upper- and single-tier municipalities to assess the quantity of land required to accommodate forecasted growth to the horizon of this Plan.

Policy 2.2.2.1 states that by the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is a minimum of 50 per cent of all residential development occurring annually within the City of Hamilton will be within the delineated built-up area.

Policy 2.2.2.4 states that Councils of upper- and single-tier municipalities may request an alternative to the target established in policy 2.2.2.1 where it is demonstrated that this target cannot be achieved and that the alternative target will be appropriate given the size, location and capacity of the delineated built-up area.

Policy 2.2.2.5 states that the Minister may permit an alternative to the target established in policy 2.2.2.1. If council does not make a request or the Minister does not permit an alternative target, the target established in policy 2.2.2.1 will apply.

Policy 2.2.7.1 states that new development taking place in designated greenfield areas (the “DGA”) will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services.

Policy 2.2.7.2 states that the minimum density target applicable to the designated greenfield area for the City of Hamilton will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare.

Policy 2.2.7.4 states that Councils of upper- and single-tier municipalities may request an alternative to the target established in policy 2.2.7.2 where it is demonstrated that the target cannot be achieved and that the alternative target will support the diversification of the total range and mix of housing options and the achievement of a more compact built form in designated greenfield areas to the horizon of this Plan in a manner that is appropriate given the characteristics of the municipality and adjacent communities.

Policy 2.2.7.5 states that the Minister may permit an alternative to the target established in policy 2.2.7.2. If council does not make a request or the Minister does not permit an alternative target, the target established in policy 2.2.7.2 will apply.

Growth Plan Policy 2.2.8 provides that municipalities may adjust settlement area boundaries outside of a municipal comprehensive review provided that there would be no net increase in land within the settlement areas, that the adjustment would support the municipalities ability to meet the intensification and density targets, that the location of any lands added to a settlement area will satisfy the requirements of policy 2.2.8.3, the affected settlement areas are not rural settlements or in the Greenbelt Area and the settlement area to which the land would be added is serviced by municipal water and wastewater systems and there is sufficient capacity (2.2.8.4). Further, a settlement area boundary expansion may occur in advance of a municipal comprehensive review if the lands that are added and associated forecasted growth will be accounted for in the land needs assessment in the next municipal comprehensive review and that these additions are limited to 40 hectares of land to be added to the settlement area (2.2.8.5).

In particular, Policy 2.2.8.2 states that a settlement area boundary expansion may only occur through a municipal comprehensive review where it is demonstrated that:

- a) based on the minimum intensification and density targets in this Plan and a land needs assessment undertaken in accordance with policy 2.2.1.5, sufficient opportunities to accommodate forecasted growth to the horizon of



this Plan are not available through intensification and in the designated greenfield area:

- i. within the upper- or single-tier municipality, and
  - ii. within the applicable lower-tier municipality;
- b) the proposed expansion will make available sufficient lands not exceeding the horizon of this Plan, based on the analysis provided for in policy 2.2.8.2 a), while minimizing land consumption; and
- c) the timing of the proposed expansion and the phasing of development within the designated greenfield area will not adversely affect the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan.

The above noted policies of the Growth Plan state that the Minister will establish a methodology for assessing land needs to implement and conform to the Growth Plan. It also requires a minimum 50 percent intensification target for the City; new development in DGA's to be designated zoned and designed in a manner that supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services; and a minimum density target of 50 residents and jobs combined per hectare for DGA's in Hamilton. Furthermore, the Growth Plan states that a settlement area boundary expansion may only occur through a MCR where it is demonstrated through a required LNA that additional land is needed and necessary to accommodate growth to 2051, while minimizing land consumption.

