



# City of Hamilton

## PLANNING COMMITTEE REVISED AGENDA

**Meeting #:** 24-007  
**Date:** May 14, 2024  
**Time:** 9:30 a.m.  
**Location:** Council Chambers (Planning)  
Hamilton City Hall  
71 Main Street West

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

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- \*15.1 Appeal to the Ontario Land Tribunal for lands located at 200 Market Street, 125 Napier Street and 55 Queen Street North, Hamilton, respecting an application for an Official Plan Amendment (UHOPA-22-005) and Zoning By-Law Amendment (ZAC-22-012) (LS24010) (Ward 1)

Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Subsections (e), (f) 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 municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; 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.

## 16. ADJOURNMENT



**PLANNING COMMITTEE  
MINUTES**

**24-006**

**April 30, 2024**

**9:30 a.m.**

**Council Chambers, Hamilton City Hall  
71 Main Street West**

**Present:** Councillor C. Cassar (Chair)  
Councillor M. Wilson (1<sup>st</sup> Vice Chair)  
Councillor T. Hwang (2nd Vice Chair)  
Councillors J. Beattie, J.P. Danko, M. Francis, C. Kroetsch,  
T. McMeekin, N. Nann, M. Tadeson, A. Wilson, E. Pauls

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**THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

- 1. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-008 and Zoning By-law Amendment Application ZAC-23-020 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 17 Ewen Road, Hamilton (PED24065) (Ward 1) (Item 9.1)**

**(M. Wilson/Kroetsch)**

That report PED24065 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-008 and Zoning By-law Amendment Application ZAC-23-020 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 17 Ewen Road, Hamilton, be received.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
NOT PRESENT – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson  
YES – Ward 15 Councillor T. McMeekin

**2. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-027 and Zoning By-law Amendment Application ZAC-20-042 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1629, 1635,1637 and 1655 Main Street West, Hamilton (PED24066) (Ward 1) (Item 9.2)**

**(M. Wilson/Hwang)**

That report PED24066 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-027 and Zoning By-law Amendment Application ZAC-20-042 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1629, 1635,1637 and 1655 Main Street West, Hamilton, be received.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
NOT PRESENT – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 15 Councillor T. McMeekin

**3. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24079) (City Wide) (Item 9.3)**

**(Hwang/Kroetsch)**

That report PED24079 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
NOT PRESENT – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**4. Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10) (Item 10.1)**

**(Beattie/McMeekin)**

- (a) That Amended Zoning By-law Amendment Application ZAC-24-005, by Arcadis (c/o Jared Marcus) on behalf of Rose (Grays) Inc., Owners, for a further modification to the Multiple Residential “RM3-58” Zone, Modified, to permit four blocks of four storey multiple dwellings with a total of 94 dwelling units, including 110 surface parking spaces inclusive of 16 visitor parking spaces, for lands located at 560 Grays Road, Stoney Creek, as shown on Appendix “A” attached to Report PED24085, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED24085, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**5. Demolition Process respecting Reports to Planning Committee (Item 12.1)**

**(Kroetsch/A. Wilson)**

WHEREAS a qualified and professional opinion on demolition permit decisions would assist Council in assessing demolition applications.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to implement the requirement for the preparation of a staff report with recommendations for the issuance of demolition permits in the City of Hamilton; and,
- (b) *That staff review the demolition permitting by-law for options to allow for staff to approve demolition of vacant structures under their existing delegated authority, where the structure is vacant and development is pending but prior to the issuance of a building permit.*

**Result: Main Motion, as Amended, CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**6. Demolition of 361 Rymal Road West (Item 12.2)**

**(Danko/Pauls)**

WHEREAS, the existing dwelling has been unoccupied for over twelve (12) years and is in a state of disrepair and in a condition that is no longer habitable;

WHEREAS, the owner wishes to demolish the dwelling unit to mitigate future safety concerns and liability with the aging structure;

WHEREAS, the owner of the above-mentioned property would like to demolish the existing dwelling without having to obtain a Building Permit;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized and directed to issue a demolition permit for 361 Rymal Road West, Hamilton, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

**10. PUBLIC HEARINGS**

**10.1 Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10)**

(a) Added Written Submission:

(i) Viv Saunders

(b) Staff Presentation

**(Beattie/Kroetsch)**

That the agenda for the April 30, 2024, Planning Committee meeting be approved, as amended.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch



NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) April 16, 2024 (Item 4.1)**

**(M. Wilson/Tadeson)**

That the Minutes of the April 16, 2024 meeting be approved, as presented.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**(d) PUBLIC HEARINGS (Item 10)**

In accordance with the *Planning Act*, Chair C. Cassar advised those viewing the meeting that the public had been advised of how to pre-register to be a delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair C. Cassar advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton

before Council makes a decision regarding the Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(i) Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10) (Item 10.1)**

- (a)** Michael Fiorino, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

**(Beattie/A. Wilson)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

- (b)** Jared Marcus with Arcadis Planning was in attendance and indicated support for the staff report.

**(Beattie/McMeekin)**

That the presentation from Jared Marcus with Arcadis Planning, be received.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

(c) Chair Cassar called three times for public delegations and no one came forward.

(d) **(Beattie/McMeekin)**

(a) That the following public submissions regarding this matter be received and considered by the Committee:

(i) Added Written Submissions:

(1) Viv Saunders (Added Item 10.1 (a) (i)) –  
 Concerns with proposal

(b) That the public meeting be closed.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 NOT PRESENT – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 4.

(e) **MOTIONS (Item 12)**

(i) **Demolition Process respecting Reports to Planning Committee (Item 12.1)**

**(Kroetsch/A. Wilson)**

WHEREAS, a qualified and professional opinion on demolition permit decisions would assist Council in assessing demolition applications.

THEREFORE, BE IT RESOLVED:

That staff be directed to implement the requirement for the preparation of a staff report with recommendations for the issuance of demolition permits in the City of Hamilton.

**(Danko/Kroetsch)**

That the Motion be **amended** by adding sub-section (b) as follows:

- (b) *That staff review the demolition permitting by-law for options to allow for staff to approve demolition of vacant structures under their existing delegated authority, where the structure is vacant and development is pending but prior to the issuance of a building permit.***

**Result: Amendment CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 5.

**(f) PRIVATE & CONFIDENTIAL (Item 15)**

**(i) Closed Session Minutes – April 16, 2024 (Item 15.1)**

**(Kroetsch/Hwang)**

- (a) That the Closed Session Minutes dated April 16, 2024, be approved as presented; and,
- (b) That the Closed Session Minutes dated April 16, 2024, remain confidential.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
YES – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 15 Councillor T. McMeekin

**(g) ADJOURNMENT (Item 16)**

**(Hwang/Tadeson)**

That there being no further business, the Planning Committee be adjourned at 11:03 a.m.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
YES – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 15 Councillor T. McMeekin

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Councillor C. Cassar, Chair  
Planning Committee

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Lisa Kelsey  
Legislative Coordinator



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 14, 2024
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24088) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Shannah Evans (905) 546-2424 Ext. 1928
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

In accordance with the June 16, 2015, Planning Committee direction, this Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals. In addition, this Report also includes a list and status of all Applications appealed to the Ontario Land Tribunal for non-decision.

## INFORMATION

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor Applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this Report, the status of active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, that were in effect pursuant to statutory timeframes prescribed in *Bill 73*, *Bill 139* and *Bill 108*.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24088) (City Wide) - Page 2 of 4**

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**Applications Deemed Complete Prior to Royal Assent of Bill 139 (December 12, 2017)**

Attached as Appendix “A” to Report PED24088 is a table outlining the active Applications received prior to December 12, 2017, sorted by Ward, from oldest Application to newest. As of April 18, 2024, there were:

- 3 active Official Plan Amendment applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 6 active Zoning By-law Amendment applications; and,
- 3 active Plan of Subdivision applications.

Within 60 to 90 days of April 18, 2024, all six development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

**Applications Deemed Complete After Royal Assent of Bill 139 (December 12, 2017)**

Attached as Appendix “B” to Report PED24088 is a table outlining the active applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest Application to newest. As of April 18, 2024, there were:

- 2 active Official Plan Amendment applications, all of which are subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 5 active Zoning By-law Amendment applications; and,
- 2 active Plan of Subdivision applications.