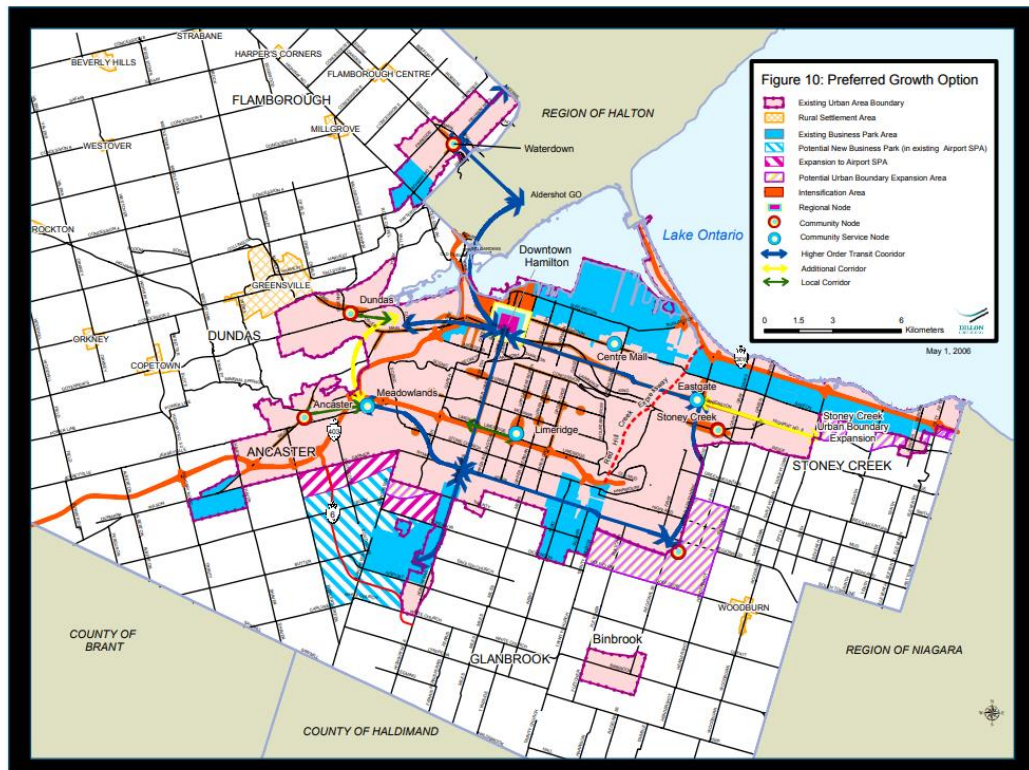
## **2.0 LAND NEEDS EVIDENCE & BACKGROUND**

As is outlined in Section 1.0 of this memorandum, provincial legislation requires the City of Hamilton to analyze how much growth there will be and where it will accommodate this forecasted growth to 2051. The amount and location of growth is to be identified in the Official Plan in accordance with provincial legislation and policy. Provincial policies and plans include requirements for how to evaluate where that growth should be located, including how to balance intensification within the built-up area with new greenfield growth and how to make decisions about expansions to settlement area boundaries.

The following is a summary of how the City has analyzed and reported on how it will accommodate its forecasted growth to 2051, including analysis on consistency and conformity with provincial policy. This section is followed by a summary and analysis regarding how the growth strategy addresses direction on settlement area boundary expansions.

## 2.1 GRIDS – Planning to 2031

In 2006, Hamilton City Council approved the first Growth Related Integrated Development Strategy (the “GRIDS”), which planned for the City’s growth and development to 2031. Among other elements, GRIDS identified a Preferred Growth Option as outlined in Figure 1 below:



**Figure 1 – GRIDS Preferred Growth Option, 2006**

The GRIDS Final Report and Staff Report, including the above noted figure can be found at: <https://www.hamilton.ca/sites/default/files/2022-05/grids-grids-strategy-2006.pdf>

GRIDS also culminated in the creation of the Rural Hamilton Official Plan (the “RHOP”) and the Urban Hamilton Official Plan (the “UHOP”), which were first adopted by City Council in 2006 and 2009, respectively. In this regard, the RHOP implemented the GRIDS Preferred Growth Option by, among other elements, designating Elfrida as “SPA B – Future Urban Growth District”. Similarly, the UHOP identified the Elfrida Area as a future urban growth area including policies that outlined that the Elfrida urban boundary expansion area is to accommodate population and employment growth targets to 2031. The policies and mapping related to the urban boundary expansions in the RHOP and UHOP were appealed and continue to be before the Ontario Land Tribunal (the “OLT”).

In 2006, City Council endorsed GRIDS as its growth management strategy and incorporated its findings through the RHOP, UHOP, stormwater master plan, transportation master plan, water and wastewater masterplan, and the preparation of new development charges by-law.

GRIDS and its supporting studies served as the City’s MCR, which concluded that an urban boundary expansion that included all of Elfrida was required to accommodate the City’s growth projections to 2031.

## **2.2 GRIDS 2 – Planning to 2051**

The City initiated its GRIDS 2 and Municipal Comprehensive Review in 2017, which was informed by, among other elements, the Growth Plan (2019) and Amendment 1 to the Growth Plan (2020) as well as the Land Needs Assessment Methodology (2020). In this regard, the City must plan to achieve the minimum provincial forecast of 820,000 persons and 360,000 jobs by 2051. This is an increase of 236,000 people and 122,000 jobs between 2021 and 2051.

On December 14, 2020, City Staff prepared Report PED17010(h) related to GRIDS 2/MCR and presented the following studies:

- LNA, prepared by Lorus and Associates
- Residential Intensification Market Demand Study, prepared by Lorus and Associates
- Residential Intensification Supply Updated, prepared by City Staff
- Designated Greenfield Area Density Analysis, prepared by City Staff

The staff report and supporting studies can be found here: <https://pub-hamilton.escribemeetings.com/Meeting.aspx?Id=62b56268-2fd4-41dd-86a6-086771a3d99f&Agenda=Merged&lang=English&Item=16&Tab=attachments>

The studies were utilized to confirm the policy and legislative requirements of the PPS and Growth Plan. The LNA was prepared in accordance with the provincial Land Needs Assessment Methodology (2020), as outlined in Section 1.0 of this memorandum. A summary of the LNA and Staff recommendations are provided in the following sections of this memorandum.

### **2.2.1 LNA, Lorius & Associates, December 2020 (the “2020 LNA”)**

Technical background reports were completed to support inputs and assumptions on the 2020 LNA. The 2020 LNA reviewed four (4) growth scenarios to determine how to accommodate the City’s forecasted growth, which included:

- **Current Trends** – a forecasted growth that is based on the current balance of growth, which includes an intensification target of 40 percent over the plan horizon to 2051.
- **Growth Plan Minimum** – a growth forecast that is based on the minimum intensification targets of 50 percent, as established in the Growth Plan, over the entire horizon of the plan to 2051.
- **Increased Target** - the increased target would establish an increasing intensification target of 50% for the first ten years, 55% for the second ten years, and 60% for the final ten years of the plan’s horizon.
- **Ambitious Density** – The ambitious density target would establish an even more increasing intensification target of 50% for the first ten years, 60% for the second ten years, and 70% for the final ten years of the plan’s horizon.

The LNA concluded that all four growth scenarios would require additional community area land to accommodate the City’s growth forecast over the horizon of the plan. The following is a summary of the additional community area land (urban boundary expansion) needed to address the provincial legislative requirements:

- Current Trends – 3,440 ha
- Growth Plan Minimum – 2,200 ha
- Increased Target – 1,640 ha
- Ambitious Density – 1,340 ha

The 2020 LNA was completed in accordance with provincial legislation, namely the Growth Plan and mandated provincial method for completing the analysis.

### **2.2.2 LNA Addendum, Lorius & Associates, March 2021 (the “2021 LNA”)**

City Staff Report PED17010(o) presented the 2021 LNA, which is an addendum to the 2020 LNA. **The 2021 LNA again concluded that additional community area land (urban boundary expansion) is needed to address the provincial legislative requirements.** (emphasis added)

More specifically, the 2021 LNA concluded that the following additional net community area land is required based on the same four growth scenarios:

- Current Trends – 3,440 ha
- Growth Plan Minimum – 2,190 ha
- Increased Target – 1,630 ha
- Ambitious Density – 1,310 ha

The 2021 LNA also cautions that the Increased Target and Ambitious Density scenarios are based on elevated intensification targets and *“from a market perspective, both scenarios may be a challenge to achieve towards the end of the period to 2051 as the supply of greenfield lands become increasingly constrained”*.

In addition to the 2021 LNA, Staff Report PED17010(o) also presented a report entitled “How Should Hamilton Grow? Evaluation of Growth Options”, prepared by Dillon Consulting Limited (the “Appendix A Report”) and attached as Appendix A to Report PED17010(o). The Appendix A Report reviewed two growth options, being the Option 1 - Ambitious Density Scenario, as detailed in the 2020 and 2021 LNA, and Option 2 – No Urban Boundary Expansion, which reflects an approach to growth management that takes a firm stance on maintaining the existing urban boundary.