Within 60 to 90 days of April 18, 2024, all five development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

**Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)**

Attached as Appendix “C” to Report PED24088 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of April 18, 2024, there were:

- 21 active Official Plan Amendment applications;
- 39 active Zoning By-law Amendment applications; and,



**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24088) (City Wide) - Page 3 of 4**

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- 20 active Plan of Subdivision applications.

As of April 18, 2024, five development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Forty-one (41) development proposals have passed the 90 or 120 day statutory timeframe.

### **Planning Division Active Files**

Combined to reflect property addresses, there are 57 active development proposals. Five proposals are 2024 files (9%), 16 proposals are 2023 files (28%), 13 proposals are 2022 files (23%), and 23 proposals are pre-2022 files (40%).

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active Applications.

Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website, and an e-mail system will provide notification of when a new Application is received.

### **Current Non-Decision Appeals to the Ontario Land Tribunal**

At the February 2, 2021, Planning Committee meeting, Planning Committee requested that information be reported relating to development applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix "D" to Report PED24088 is a table outlining development applications, along with the applicant/agent, which have been appealed for non-decision to the Ontario Land Tribunal. There are currently 21 active appeals for non-decision of which one is a rezoning application, one is a subdivision application, three are a combined official plan and rezoning application, and 16 are combined official plan, rezoning and subdivision applications. Third party appeals are not included in this information as Council has made a decision to approve the application.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24088 - List of Active Development Applications (prior to December 12, 2017)

Appendix "B" to Report PED24088 - List of Active Development Applications (after December 12, 2017, but before September 3, 2019)

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and  
Plan of Subdivision Applications (PED24088) (City Wide) - Page 4 of 4**

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Appendix "C" to Report PED24088 - List of Active Development Applications (after  
September 3, 2019)

Appendix "D" to Report PED24088 - *Planning Act* Applications Currently Appealed  
for Non-Decision to the Ontario Land Tribunal

SE:sd

**Appendix "A" to Report PED24088**  
**Page 1 of 2**

**Active Development Applications**  
**Deemed Complete Prior to December 12, 2017**  
**(Effective April 18, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of April 18, 2024
<b>Ward 7</b>									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	2450
<b>Ward 9</b>									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 490 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	2770
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	n/a	09-Jul-17	T. Johns Consultants Inc.	2770
<b>Ward 10</b>									
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	3238

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective April 18, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of April 18, 2024
<b>Ward 12</b>									
ZAC-16-006	285, 293 Fiddlers Green Road, Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	3064
ZAC-17-062 25T-201709	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	2481

#### Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 270 day timeframe commences the day the Application was received.

\* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 180 days to 270 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective April 18, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of April 18, 2024
<b>Ward 2</b>									
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	1970
<b>Ward 11</b>									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	2134
<b>Ward 12</b>									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive, Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	2073
<b>Ward 14</b>									
ZAC-19-011	1193 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	1979

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective April 18, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of April 18, 2024
<b>Ward 15</b>									
RHOPA-18-020* ZAC-18-045	173 and 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	2115

#### Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 300 day timeframe commences the day the Application was received.
- \* In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment Applications submitted concurrently with an Official Plan Amendment, will be extended to 210 days.
- \* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

## Appendix "C" to Report PED24088

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**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective April 18, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of April 18, 2024
<b>Ward 1</b>								
UHOPA-17-036 ZAC-17-036	644 Main Street West, Hamilton (in abeyance)	01-Nov-17	n/a	23-Nov-17	n/a	01-Mar-17	Urban Solutions Planning & Land Development	2314
<b>Ward 2</b>								
UHOPA-21-007 ZAC-21-014	101 Hunter Street East, Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	1134
UHOPA-23-012 ZAC-23-027	175 John Street N, Hamilton	19-Dec-22	n/a	30-Jan-23	n/a	18-Apr-23	Philip Alaimo	483
ZAC-23-019	117 Forest Avenue, Hamilton	23-Dec-22	n/a	17-Jan-23	23-Mar-23	n/a	Urban Solutions Planning & Land Development	479
ZAC-23-029 25T-202303	215 King Street W, Hamilton	23-Dec-22	n/a	2-Feb-23	n/a	22-Apr-23	Arcadis IBI Group	479
UHOPA-23-014 ZAC-23-031	118 King St W., Hamilton	15-Dec-22	n/a	22-Feb-23	n/a	14-Apr-23	Arcadis IBI Group	487

## Appendix "C" to Report PED24088

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**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective April 18, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of April 18, 2024
<b>Ward 3</b>								
ZAC-22-049	338 Cumberland Avenue, Hamilton	20-July-22	n/a	20-July-22	18-Oct-22	n/a	Urban Solutions Planning & Land Development	636
<b>Ward 5</b>								
UHOPA-22-016 ZAC-22-030	399 Greenhill Avenue, Stoney Creek	26-Apr-22	n/a	27-Apr-22	n/a	28-July-22	Bousfields Inc.	720
25T-202305	75 Centennial Parkway North, Hamilton	23-Aug-23	n/a	6-Sep-23	n/a	21-Dec-23	Bousfields Inc.	236
ZAC-23-023	2481 Barton Street East, Hamilton	22-Dec-22	n/a	19-Jan-23	22-Mar-23	n/a	GSP Group Inc.	480
UHOPA-23-013 ZAC-23-028 25T-85033R	117 Nashville Circle, Stoney Creek	23-Dec-22	n/a	22-Feb-23	n/a	22-Apr-23	Bousfields Inc.	479
<b>Ward 6</b>								
ZAC-22-037 25T-202207	61 Eleanor Avenue, Hamilton	13-June-22	n/a	15-June-22	n/a	12-Oct-22	A.J. Clarke & Associates Ltd.	683



## Appendix "C" to Report PED24088

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**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective April 18, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of April 18, 2024
<b>Ward 6 Continued</b>								
ZAC-23-009	1280 Rymal Road East, Hamilton	15-Dec-22	n/a	6-Jan-23	15-Mar-23	n/a	Fothergill Planning & Development Inc.	488
<b>Ward 7</b>								
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	795
<b>Ward 8</b>								
UHOPA-20-017 ZAC-20-029 25T-202003	393 Rymal Road West, Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group Inc.	1385
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July-21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	1009
ZAC-22-024 25T-202204	1456-1460 Upper James Street, Hamilton	28-Mar-22	n/a	08-Apr-22	n/a	26-Jul-22	A.J. Clarke & Associates	750
UHOPA-23-004 ZAC-23-005	1550 Upper James Street, Hamilton	24-Nov-22	n/a	9-Dec-22	n/a	24-Mar-23	Arcadis IBI Group	509

## Appendix "C" to Report PED24088

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**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective April 18, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of April 18, 2024
<b>Ward 8 Continued</b>								
ZAC-23-014	253 & 259 Limeridge Road West, Hamilton	22-Dec-22	n/a	18-Jan-23	22-Mar-23	n/a	Urban Solutions Planning & Land Development	480
<b>Ward 9</b>								
ZAC-22-001	2153, 2155, and 2157 Rymal Road East, Stoney Creek	4-Nov-21	n/a	n/a	2-Feb-22	n/a	Weston Consulting	893
ZAC-22-029 25T-202206	481 First Road West, Stoney Creek	22-Apr-22	n/a	n/a	n/a	24-Jul-22	Kuok Kei Hong	726
25T-202304	157 Upper Centennial Parkway, Stoney Creek	22-Dec-22	n/a	11-Apr-23	n/a	11-Aug-23	MHBC Planning Ltd.	480
UHOPA-23-007 ZAC-23-017	2070 Rymal Road East, Stoney Creek	22-Dec-22	n/a	17-Jan-23	n/a	21-Apr-23	Bousfields Inc.	480
UHOPA-23-11 ZAC-23-026	196-202 Upper Mount Albion Road, Stoney Creek	9-Dec-22	n/a	24-Jan-23	n/a	8-Apr-23	NPG Planning Solutions	493
UHOPA-24-002 ZAC-24-006	1866 Rymal Road East, Hamilton	21-Feb-24	n/a	21-Feb-24	n/a	22-Jun-24	MasriO Inc.	56