The Appendix A Report concludes:

*“The fundamental difference between the two Growth Options is that Growth Option 2 **does not conform to the Province’s Land Needs Methodology and is unlikely to produce an outcome where the City is able to achieve its growth forecast allocated under the Growth Plan.** Conformity with the*

*Province's Growth Plan policies is a fundamental aspect of the Municipal Comprehensive Review process. Given the above, it would not be appropriate to carry Growth Option 2 forward and it is recommended that the City proceed with Growth Option 1 as the basis for long range planning.*

Finally, Staff Report PED17010(o) recommended that the General Issues Committee and Council adopt the "Ambitious Density" growth scenario and update the UHOP and RHOP accordingly. Staff's recommendations are based on the following three key reasons, which are discussed and further analyzed in the Staff report:

1. *The Ambitious Density scenario represents an aggressive and forward-thinking approach to growth management;*
2. *The Ambitious Density scenario represents an achievable, albeit challenging, growth management objective; and,*
3. **The Ambitious Density scenario conforms to the Provincial Growth Plan and the Provincial Land Needs Assessment Methodology.**

Furthermore, City Planning Staff state (on Page 34 of 37 of Staff Report PED17010(o)):

*"It is staff's opinion that achieving the intensification levels as required under the No UBE scenario (81% intensification over the entirety of the planning period) are not realistic considering the conclusions of the Residential Intensification Market Demand report and recent intensification trends."*

Staff Report PED17010(o) and its appendices can be found at: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=295582>

### **2.2.3 Final LNA and Peer Review, Watson & Associates (the "Peer Review")**

Staff Report PED17010(n) recommended that the General Issues Committee and Council approve the 2021 LNA and presented a peer review of the 2021 LNA.

Watson & Associates was retained by the City to peer review the 2021 LNA and Residential Intensification Market Demand Analysis, prepared by Lorus & Associates. The peer review concluded that the approach and methodology utilized in 2021 LNA "is generally an appropriate application of the Growth Plan and the Provincial LNA Methodology".

Staff Report PED17010(n) again confirmed that the 2021 LNA conforms to provincial legislation and should be approved by City Council.

Notwithstanding the Staff recommendation and supporting analyses and studies in support of the Ambitious Density growth scenario, the City's General Issues Committee and Council approved the following resolution at its November 19, 2021, meeting:

*“That staff be directed to report back to the General Issues Committee no later than January 2022 **with a draft Official Plan Amendment (OPA)**, as part of the Municipal Comprehensive Review, that implements the following growth directions, and to seek approval to present the draft OPA to the Province for review, and to the public for consultation, as part of the City's Growth Plan conformity exercise: ...*

*(e) That the draft Official Plan Amendment Include no expansion to the urban boundary.”*

As is outlined in all the Staff reports and supporting studies related to GRIDS 2 and the MCR, **the direction by City Council to maintain a firm urban boundary was not supported by any evidence that demonstrated conformity with provincial legislation.**

### **2.3 OPA's 167 and 34**

OPA's 167 and 34 were presented to the City's Planning Committee of Council via Staff Report PED21067(b). Staff Report PED21067(b) was clear and stated that the draft UHOP and RHOP amendments were prepared to “implement Council's direction regarding No Urban Boundary Expansion growth scenario” and warned that this scenario “**poses a risk that the City will not conform with provincial requirements as provided in Staff Report PED17010(n)**”.

Unlike previous staff reports related to GRIDS 2/MCR, Staff Report PED21067(b) does not include a review and analysis of the applicable provincial policy and legislation, nor does it rationalize how the proposed amendments conform to provincial legislation.

On June 8, 2022, despite the clear and consistent advice from the City’s planning staff and land needs consultant that the No urban boundary expansion scenario would not conform with the Growth Plan, Hamilton City Council approved OPA 167 via By-law 22-145 and OPA 34 via By-law 22-146, which implemented the No urban boundary expansion growth scenario.

**2.4 Minister’s Approval of OPA’s 167 & 34**

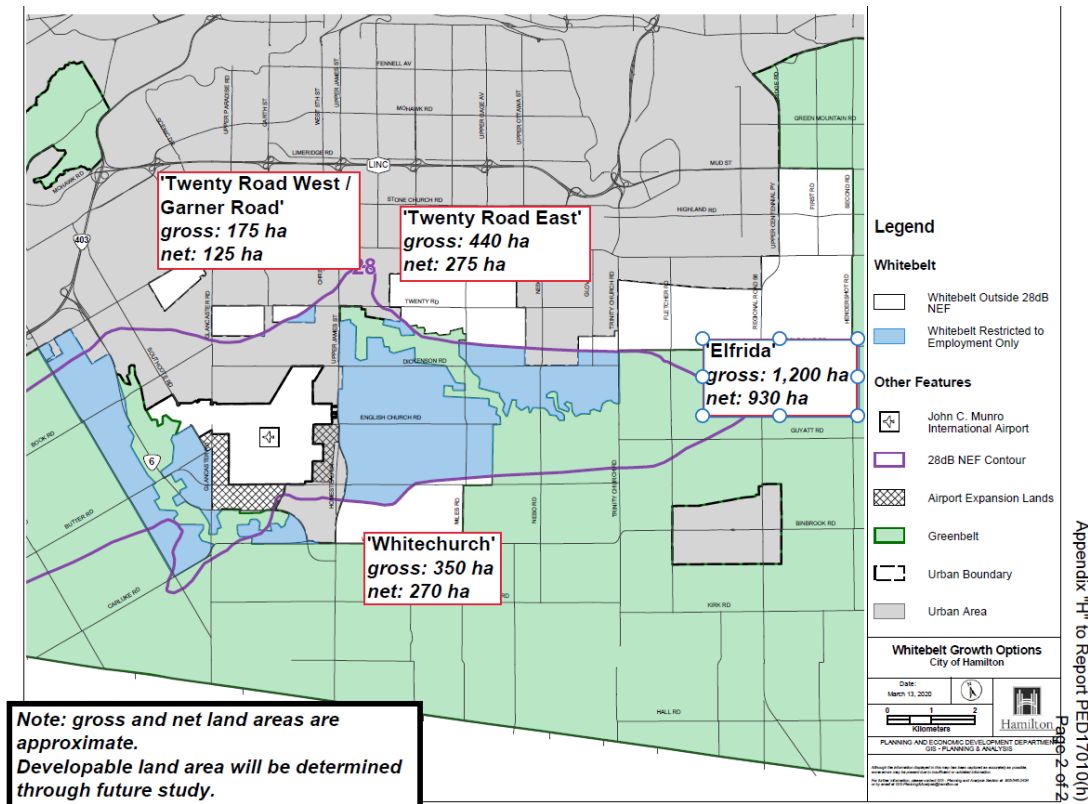
On November 4, 2022, the Minister issued its decision on OPA’s 167 and 34. As it relates to the City’s land needs to 2051, the Minister in reviewing all of the evidence, including the LNA, modified OPA’s 167 and 34 to adopt the Growth Plan Minimum growth scenario and add 2,200 gross hectares (1,600 net hectares) of new community areas to the City’s urban area. These areas are illustrated on the following map:



**Figure 2 – Minister’s Decision on OPA 167, November 2022**

In this regard, the Minister’s decision added the whitebelt lands in Elfrida, TRE, TRW and Whitechurch Road. These new community areas/”urban expansion area – neighbourhoods” whitebelt lands are illustrated on the following map:





**Figure 3 – Appendix “H” to Report PED17010(h), the Whitebelt Lands**

In summary, the evidence provided as part of the GRIDS 2/MCR process demonstrates that Staff recommended Ambitious Density and Minister approved Growth Plan minimum growth scenarios are consistent with and conform to provincial policy and legislation. The Minister approved Growth Plan Minimum growth scenario delineated the expansion lands, which included all of the City’s whitebelt lands outside of the 28 NEF (noise) contour line associated with the airport where sensitive and residential land uses are not permitted as per the UHOP. However, the Staff recommended Ambitious Density growth scenario has not been delineated. The following sections provides our opinion regarding what whitebelt lands should be brought into the urban boundary if the Ambitious Density growth scenario is adopted.

### 3.0 ANALYSIS REGARDING SETTLEMENT AREA BOUNDARY EXPANSIONS

As summarized in Section 2, City staff concluded through the LNA (2021) for the municipal comprehensive review and through earlier growth management studies that additional land would need to be added to the City’s existing urban area through a settlement area boundary expansion to accommodate future growth. This is consistent

with PPS Policy 1.1.3.8 which provides that a planning authority may allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon. Further, where the Growth Plan applies, settlement areas are only permitted to be expanded and does not permit the creation of new settlement areas.