## Appendix "C" to Report PED24088

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**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective April 18, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of April 18, 2024
<b>Ward 10</b>								
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	1190
UHOPA-22-020 ZAC-22-046 25T-202208	220 McNeilly Road, Hamilton	8-July-22	n/a	22-July-22	n/a	5-Nov-22	T. Johns Consulting Group	648
ZAC-23-004	48 Jenny Court, Stoney Creek	29-Nov-22	n/a	4-Jan-23	27-Feb-23	n/a	T. Johns Consulting Group	504
UHOPA-24-004 ZAC-24-010	1600 Upper James Street, Hamilton	10-Apr-24	n/a	12-Apr-24	n/a	8-Aug-24	A.J. Clarke & Associates Ltd.	8
<b>Ward 11</b>								
UHOPA-21-008 ZAC-21-018 25T-202106	9555 Airport Road West, Hamilton	15-Apr-21	n/a	27-Apr-21	n/a	13-Aug-21	A.J. Clarke & Associates Ltd.	1086
UHOPA-22-008 ZAC-22-017 25T-202202	3054 Homestead Drive, Hamilton	27-Jan-22	n/a	10-Feb-22	n/a	25-May-22	Urban Solutions Planning & Land Development	812

## Appendix "C" to Report PED24088

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**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective April 18, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of April 18, 2024
<b>Ward 11 Continued</b>								
UHOPA-22-014 ZAC-22-027 25T-202205	2876 Upper James Street, Glanbrook	05-Apr-22	n/a	05-Apr-22	n/a	03-Aug-22	Rice Group	742
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	609
25T-202203	9451 Dickenson Road West, Glanbrook	11-Nov-21	10-Dec21	20-Dec-21	n/a	11-Mar-22	Korsiuk Urban Planning	886
ZAR-24-005	560 Grays Road, Hamilton	13-Feb-24	n/a	13-Feb-24	13-May-24	n/a	Arcadis IBI Group	64
<b>Ward 12</b>								
UHOPA-20013 ZAC-20-017	210 Calvin Street, Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	1432
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	1242
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	1211
UHOPA-21-022 ZAC-21-047	559 Garner Road East, Ancaster	15-Oct-21	n/a	20-Oct-21	n/a	12-Feb-22	Urban Solutions Planning and Land Development	913
ZAC-23-010	299 Fiddlers Green Road, Ancaster	19-Dec-22	n/a	6-Jan-23	19-Mar-23	n/a	Wellings Planning Consultants	484

## Appendix "C" to Report PED24088

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**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective April 18, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of April 18, 2024
<b>Ward 13</b>								
25T-202401	1524 Kirkwall Road, Flamborough	26-Jan-24	n/a	9-Feb-24	n/a	25-May 24	Carson Reid Homes Ltd.	82
RHOPA-24-003 ZAC-24-009	1278 Old Highway 8, Flamborough	27-Mar-24	n/a	27-Mar-24	n/a	25-Jul-24	A.J. Clarke & Associates	22
<b>Ward 14</b>								
ZAC-23-016 25T-2023013	760 Stone Church Road East, Hamilton	19-Dec-22	n/a	19-Jan-23	n/a	18-Apr-23	A.J. Clarke & Associates	483
<b>Ward 15</b>								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	1576
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	1210
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	614

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective April 18, 2024)**

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 90 and 120 day timeframe commences on the date the new materials were submitted. In all other situations, the 90 and 120 day timeframe commences the day the Application was received.

## Appendix "D" to Report PED24088

Page 1 of 3

**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (Effective April 18, 2024)**

	<b>Address</b>	<b>Applicant /Agent</b>	<b>Date Appeal Received</b>
<b>Ward 1</b>			
1	200 Market Street, 55 Queen Street North, Hamilton	GSP Group	January 2024
2	1629-1655 Main Street West, Hamilton	GSP Group	February 2024
3	17 Ewen Road, Hamilton	GSP Group	February 2024
<b>Ward 2</b>			
4	117 Jackson Street East, Hamilton	Bousfields Inc.	September 2023
<b>Ward 4</b>			
5	1284 Main Street East, Hamilton	GSP Group	August 2023
<b>Ward 5</b>			
6	651 Queenston Road, Hamilton	A.J. Clarke & Associates Ltd	September 2022
7	2900 King Street East, Hamilton*	Urban Solutions Planning & Land Development Consultants Inc.	November 2022

## Appendix "D" to Report PED24088

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**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (Effective April 18, 2024)**

	Address	Applicant /Agent	Date Appeal Received
<b>Ward 7</b>			
8	499 Mohawk Road East, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	August 2023
9	544 and 550 Rymal Road East, Hamilton	Rymal East Development Corp.	July 2023
<b>Ward 9</b>			
10	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
11	1065 Paramount Drive, Stoney Creek	Arcadis IBI Group	January 2024
<b>Ward 10</b>			
12	1036, 1038, 1054, 1090 Barton Street, and 262 McNeilly Road, Stoney Creek	Glen Schnarr & Associates Inc.	November 2021
13	1400 South Service Road, Stoney Creek	MHBC Planning Ltd.	November 2023



## Appendix "D" to Report PED24088

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**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (Effective April 18, 2024)**

	Address	Applicant /Agent	Date Appeal Received
<b>Ward 12</b>			
14	140 Garner Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	February 2022
15	509 Southcote Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	June 2023
16	140 and 164 Sulphur Springs Road, Ancaster	Fothergill Planning & Development Inc.	July 2023
17	487 Shaver Road, Ancaster*	GSP Group	July 2023
18	1225 Old Golf Links Road, Ancaster	A.J. Clarke & Associates Ltd	December 2023
<b>Ward 14</b>			
19	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021
<b>Ward 15</b>			
20	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown))	Metropolitan Consulting Inc.	October 2017
21	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021

\* The OLT Hearing has taken place and awaiting a decision to be issued.



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 14, 2024
<b>SUBJECT/REPORT NO:</b>	Building Permit Statistics by Ward (PED24094) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Jorge M. Caetano (905) 546-2424 Ext. 3931
<b>SUBMITTED BY:</b>	Alan Shaw Director, Building and Chief Building Official Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

On April 5, 2024, the Planning Committee directed staff to provide a breakdown, by ward, of the annual permit fees and fines collected by the Building Division for the past 5 years. Additionally, staff were directed to include this type of information in next year's Building Division's annual report on building permit fees.

## INFORMATION

In response to the above direction, staff prepared a summary of the building construction value (Table 2), building permit fees collected (Table 3) and building permits issued (Table 4) for each ward from 2019 to 2023 on the next two pages. Unfortunately, due to the cybersecurity incident, staff were unable to break down the building code fines collected by ward. Staff hope to be able to provide this breakdown next year in our division's annual report on building permit fees. However, staff can provide a summary of the total building code fines collected by the Building Division by year, from 2019 to 2023 (Table 1 below).

**TABLE 1**

Building Code Fines Collected				
2019	2020	2021	2022	2023
\$ 292,842	\$ 141,396	\$ 171,854	\$ 274,486	\$ 258,480

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Building Permit Statistics by Ward (PED24094) (City Wide)**  
**Page 2 of 3**

**TABLE 2**

<b>Construction Value</b>					
<b>Ward</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
1	\$ 82,530,101	\$ 77,470,564	\$ 92,903,103	\$ 183,531,818	\$ 104,750,932
2	\$ 138,230,408	\$ 206,452,884	\$ 279,733,900	\$ 296,994,743	\$ 633,447,307
3	\$ 52,969,524	\$ 33,063,462	\$ 295,047,115	\$ 56,246,478	\$ 42,332,317
4	\$ 173,992,035	\$ 66,388,070	\$ 58,951,767	\$ 46,485,991	\$ 195,657,002
5	\$ 137,565,012	\$ 30,533,263	\$ 89,359,733	\$ 112,474,814	\$ 80,318,972
6	\$ 12,745,748	\$ 49,031,481	\$ 29,808,452	\$ 108,191,655	\$ 35,019,513
7	\$ 11,165,773	\$ 23,950,075	\$ 38,595,081	\$ 24,139,110	\$ 74,036,434
8	\$ 36,837,122	\$ 51,509,292	\$ 36,450,388	\$ 61,991,759	\$ 241,486,510
9	\$ 182,883,822	\$ 101,921,229	\$ 73,980,619	\$ 208,749,217	\$ 72,111,620
10	\$ 101,892,290	\$ 81,107,559	\$ 61,886,454	\$ 134,507,117	\$ 313,140,284
11	\$ 89,912,921	\$ 158,170,736	\$ 300,499,981	\$ 188,435,897	\$ 353,475,502
12	\$ 174,222,345	\$ 165,647,513	\$ 176,666,714	\$ 219,591,574	\$ 182,996,320
13	\$ 53,935,603	\$ 45,386,243	\$ 40,059,074	\$ 91,112,078	\$ 98,613,898
14	\$ 10,795,875	\$ 8,153,964	\$ 41,389,892	\$ 26,467,893	\$ 27,561,455
15	\$ 145,102,935	\$ 263,313,389	\$ 501,921,276	\$ 104,010,276	\$ 84,195,759
<b>Total</b>	<b>\$ 1,404,781,513</b>	<b>\$ 1,362,099,723</b>	<b>\$ 2,117,253,548</b>	<b>\$ 1,862,930,419</b>	<b>\$ 2,539,143,823</b>