### **3.1 Where to Grow?**

Further, provincial policies and plans direct that after determining that there is a need for additional land, an evaluation of where the settlement area boundary expansion will be located is to be based on the set of criteria outlined in Section 1.1.3.8 of the PPS and in section 2.2.8 of the Growth Plan. Growth Plan Policy 2.2.8.3 provides that the appropriate location for the settlement area boundary expansion be determined based on:

- sufficient capacity and the financial viability of existing and planned infrastructure and public service facilities;
- that the expansion be informed by water, wastewater and stormwater servicing, minimizing negative impacts on watersheds, avoiding key hydrologic areas, natural heritage systems and agricultural areas;
- the expansion is in compliance with minimum separation distance formulae, minimization and mitigation of adverse impacts on the agri-food network, protecting public health and safety;
- the wise use and management of resources and meeting the requirements of the Greenbelt Plan, Niagara Escarpment Plan and Oak Ridges Moraine Conservation Plan.

In addition to these criteria specific to determining the location of settlement area boundary expansions, the PPS and the Growth Plan provide additional direction on where and how to grow, including the provision of the long-term supply of residential uses in an efficient and cost-effective pattern of development that will promote the efficient expansion of settlement areas to minimize servicing costs and to avoid areas of environmental concern. Further, the policies speak to the need for complete communities that provide a range of uses and services.

Given that the City's growth analysis concluded that there is a need for additional land and there was no justification provided for not expanding the urban area, an evaluation of the most appropriate location for this expansion is required and must conform to and be consistent with the direction on settlement area expansion, as well as other policies of the Growth Plan and PPS including complete communities, the efficient use of infrastructure and resources.

The Ambitious Density scenario, as recommended by City planning staff in 2021, had the most conservative or lowest estimate of the total land area needed to be added to the urban boundary (1,310 hectares), whereas the minimum intensification and density requirements through the Growth Plan required that all the whitebelt lands (2,200 hectares) be included in an expansion.

To test where an expansion would be located, the City identified areas outside of the Greenbelt that were in the City's boundary but not within the urban boundary, referred to as "whitebelt lands". As shown on **Figure 3**, these community area whitebelt lands include:

- Elfrida (gross area: 1,200 ha, net area: 930 ha)
- TRE (gross area: 440 ha, net area: 275 ha)
- TRW (gross area: 175 ha, net area: 125 ha)
- Whitechurch (gross area: 350 ha, net area: 270 ha)
- Total (gross area: +/-2,200 ha, net area: +/-1,600 ha)

### **3.2 Elfrida, TRE & TRW**

If the assessment regarding the amount of land that is needed is based on the Ambitious Density scenario, and if it was just a mathematical exercise to allocate the 1,310 ha, all or part of Elfrida would be needed because the other three areas do not add up to 1,310 ha. However, the decision on which lands are brought into the settlement area boundary is not just a mathematical exercise.

As discussed, it needs to conform to and be consistent with the criteria and policies set out in the PPS and Growth Plan. In this regard, if the Ambitious Density scenario is implemented (rather than the Growth Plan minimum scenario reflected in the previous Minister's 2022 approval), it is our opinion that Elfrida, TRW, and TRE should be the lands included in the urban boundary expansion to provide additional community area for the following reasons:

### 3.2.1 Transit Support

Appendix B of the UHOP provides the City’s Major Transportation Facilities and Routes plan (see **Figure 4 below**), which includes existing and planned major transit areas (the “MTSA”), priority transit corridors, planned higher order transit routes and planned multi modal hubs. In this regard, only Elfrida and a small portion of the TRW lands have frontage on a planned major transportation facility and more specifically, a planned higher order transit route. Similarly, only Elfrida and a small portion of TRW have existing bus transit service. In this regard, Elfrida includes approximately 2 kilometer of Upper Centennial Parkway frontage that has existing bus transit service, which travels west across the City via Rymal Road and north including a direct connection to the Confederation GO station.

In our opinion, Elfrida, TRE and TRW are on or in close proximity to existing bus transit and planned higher order transit. The Whitechurch lands are located beyond the terminus of existing and planned bus transit and higher order transit, which would require a further extension and expansion of such services.

The policies of the PPS and Growth Plan require municipalities to make efficient use of land and infrastructure and support transit viability. In this regard, adding development to areas that are served by existing and planned transit infrastructure is consistent with and conforms to provincial policies.



**Figure 4 – Appendix B of the UHOP**

### **3.2.2 Complete Communities**

The PPS and Growth Plan have been progressively strengthened to require municipalities to develop “complete communities”, which are defined as:

*“Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.”*

In our opinion, Elfrida, TRE and TRW are located adjacent to larger existing neighbourhoods. These three whitebelt lands areas would be connected to existing community areas that already provide a broad range of uses and public services facilities, meaning that the new lands would contribute to and be supported by the benefits of a complete community. In contrast, the Whitechurch lands are more isolated from the rest of the community areas given that they abut only a small community area, they are surrounded by Greenbelt on three sides, and are separated from most of the rest of the City’s neighbourhoods by the airport and future whitebelt lands that are reserved for employment areas.

### **3.2.3 Growth Plan Policy 2.2.8.3 Criteria**

The following is a summary of how Elfrida, TRE and TRW better address the urban boundary expansion criteria in Policy 2.2.8.3 of the Growth Plan.

- a) there is sufficient capacity in existing or planned infrastructure and public service facilities;***
- b) the infrastructure and public service facilities needed would be financially viable over the full life cycle of these assets;***
- c) the proposed expansion would be informed by applicable water and wastewater master plans or equivalent and stormwater master plans or equivalent, as appropriate;***

As outlined herein, the whitebelt lands areas in Elfrida, TRE and TRW have been planned for future growth since GRIDS in 2006. This includes infrastructure planning as part of the City's Development Charges background studies. Furthermore, Elfrida, TRE, and TRW are adjacent to larger existing neighbourhoods where existing infrastructure and public service facilities exist. The Whitechurch lands have not been planned for growth and are separated from existing neighbourhoods.

The UHOP includes the need for new greenfield areas to have an approved secondary plan, which would include a policy framework that addresses criteria b) and c).

***d) the proposed expansion, including the associated water, wastewater and stormwater servicing, would be planned and demonstrated to avoid, or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water;***

***e) key hydrologic areas and the Natural Heritage System for the Growth Plan should be avoided where possible;***

Provincial planning policy and the UHOP include a framework that requires the City to minimize and mitigate any potential negative impacts and avoid where possible key hydrologic areas and the NHS. In this regard, the requirement for a secondary plan will ensure that these criteria are addressed as part of any urban boundary expansion.

***f) prime agricultural areas should be avoided where possible. To support the Agricultural System, alternative locations across the upper- or single-tier municipality will be evaluated, prioritized and determined based on avoiding, minimizing and mitigating the impact on the Agricultural System and in accordance with the following: i. expansion into specialty crop areas is prohibited; ii. reasonable alternatives that avoid prime agricultural areas are evaluated; and iii. where prime agricultural areas cannot be avoided, lower priority agricultural lands are used;***

City Staff confirmed in Report PED17010(l) that the Ambitious Density scenario would require 1,310 hectares of land and, as such, there is no option to avoid prime agricultural lands. We agree with this conclusion. Accordingly, there is "no reasonable alternatives that avoids prime agricultural areas".

***g) the settlement area to be expanded is in compliance with the minimum distance separation formulae;***

***h) any adverse impacts on the agri-food network, including agricultural operations, from expanding settlement areas would be avoided, or if avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment;***

***i) the policies of Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied;***

As part of the requirement to prepare a secondary plan, criteria g), h) and i) will be addressed. Furthermore, it is our experience that these criteria can be addressed through the development of the secondary plan area. This includes a community design and land use structure that is designed and planned to address these criteria. Furthermore, none of the whitebelt lands areas (Elfrida, TRE, TRW, and Whitechurch) include any mapped non-renewable resources.

***j) the proposed expansion would meet any applicable requirements of the Greenbelt, Oak Ridges Moraine Conservation, Niagara Escarpment, and Lake Simcoe Protection Plans and any applicable source protection plan; and***

The fact that all of the whitebelt lands are outside of the Greenbelt, Niagara Escarpment, and other provincially regulated lands is a significant reason why they should be considered for urban boundary expansion.

### ***3.2.4 Urban Boundary Expansion***

For the reasons outlined herein, it is our opinion that under the Growth Plan Minimum growth scenario all of the whitebelt lands, including Elfrida, TRE, TRW and Whitechurch lands would need to be added to the urban boundary to accommodate the City's growth to 2051. In the alternative, should the Minister elect to apply the City's Ambitious Density growth scenario, which has been rationalized in accordance with the applicable provincial planning policy and legislation, it should add Elfrida, TRE and TRW to the urban boundary in order to accommodate the City's planned growth to 2051. In this alternative, the Whitechurch lands would continue to be whitebelt lands that would be reserved for potential future growth beyond 2051.