**TABLE 3**

<b>Building Permit Fees Collected</b>					
<b>Ward</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
1	\$ 863,720	\$ 592,843	\$ 823,317	\$ 1,158,872	\$ 1,062,687
2	\$ 2,242,494	\$ 986,180	\$ 1,971,214	\$ 2,357,061	\$ 3,230,051
3	\$ 536,911	\$ 1,255,386	\$ 696,902	\$ 337,335	\$ 610,421
4	\$ 501,704	\$ 487,788	\$ 435,208	\$ 841,712	\$ 636,484
5	\$ 2,065,632	\$ 290,949	\$ 931,693	\$ 694,720	\$ 568,106
6	\$ 119,398	\$ 302,794	\$ 468,276	\$ 388,103	\$ 255,419
7	\$ 138,728	\$ 250,273	\$ 344,327	\$ 171,219	\$ 1,245,162
8	\$ 486,589	\$ 418,702	\$ 426,578	\$ 524,772	\$ 2,097,591
9	\$ 1,829,852	\$ 1,191,031	\$ 1,210,785	\$ 1,641,643	\$ 1,008,480
10	\$ 1,173,595	\$ 748,439	\$ 955,915	\$ 1,543,541	\$ 1,013,032
11	\$ 1,157,929	\$ 2,010,806	\$ 3,069,077	\$ 2,231,413	\$ 1,631,189
12	\$ 1,637,108	\$ 3,024,676	\$ 1,592,565	\$ 1,392,361	\$ 1,014,882
13	\$ 390,362	\$ 361,058	\$ 371,895	\$ 605,213	\$ 510,287
14	\$ 119,802	\$ 68,241	\$ 606,276	\$ 232,761	\$ 296,635
15	\$ 999,601	\$ 2,675,387	\$ 3,162,771	\$ 686,024	\$ 673,598
<b>Total</b>	<b>\$ 14,263,422</b>	<b>\$ 14,664,553</b>	<b>\$ 17,066,799</b>	<b>\$ 14,806,750</b>	<b>\$ 15,854,026</b>

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**SUBJECT: Building Permit Statistics by Ward (PED24094) (City Wide)**  
**Page 3 of 3**

**TABLE 4**

<b>Building Permits Issued</b>					
<b>Ward</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
1	526	593	551	524	463
2	402	371	408	400	349
3	576	451	604	545	514
4	409	467	461	462	420
5	479	259	227	295	271
6	257	279	353	313	281
7	349	344	402	382	428
8	394	284	401	412	354
9	769	519	457	466	408
10	575	438	421	528	400
11	430	416	597	661	412
12	889	801	747	719	693
13	481	431	494	502	425
14	181	184	281	234	232
15	541	698	1231	524	426
<b>Total</b>	<b>7258</b>	<b>6535</b>	<b>7635</b>	<b>6967</b>	<b>6076</b>

As requested by the Planning Committee, this information will be included in our division's annual report on building permit fees.

**APPENDICES AND SCHEDULES ATTACHED**

Not Applicable.

JMC:II



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 14, 2024
<b>SUBJECT/REPORT NO:</b>	City of Hamilton's Response to the proposed <i>Planning Act</i> and <i>Municipal Act</i> changes in Provincial Bill 185, <i>Cutting Red Tape to Build More Homes Act, 2024</i> (PED24097) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Shannon McKie (905) 546-2424 Ext. 1288
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That Council receive Report PED24097 as the basis for written comments on *Bill 185*, including the attached tables containing staff responses on each amendment, attached as Appendix "A" and "A1" to Report PED24097;
- (b) That Council adopts the submissions and recommendations as provided in Report PED24097 regarding Schedules 9 and 12 of proposed Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*;
- (c) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix "A" and "A1" to Report PED24097;
- (d) That staff report back to Council on any required staffing, process, fee and By-law changes necessary should Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* be proclaimed;
- (e) That upon Royal Assent of Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* – Schedule 12 Amendments to the *Planning Act*, staff be directed and authorized to prepare the necessary draft amendments to the Urban Hamilton

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**SUBJECT: City of Hamilton’s Response to the proposed *Planning Act* and *Municipal Act* changes *Provincial Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (PED24097) (City Wide) - Page 2 of 11***

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Official Plan and Rural Hamilton Official Plan and schedule a Statutory Public Meeting, as well as any required policies and procedures to give effect to the proposed changes, and undertake an analysis on staffing impacts across the organization as well as any financial implications, for Council’s consideration at a future Planning Committee;

- (f) That staff review and report back on the potential for a servicing allocation policy should Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* be proclaimed;
- (g) That notwithstanding the proposed changes to the *Planning Act* as it relates to fee refunds for combined Official Plan Amendment and Zoning By-law Amendments, Zoning By-law Amendment and Site Plan Control applications, staff be directed to continue to accept and review these applications in accordance with the 60, 90, and 120 day timelines outlined in the *Planning Act*.

## **EXECUTIVE SUMMARY**

On April 10, 2024, the Province introduced Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*. In March of 2022 the Government of Ontario introduced the “More Homes for Everyone Plan” as a result of consultation and recommendations from the Housing Affordability Task Force. Since that time, the Province has brought forward many legislative amendments that have impacted the municipal planning approvals processes which are meant to help achieve the projection of 1.5 million new homes by 2031.

Bill 185 represents the latest legislative amendments proposed addressing matters of land use planning, development, and municipal regulatory powers. The proposed amendments include changes to the *Development Charges Act*, *Municipal Act* and *Planning Act*, among others, with the stated goal to expedite housing development across the Province.

The deadline for comments on Bill 185 is May 10, 2024. Given the timing, staff level comments have been submitted to the Province and through this Report and are contained in Appendix “A” and “A1” to Report PED24097. If the recommendations of this Report are approved by Council, the Director of Planning and Chief Planner will notify the Province that the submissions that were made have been adopted by Council for the City of Hamilton and any modifications.

In addition, upon proclamation of the proposed changes in Bill 185, staff request authorization to schedule a statutory public meeting of the Planning Committee to consider draft Urban Hamilton Official Plan and Rural Hamilton Official Plan Amendments, and to report back to Council of any recommended policies and

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**SUBJECT: City of Hamilton's Response to the proposed *Planning Act* and *Municipal Act* changes *Provincial Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (PED24097) (City Wide) - Page 3 of 11***

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procedures to give effect to the proposed changes including an assessment of staffing and financial implications.

**Alternatives for Consideration – Page 11**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** At this time there are no immediate financial implications associated with the recommendations contained in this Report. However, if changes are implemented through Bill 185 such as changes to appeal rights for urban boundary expansions and implementation of a servicing allocation policy there will be financial impacts that will have to be assessed in more detail.

**Staffing:** At this time there are no immediate staffing implications associated with the recommendations contained in this Report. However, if changes are implemented through Bill 185 such as changes to appeal rights for urban boundary expansions and implementation of a servicing allocation policy there will be staffing impacts that will have to be assessed in more detail.

**Legal:** At this time there are no immediate legal implications associated with the recommendations contained in this Report. However, if changes are implemented through Bill 185 such as changes to appeal rights for urban boundary expansions, changes to third party appeals, elimination of pre-consultation and changes to appeals for complete application there will be legal impacts that will have to be assessed in more detail. Additional financial and staffing resources may be required to respond to these potential legal implications.

**HISTORICAL BACKGROUND**

Bill 185 passed its first reading on April 10, 2024. The omnibus Bill is part of a red tape reduction package, intended to streamline approvals and help build more homes and infrastructure faster.