#### 4.0 CONCLUDING THOUGHTS AND PLANNING OPINION

Based on our review of all the information and studies associated with GRIDS 2 and the MCR, it has been demonstrated that three of the four growth scenarios considered by City planning staff (Growth Plan Minimum, Increased Target, and Ambitious Density) are consistent with the PPS and conform to the Growth Plan and accordingly align with provincial legislation and regulations. The one growth scenario that does not conform with and is not consistent with provincial plans and policies is the current trends growth scenario that would require an alternative intensification rate, which was not recommended by City Staff and not rationalized.

**The no urban boundary growth scenario**, which was ultimately incorporated into OPA's 167 and 34 as adopted by City Council, was not rationalized and it has not been demonstrated that it is consistent with the PPS and conforms to the Growth Plan. Accordingly, this scenario **does not align with provincial legislation and regulation**.

Based on the foregoing, it is our opinion that the Minister should **not** reverse the Ministry changes to Hamilton's OPA's 167 and 34 as they relate to the community area land (urban boundary expansion) needed to accommodate the City's growth forecast to 2051. Instead, it is our opinion that the Minister should either:

1. **maintain the Growth Plan Minimum growth scenario as approved by the Minister in 2022; or,**
2. **further modify Hamilton's OPA's 167 and 34 to implement Staff's recommended Ambitious Density growth scenario and only add Elfrida, TRE and TRW to the City's urban boundary to accommodate growth to 2051.**

Our opinion in this regard is based on the information and analysis completed by the City as well as our opinions. More specifically:

- The no urban boundary expansion growth scenario has not been demonstrated to be consistent with the PPS and conform to the Growth Plan. On the contrary, we concur with the conclusions of the Appendix A report, which states that it "does not conform to the Province's Land Needs Methodology and is unlikely to produce an outcome where the City is able to achieve its growth forecast allocated under the



Growth Plan”. We also agree with Staff’s opinion (as outlined in Report PED21067) in this regard, that this growth scenario “poses a risk that the City will not conform with provincial policy requirements”.

- All the information and studies prepared as part of the GRIDS 2/MCR were prepared in accordance with the applicable provincial planning policies and legislation and demonstrated how the Ambitious Density growth scenario is consistent with the PPS and conforms to the Growth Plan.
- Even though City Planning Staff recommended the Ambitious Density growth scenario, it did not delineate where the additional 1,310 hectares of required new community area (urban boundary expansion) would be deployed. Based on our review and analysis, it is our opinion that Elfrida, TRE and TRW should be utilized to implement the Ambitious Density growth scenario.

# CITY OF HAMILTON

## NOTICE OF MOTION

Council: November 22, 2023

**MOVED BY COUNCILLOR T. McMEEKIN.....**

**Funding to Support Community Group with User Fee for the Flamborough Santa Claus Parade**

WHEREAS, the Flamborough Santa Claus Parade is in need of funds due to user fees;

WHEREAS, user fees are charged by the City of Hamilton to offset costs outside normal service levels, to support events; and

WHEREAS, this group is seeking funding support rental of 40 garbage cans, which includes delivery and pick up as well as disposal of the garbage;

THEREFORE, BE IT RESOLVED:

- (a) That \$2,000.00, to support the costs associated with user fee, to be funded from the Ward 15 Non-Property Tax Revenue Account (3301609615), be approved; and
- (b) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

# CITY OF HAMILTON

## NOTICE OF MOTION

Council: November 22, 2023

**MOVED BY COUNCILLOR J. BEATTIE.....**

**Format of the December 14, 2023 Public Update Meeting for the GFL Stoney Creek**

WHEREAS, odours from the GFL Stoney Creek Facility have been an ongoing concern to both the local Upper Stoney Creek Community, and broader Stoney Creek and Hamilton Community since the Spring of 2023;

WHEREAS, the Management of the Stoney Creek Facility committed to monthly public update sessions on October 18<sup>th</sup>, November 16<sup>th</sup> and December 14<sup>th</sup> 2023, via Zoom;

WHEREAS, Virtual/Zoom meetings are not universally accessible to all community members; and

WHEREAS, community members have repeatedly requested that an in-person Information Update Meeting be held, including during a recent delegation to Hamilton Council.

THEREFORE, BE IT RESOLVED:

That the Mayor and Council of the City of Hamilton formally request that the next Public Update Meeting for the GFL Stoney Creek Regional Facility, scheduled for December 14<sup>th</sup> 2023, be held in an in-person or hybrid format.