The Province is seeking comments by May 10, 2024, on proposed amendments to the *Development Charges Act*, *Municipal Act* and *Planning Act*, among others as part of Bill 185.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Staff support the general intent of the Province to streamline processes to assist in increasing the supply of housing and meeting the Province's goal of building 1.5 million

**SUBJECT: City of Hamilton’s Response to the proposed *Planning Act* and *Municipal Act* changes Provincial *Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (PED24097) (City Wide) - Page 4 of 11***

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homes. The City has demonstrated its commitment to meeting these targets through the Housing Pledge (PED23056) signed in March 2023, the City meeting 2023 new building targets, implementing policy and regulatory changes to provide more flexibility for infill and intensification options, and implementation of a new streamlined process to address the fee refunds and required *Planning Act* timelines established by Bill 109.

Bill 185 – Schedule 6 proposes changes to the *Development Charges Act, 1997* which is discussed in detail in Report FCS24034.

This section provides a summary of the recommended *Planning Act* changes introduced in the proposed Bill 185 – Schedule 12 which is described in detail in Appendix “A” to Report PED24097.

1. Third Party Appeals (Official Plan Amendment and Zoning By-law Amendment)

The intent of the proposed changes is to eliminate third party appeals for Official Plans, Official Plan Amendments, Zoning By-laws, and Zoning By-law Amendments to reduce project delays. Appeals would be restricted to the applicant, the Minister, and specified persons or public bodies as defined in the *Planning Act*. Similar changes were previously made in Bill 23 for Plans of Subdivision, Minor Variances, and Consent applications.

Consistent with previous comments provided to the Province, staff are not supportive of the proposed amendments to further eliminate appeal rights for the public on *Planning Act* applications which has the effect of reducing overall public engagement and involvement in development applications. Over the last number of years public participation in the land use planning system has been diminished, to the point where, through Bill 23 and Bill 185, the public will have no appeal rights for many *Planning Act* applications including Draft Plan of Subdivision, Minor Variance and Consent applications.

Amendments to Ontario Regulation 543/06 – Official Plans and Plan Amendments and Ontario Regulation 545/06 – Zoning By-laws, Holding By-laws and Interim Control By-laws are anticipated to provide further direction on the necessary appeal language that will need to be included in the City’s public notices. Should the amendments be proclaimed the City would need to update public notices to implement Ontario Regulation changes.

2. Repeal of Bill 109 Fee Refunds

Bill 185 proposes to repeal the requirement to refund fees in respect of applications that exceed the 60, 90, and 120 day processing timelines.



**SUBJECT: City of Hamilton's Response to the proposed *Planning Act* and *Municipal Act* changes *Provincial Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (PED24097) (City Wide) - Page 5 of 11***

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Staff are supportive of the proposed amendments as the changes will enable more flexibility in the resolution of issues within the development application process. However, staff are committed to maintaining the process improvements that have been put in place to implement Bill 109 timelines to align with Council's priority on Responsiveness and Transparency. Recommendation (g) of Report PED24097 confirms this commitment.

Should the amendments be proclaimed in conjunction with changes proposed to limit the City's ability to require pre-consultation, staff will evaluate the processing of development applications and fees to maintain current commitments to reviewing and bringing forward recommendation reports and Site Plan Control approvals in accordance with the applicable timelines.

3. New Appeal Rights for Settlement Area Expansion Applications

Staff have provided a detailed discussion on the proposed amendments to the *Planning Act* relating to the new provisions for appealing settlement area expansion applications in Report PED23145(a) "City of Hamilton Comments on the Proposed Provincial Planning Statement, 2024".

4. "Use It or Lose It"

Bill 185 is proposing to introduce the ability to establish lapsing periods for Site Plan Control applications and amend requirements for lapsing periods for Draft Plan of Subdivision applications. While Site Plan Control lapsing dates would be elective, the changes for Draft Plan of Subdivision will create mandatory lapsing periods of no less than three years or as prescribed by the Minister.

Staff are in support of the proposed amendments to establish lapsing periods for Site Plan Control applications. The proposed changes enable the City to re-establish its previous process in setting limitations to Site Plan approvals, which was eliminated through implementation of Bill 109, and encourage development which will help achieve the City's housing targets and meet our Housing Pledge.

The City has historically implemented a lapsing period for Plan of Subdivision (three years) under the provisions of the *Planning Act*. The proposed amendment for mandatory lapsing periods will align with the current practice. The proposed amendment for approvals given on or before March 27, 1995, will allow the City to establish lapsing dates for old approvals, being three years after the date of proclamation, with no opportunity for further extensions.

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Should these changes be proclaimed, the City will report back to Council on changes to the Site Plan Control By-law, and internal processes to establish a lapsing period (see Recommendation (f) of this Report).

5. Pre-Consultation Requirements

The proposed changes will eliminate the City's ability to require pre-consultation on Draft Plan of Subdivision, Official Plan Amendments, Zoning By-law Amendments and Site Plan Control applications. The proposed amendments to pre-consultation requirements are coupled with additional amendments to allow the applicant to forward motions for deeming applications complete to the Ontario Land Tribunal at any time during the process.

Staff are not in support of the proposed amendments. The City has made improvements to its Formal Consultation process as a result of Bill 109 Fee Refund legislation which has created the opportunity for more engagement and discussion on development applications with applicants. The Formal Consultation process has been improved to give applicants further direction on the requirements for a complete application, provided scoped submission requirements, and collaborative discussion on the details of the application to enable an efficient circulation and commenting process to meet the legislated timelines. The cumulative impact of eliminating third party appeals, legislative timelines and the elimination of Formal Consultation applications further diminishes the ability for Indigenous communities and the public to participate in the development of their communities. The changes conflict with Council's priorities for Responsiveness and Transparency.

The intent is to continue to maintain the 60, 90 and 120 day timelines for processing development applications where possible. Without the ability to require pre-consultation, staff will have to rely solely on the application of the complete application policies of the City's Official Plans for submission requirements, which may result in applications taking longer to be processed. Should the amendment be proclaimed staff should investigate opportunities to incentivize Formal Consultation applications to encourage applicants to participate in pre-consultation discussions.

The impact of the proposed changes includes updating the Urban Hamilton Official Plan and Rural Hamilton Official Plan, updating the Site Plan Control By-law, reviewing development applications, fees and processes. Priority will have to be placed on completing Terms of References for the necessary studies to provide clear direction on the submission requirements that would normally be discussed at the Formal Consultation application stage.

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6. Parking Requirements

The proposed amendments restrict the City from establishing Official Plan policies or zoning regulations for minimum parking facilities in the Major Transit Station Areas identified in its Official Plan.

The City is already applying a transit focused approach to the provision of parking. Recent zoning changes have implemented the elimination of minimum parking requirements for residential land uses in much of the lower city. Non residential land uses have had reductions to minimum parking requirements across the City. While the City is in support of the elimination of minimum parking standards in the Major Transit Station Areas, the effect of this amendment would restrict the City's ability to require barrier free parking, and visitor parking. Therefore, Staff do not support the proposed amendments as drafted.

The City would be required to update zoning regulations in the City's Zoning By-laws to implement the proposed amendments. A future Statutory Public Meeting would be required to consider the amendments to the City's Zoning By-laws.

8. Additional Residential Unit Regulations

The proposed amendments enable the Minister, through regulations to establish 'as of right' built form requirements for Additional Residential Units. The regulation has not been provided but the intent would be to remove any barriers with respect to any Additional Residential Unit in a single detached dwelling, semi-detached dwelling, townhouse dwelling or an ancillary structure, which may include maximum lot coverage and limits on the number of bedrooms.

Staff do not support the proposed amendments. While staff are supportive of the promotion of Additional Residential Units as a means to providing infill and intensification opportunities, mandating specific development regulations that do not consider appropriate integration into an existing community and which are intended to mitigate potential impacts does not represent good planning. Amendments would be required to the City's Official Plans and Zoning By-laws to reflect any implementing Ontario Regulation.

9. Community Infrastructure and Housing Accelerator

"Community Infrastructure Housing Accelerator" (Section 34.1 of the *Planning Act*) established through Bill 23 allowed a municipality to make a request to the Minister of Municipal Affairs and Housing for expedited zoning implementation

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outside of Greenbelt lands. The “Community Infrastructure Housing Accelerators” are proposed to be repealed by Bill 185.

To date the City has not made any requests under Section 34.1 of the *Planning Act*. As a result, there will be no impacts to current processes and there are no concerns with this section being repealed.

10. Minister’s Zoning Order

While there are no changes to the legislation, a new framework for how a request for a Minister’s Zoning Order under section 47 of the *Planning Act* is submitted and considered, was released on April 10, 2024. The new framework includes criteria that will consider whether a Minister’s Zoning Order delivers on provincial priorities, and whether it is supported by a municipal council or a mayor with strong mayor powers and why the municipal process cannot be used. Additional information on public comments and Indigenous engagement is required to be provided. A public notice must be posted for a minimum of 30 days which will be followed by a posting of the Minister’s Zoning Order on the Environmental Registry of Ontario.

Staff are supportive of the proposed changes to the process for a Minister’s Zoning Order. The framework provides clear instructions for how a request is submitted, the specific criteria for the submission and the consultation requirements. The criteria align with Council’s priority for Responsiveness and Transparency.

11. Exemptions for Post-Secondary Institutions and Community Service Facilities

The proposed amendments include *Planning Act* exemptions for post-secondary institutions and potential exemptions for schools, hospitals and long-term care facilities (community service facilities), as defined by the *Ministry of Training, Colleges and Universities Act, Education Act, Public Hospital Act* and *Fixing Long Term Care Act, 2021* respectively. Post-secondary institutions would not be subject to any provisions under the *Planning Act*, including but not limited to the application of the City’s Official Plans or Zoning By-laws and Site Plan Control. The exemption for post-secondary institutions does not apply to Greenbelt Areas. Community service facilities would also be permitted to be exempted from the *Planning Act*; however, this exemption is subject to future regulations.

Staff strongly oppose the proposed recommendations. The City has established appropriate development regulations through the Institutional Zones. The City’s

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regulatory framework is not seen as a barrier for developing institutional uses, including student residences. The appropriate *Planning Act* applications allow the City to review development proposals for appropriate servicing, traffic, design and integration within the surrounding communities.

Should the amendments be finalized as written, updates to the City's Official Plans, Zoning By-laws and Site Plan Control By-laws would need to be updated to exempt the uses from the applicable regulations across the City.

**Additional amendments are proposed to the *Municipal Act* in the proposed Bill 185 – Schedule – 9.**

1. Bonusing

The proposed amendment authorizes the Lieutenant Governor in Council to make regulations authorizing a municipality to grant assistance directly or indirectly to a specified business or other industrial or commercial enterprise during a specified period. The associated regulations have not been provided as part of ERO posting 019-8369. Further evaluation of the impacts will be assessed once the regulations are available.

Staff are generally supportive of the proposed changes however it is unknown whether the City of Hamilton will be authorized to utilize the additional permissions. Additional details will be released through regulations by the Province. At that time the City of Hamilton will be in a better position to understand the impacts of implementing the new authority and will report back to Council.

2. Municipal Policy on Servicing Allocation (see also Section 70.3 of the *Planning Act*)

The proposed amendment will allow the City to establish by By-law a policy for the allocation of water supply and sewage capacity.

Staff are supportive of the proposed amendments. Further investigation is required to determine if it is feasible/desirable to adopt a capacity allocation By-law. It may be appropriate to establish a geographic specific allocation strategy in areas where capacity issues are known or where a strategic priority has been identified by the City. Further investigation is required, and any proposed changes would be brought forward for Council's consideration.

**SUBJECT: City of Hamilton's Response to the proposed *Planning Act* and *Municipal Act* changes Provincial *Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (PED24097) (City Wide) - Page 10 of 11***

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**Additional Environmental Registry of Ontario postings and Ontario Regulatory Registry (ERR) Postings accompanying Bill 185 – *Cutting Red Tape to Build More Homes Act, 2024* have been summarized below and are discussed in detail in Appendix “A1” to Report PED24097.**

1. Municipal Data Reporting

Changes are proposed to Ontario Regulation 73/23 as it relates to additional requirements for the Municipal Data Reporting. Additional datapoints, summaries and mapping are required to be submitted through the quarterly Municipal Data Reports.

Staff are generally supportive of the proposed changes, though clarification is required on some of the terminology proposed, including: “submissions” and “designated serviced land supply”. Additional data collection and mapping will be required to meet the new requirements which may not be possible before the stated October 2024 submission deadline.

2. Newspaper Notice Requirements and Consequential Housekeeping Changes

The notice requirements established in the *Planning Act* and *Development Charges Act* are proposed to be modernized to allow a municipality to make better use of their website for the purposes of posting statutory notices where there is no local newspaper available. The City of Hamilton benefits from a local newspaper therefore the process for notification will not be impacted. As a note, staff recognize that incorporating more modern methods of notice will help communities better engage with the public with traditional paper/newspaper and electronic notification being complementary.

A second amendment is proposed to implement changes to appeal rights though Bill 185. The regulations are proposed to be updated to reflect the elimination of third party appeals for Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments. As noted above, Staff do not support the proposed amendment as the change facilitates the elimination of an important public engagement tool for *Planning Act* applications and conflicts with the City's goals of Responsiveness and Transparency.

3. Additional Residential Units

An enhanced regulation making authority is proposed which will enable the Minister of Municipal Affairs and Housing the authority to remove municipal

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zoning barriers that may be limiting the development of Additional Residential Units throughout the City.

Staff are not in support of the proposed unilateral decision making authority. The City of Hamilton has been a leader in the advancement of Additional Dwelling Unit permissions and regulations. The City is committed to this form of development in achieving our housing goals.

Comments provided in response to ERO Posting 019-8366 include the suggestion that the Province provide support to municipalities by preparing guidelines for Additional Residential Units, stock building plans to reduce approval timelines and additional financial incentives to assist with development costs.

### **ALTERNATIVES FOR CONSIDERATION**

Council may amend the staff-level comments attached as Appendix “A” and “A1” to Report PED24097 or supplement the staff-level comments with additional comments.

Council may direct staff to not assess the financial, staffing or process changes that may result from the proposed changes included in Bill 185. Staff advise against this option to ensure the City will be in a position to implement the proposed changes to the *Municipal Act* and *Planning Act*.

### **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” to Report PED24097 – Summary of Changes Proposed through Bill 185 *Cutting Red Tape to Build More Homes Act, 2024*
- Appendix “A1” to Report PED24097 – Comments on additional Environmental Registry of Ontario and Ontario Regulatory Registry Postings Accompanying Bill 185

SM:sd

**City of Hamilton Comments on  
Bill 185, Cutting Red Tape to Build More Homes Act, 2024**

Summary of Proposed Change	Implementation Impacts	Comments
<b>ERO Posting 019-8369 - Proposed <i>Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001</i> Changes (Schedules 4, 9 and 12 of Bill 185 – the proposed <i>Bill 185, Cutting Red Tape to Build More Homes Act, 2024</i>)</b>		
<b>Schedule 1 – <i>An Act to Incorporate the Trinity College School</i></b>		
The Schedule amends <i>An Act to incorporate the Trinity College School</i> to state that the corporation has the capacity, rights, powers and privileges of a natural person and to make certain changes to the membership of the governing body of the school.		The <i>Act to Incorporate the Trinity College School</i> applies to lands outside of the City of Hamilton. The City has no comments.
<b>Schedule 2 – <i>Arts Council Act</i></b>		
The Schedule amends the <i>Arts Council Act</i> by changing the name of the Council from the Province of Ontario Council for the Arts to the Ontario Arts Council. The Schedule also replaces the definition of Minister in section 1.		The City of Hamilton has no comments.
<b>Schedule 3 – <i>Building Opportunities in the Skilled Trades Act, 2021</i></b>		
The <i>Building Opportunities in the Skilled Trades Act, 2021</i> is amended to permit the Registrar to delegate their powers and duties to employees of the Corporation.		The City of Hamilton has no comments.
<b>Schedule 4 – <i>City of Toronto Act, 2006</i></b>		
The City of Toronto Act applies to lands outside of the City of Hamilton. The City has no comments.		
<b>Schedule 5 – <i>Coroners Act</i></b>		
The City of Hamilton has no comments.		
<b>Schedule 6 – <i>Development Charges Act, 1997</i></b>		
<b>Eligible Capital Costs</b>  Subsection 5 (3) of the <i>Development Charges Act, 1997</i> is amended to add the costs of certain studies as capital costs for the purposes of section 5. Specified transition and special rules in section 5 are repealed and new transition rules with respect to the repeal of subsections 5 (7) and (8) are added.	Staff have reviewed and provided associated impacts as part of Report FCS24034.	The City of Hamilton supports the proposed changes.  Staff have reviewed and provided comments as part of Report FCS24034.
<b>Repeal of Mandatory Phase In</b>  New subsections 19 (1.1) to (1.3) provide that subsection 19 (1) of the Act does not apply to amendments to development charge by-laws in specified circumstances and new subsection 19 (1.4) governs notice of such amendments.	Staff have reviewed and provided associated impacts as part of Report FCS24034.	The City of Hamilton supports the proposed changes.  Staff have reviewed and provided comments as part of Report FCS24034.
<b>Expiry of Frozen Rates</b>  Currently, subsection 26.2 (5) of the Act provides that clauses 26.2 (1) (a) and (b) do not apply in respect of certain developments if more than the prescribed time has elapsed since certain applications were approved. This subsection is amended to replace the prescribed time with 18 months.	Staff have reviewed and provided associated impacts as part of Report FCS24034.	The City of Hamilton supports the proposed changes.  Staff have reviewed and provided comments as part of Report FCS24034.



Summary of Proposed Change	Implementation Impacts	Comments
<b>Schedule 6 – Development Charges Act, 1997 (Continued)</b>		
<p><b>Development Charge By-law Amendments</b></p> <p>Item 2 (1) and 2 (2) of Schedule 6 to Bill 185 proposes a two-step change to the process of amending DC By-Laws. Item 2 (1) would allow for DC By-Laws passed between the date Bill 23 received Royal Assent (November 28, 2022) and the date Bill 185 receives Royal Assent to be amended within six months to include the cost of studies in the calculation of capital costs and remove references to the phase-in. Seven months after Bill 185 receives Royal Assent, this special permission will be repealed and replaced.</p>	<p>Staff have reviewed and provided associated impacts as part of Report FCS24034.</p>	<p>The City of Hamilton supports the proposed changes.</p> <p>Staff have reviewed and provided comments as part of Report FCS24034.</p>
<b>Schedule 7 – Hazel McCallion Act (Peel Dissolution), 2023</b>		
The Hazel McCallion Act (Peel Dissolution), 2023 applies to lands outside of the City of Hamilton. The City has no comment		
<b>Schedule 8 – Line Fences Act</b>		
The City of Hamilton has no comments.		
<b>Schedule 9 – Municipal Act, 2001</b>		
<p><b>Allocation of Services</b></p> <p>Section 86.1 has been added allowing a municipality, by by-law, to adopt a policy providing for the allocation of water supply and sewage capacity. Such a policy may include a system for tracking the water supply and sewage capacity available to support approved developments and criteria respecting the allocation of water supply and sewage capacity to development applications.</p>	<p>Staff note that the implementation of systems necessary to adequately support a capacity allocation by-law are not currently available city wide and would need to be evaluated which may take time to review and implement through an allocation policy.</p> <p>A report on recommendations, review of best practices across the province, and options for implementation of a capacity allocation policy would be required.</p>	<p>The City of Hamilton supports the proposed changes.</p> <p>Staff will review options regarding feasibility to adopt a capacity allocation by-law given available resources and information should this change take effect.</p> <p>An allocation policy could consider geographic-specific areas where capacity issues are known and where information is available to support a policy, or in strategic priority areas, similar to the City's existing Wastewater Allocation Policy for the Airport Employment Growth District.</p>
<p><b>Bonusing</b></p> <p>Section 106.1 has been added which provides the Lieutenant Governor in Council to make regulations authorizing a municipality to grant assistance directly or indirectly to a specified business or other industrial or commercial enterprise during a specified period.</p> <p>** Implementing Regulation**</p>	<p>A new authority for the Province to allow municipalities the ability to provide additional assistance to encourage certain types of activities. The details will be released through the regulations at the discretion of the Province.</p> <p>It is unknown whether the City of Hamilton will be able to utilize the additional permissions as they may be limited to certain municipalities, at specific times, in specific circumstances.</p>	<p>The City of Hamilton is generally supportive of the proposed changes.</p> <p>Bill 185 proposes the addition of section 106.1 to the Municipal Act, 2001. This section would allow for the Province to authorize municipalities to provide additional assistance to encourage certain types of activities. Bill 185 provides limited information on the type of assistance that may be provided, the limits or conditions that may apply, and how the regulations will be administered. Staff recommend that the Province provide opportunities for municipalities to preview and consult on any regulations which may come into force through Section 106.1 of the <i>Municipal Act, 2001</i>. Staff are supportive of the proposed amendment to allow for additional assistance to be provided by municipalities so long as municipal discretion to utilize these opportunities is maintained and municipalities have the opportunity to preview and consult on regulations under this Section.</p>
<b>Schedule 10 – Niagara Parks Act</b>		
The Niagara Parks Act applies to lands outside of the City of Hamilton. The City has no comment.		
<b>Schedule 11 – Ontario Energy Board Act, 1998</b>		
No Comment.		

Summary of Proposed Change	Implementation Impacts	Comments
<b>Schedule 12 – Planning Act</b>		
<p><b>Upper Tier Planning Responsibilities</b></p> <p>Currently, the Act provides for two different classes of upper-tier municipalities, those which have planning responsibilities and those which do not. Amendments are made to provide that the Regional Municipality of Peel, the Regional Municipality of Halton and the Regional Municipality of York become upper-tier municipalities without planning responsibilities on July 1, 2024, and to provide that four other specified upper-tier municipalities will be upper tier municipalities without planning responsibilities on dates to be named by proclamation of the Lieutenant Governor. Other related amendments are made in the Act.</p>	<p>No impact.</p>	<p>No Comment</p>
<p><b>Major Transit Station Area Parking Restrictions</b></p> <p>New subsections 16 (22) to (24) limit the ability of official plans to contain policies requiring an owner to provide or maintain parking facilities within protected major transit station areas, certain other areas surrounding and including an existing or planned higher order station or stop and other prescribed areas. Related amendments are made to section 34 (6) (1.1).</p>	<p>The City's Urban Hamilton Official Plan encourages the reduction of on-site parking in areas with higher transit service.</p> <p>The City's Zoning By-laws will need to be updated to reflect the proposed amendments including the elimination of minimum parking for non-residential uses, barrier free parking requirements and visitor parking requirements.</p>	<p>The City does not support the proposed change as drafted.</p> <p>The City of Hamilton recently completed a Parking Standards Review which resulted in Council approval of new zoning standards for residential parking (PED22154(a)). A detailed review of parking standards for non-residential uses was not completed as part of the scope of the project and will be completed at a later date. A geographic area approach was taken for the new residential parking standards, which eliminates minimum parking requirements for residential units in the lower city from Main Street West to Centennial Parkway along the Light Rail Transit route, and along the Upper James Corridor. Major Transit Station Area planning work is still ongoing and boundary delineations around the Light Rail Transit stations and GO Transit rail stations have not been endorsed by Council or approved by the Province. However, the City's new parking standards requiring no minimums for residential parking do not geographically align with the potential future Major Transit Station Areas boundaries in all areas, which may result in future changes being needed to the geographic area where these standards are applied. Staff note that the geographic areas where parking minimums were eliminated were carefully considered based on a variety of criteria, and that using the geography of future Major Transit Station Areas may not be appropriate in all circumstances.</p> <p>The boundaries of the proposed Major Transit Station Areas are delineated based on a radius of 500 to 800 metres from an LRT station or GO Transit rail station. The City has identified areas within the proposed Major Transit Station Areas where greater intensification is anticipated to test if the existing policy permissions are sufficient to achieve the minimum density targets required by the Growth Plan. There are areas within this radius for certain proposed MTSAs where this level of intensification is not appropriate. The City should be able to evaluate appropriate parking standards based on the existing and planned conditions.</p>

Summary of Proposed Change	Implementation Impacts	Comments
<b>Schedule 12 – Planning Act (Continued)</b>		
<p><b>Major Transit Station Area Parking Restrictions (Continued)</b></p>		<p>Although residential parking standards have been eliminated in some areas, there is still a need to consider parking requirements for other non-residential uses as well as providing barrier free parking spaces and visitor parking spaces. Mandating no parking minimums would inhibit the City's ability to provide for visitors' parking needs and may result in negative impacts to the quality of life for residents. If no parking minimums are required for any uses, this may also prevent municipalities from requiring loading spaces or barrier free parking spaces for developments, which may have negative impacts on the function of sites and on <i>Accessibility for Ontarians with Disabilities Act, 2005</i> compliance. It is recommended that these proposed amendments be eliminated or revised to clearly specify that the no-parking requirement applies to parking exclusively for residential uses, and not parking requirements such as visitor parking, loading, barrier free and non-residential uses. The Urban Hamilton Official Plan currently has policies that allow for parking reductions to be considered in locations with a higher level of transit service. This policy could be updated to include or specify major transit station areas; however, the City needs the opportunity to evaluate when the removal of the requirement for parking is appropriate.</p> <p>The City, through implementing zoning regulations, is best suited to further the introduction of parking reductions and other measures geographically based on existing and planned transit infrastructure.</p> <p>The City requests further clarification of what "other prescribed areas" could encompass.</p>
<p><b>Official Plan Amendment and Zoning By-law Amendment Applications – Third Party Appeals</b></p> <p>Currently, subsection 17 (24) of the Act permits a person to appeal the adoption of an official plan if the person has, before the municipality adopted the plan, made oral submissions at a public meeting or written submissions to the municipality. Amendments are made to provide that a person must be a specified person, as currently defined in the Act. New subsections 17 (24.0.1) to (24.0.4) provide for transitional rules. Similar amendments are made to appeal rights under subsection 17 (36) (Official Plan Amendment) and subsection 34 (19) (Zoning By-law Amendment).</p> <p>Appeals would be restricted to the applicant, the Minister, and specified persons or public bodies as defined in the <i>Planning Act</i>. Similar changes were previously made in Bill 23 for Plans of Subdivision, Minor Variances, and Consent applications.</p> <p><b>**Implementing Regulation**</b></p>	<p>Amendments to the Ontario Regulation 543/06 and 545/06 will incorporate new language related to appeal rights. The City's public notices will require updates to align the language.</p> <p>The City will need to determine the status of existing appeals as the transition regulation establishes that any appeal that has not had a hearing to determine the issues will be void.</p>	<p>The City of Hamilton strongly opposes the proposed change.</p> <p>Staff are not supportive of the proposed amendments to further eliminate appeal rights for the public on <i>Planning Act</i> applications which has the effect of reducing overall public engagement and involvement in development applications. Over the last number of years public participation in the land use planning system has been diminished, to the point where, through Bill 23 and Bill 185, the public will have no appeal rights for most development applications that have a public process requirement.</p> <p>Public engagement is an important part of the planning process and is beneficial to planning outcomes. The City supports meaningful public consultation with communities and the ability for members of the public to participate in appeals. The proposed change is not consistent with best practices in public engagement and participation.</p> <p>The City of Hamilton's Council Priorities includes responsiveness and transparency. Eliminating third-party appeals will conflict with the City's objectives around public engagement and responding effectively and efficiently to public feedback.</p>



Summary of Proposed Change	Implementation Impacts	Comments
<b>Schedule 12 – Planning Act (Continued)</b>		
<p><b>Elimination of Pre-Consultation Requirements</b></p> <p>Subsection 22 (3.1) of the Act requires a council or planning board to allow applicants who wish to do so to consult with the municipality or planning board before submitting a request to amend an official plan and authorizes a council or planning board to pass a by-law requiring applicants to consult with the municipality or planning board before submitting such a request. The re-enacted subsection does not include the authority for a council or planning board to pass a by-law requiring consultation. Similar amendments are made to sections 34 (Zoning By-law Amendment), 41 (Site Plan Control) and 51 (Subdivision of Land).</p>	<p>Amendments to the City's Official Plans will be required to update the requirements for formal consultation in advance of an application. The Formal Consultation By-law will also need to be repealed.</p> <p>The Complete Application Requirements of the Official Plans will require updates to create a defined set of requirements for different application types. The requirements must address the concerns typically associated with the various application types. Clarification would be needed on the studies that would be considered mandatory requirements for different application types based on criteria such as proposed use and built form (height). Additional consideration is required for public consultation required to inform the application and how the applicant has addressed the public comments in their proposal.</p> <p>The City is working to finalize Terms of References for the list of studies established in the Official Plans to provide more clarity on the submission requirements. Should Formal Consultation be removed priority will have to be placed on finalizing the Terms of References as staff will not have the opportunity to discuss the scope of work to be completed, which is usually discussed at the formal consultation stage.</p> <p>A review of processes and application fees may be required to determine any changes to processes and correspondingly to fees charged to process applications.</p>	<p>The City of Hamilton strongly opposes the proposed change.</p> <p>Mandatory pre-consultations (formal consultations) are a key pillar of the application process for Draft Plan of Subdivision, Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control applications. Formal consultation ensures that the City receives all information needed to review and make recommendations, and in some cases issue approvals on applications and were a key factor in the approach taken to streamlining development applications through Bill 109 implementation.</p> <p>Without a mandatory formal consultation process, there is no clear mechanism to identify to applicants what constitutes a complete application. This change will create ambiguity for the City and developers and will affect the ability to process applications in a timely manner and make informed recommendations and decisions. It may result in the need for multiple submissions, lengthening the review process.</p> <p>While the City's Official Plans provide a list of the necessary studies associated with different development applications, the formal consultation process allows staff to work with applicants to scope the broad requirements to the specific needs of an individual application. The broad application of the complete application requirements may result in Ontario Land Tribunal appeals, increased timelines associated with the review of submissions, and additional circulations. The City has committed to maintaining the 60, 90, and 120 day timelines and relies on the Formal Consultation process to enable a thorough review of the proposed development, productive discussions with applicants and a determination of the studies that are required to properly assess the application.</p> <p>In combination with changes proposed to appeal the determination of a complete application, it is anticipated that this change will result in an increase in appeals and a significant additional cost to the City as a result of those appeals.</p> <p>If other proposed changes are made regarding appeals for urban boundary expansions, this could result in very complex applications being made which do not have the required materials and studies to make an informed decision. This could have broad negative consequences for orderly planning.</p> <p>The proposed change directly undermines Policy 6.2.2 of the proposed Provincial Planning Statement, 2024 which states Planning Authorities shall undertake early engagement with Indigenous communities on land use matters.</p>

Summary of Proposed Change	Implementation Impacts	Comments
<b>Schedule 12 – Planning Act (Continued)</b>		
<p><b>Elimination of Pre-Consultation Requirements (Continued)</b></p>		<p>The Formal Consultation application process provides additional opportunities for Indigenous communities to participate early on land use planning discussions and can be a component of protocols and/or agreements developed between municipalities and Indigenous Nations to better coordinate and share information on land use planning matters.</p> <p>Similarly, Formal Consultation has allowed staff to require public consultation efforts to be completed in advance of the submission of a formal application. The City encourages early engagement as a mechanism to consider public comments in advance of a submission. The City's Public Consultation Guidelines will still apply however the application of those guidelines would be reviewed as part of a formal submission.</p>
<p><b>Appeal for Deeming an Application Complete</b></p> <p>Subsection 22 (6.2) (Official Plans) of the Act permits the making of a motion, within a specified timeframe, for directions to have the Ontario Land Tribunal determine whether information and material required to be provided with a request for an official plan amendment have in fact been provided or whether a requirement to provide information or material required by the official plan is reasonable. The subsection is re-enacted to provide that a motion can be made at any time after pre-request consultation has begun or the requestor has paid the application fee. Subsection 22 (6.3), which currently provides for the extension of the timeframe under subsection 22 (6.2) in certain circumstances, is repealed. Similar amendments are made to sections 34 (Zoning By-law Amendments), 41 (Site Plan Control) and 51 (Subdivision of Land).</p>	<p>Staffing resources will be impacted as a result of additional motions being forwarded to the Ontario Land Tribunal for determination.</p> <p>Staff will need to prioritize the completion of the required Terms of References to provide clear direction on submission requirements.</p> <p>The timelines associated with receiving and processing of an application will remain unclear without a definitive appeal process. It will be difficult to maintain the commitment to processing applications within the 60, 90 and 120 timelines when the Ontario Land Tribunal can be engaged at any time to make a determination on the completeness of an application.</p> <p>Consistent application of the required studies may be compromised where applications are forwarded to the Ontario Land Tribunal. This is contrary to the City of Hamilton's Council Priorities related to transparency.</p>	<p>The City of Hamilton does not support the proposed change.</p> <p>The existing regulation allows an applicant to forward a motion to the Ontario Land Tribunal once a decision has been made on whether an application is complete. The proposed amendment will enable an applicant to forward a motion at any time after an applicant has begun to consult with a municipality during the process essentially eliminating the City's ability to review a submission to determine if it meets the minimum requirements of the Official Plan policies. This undermines the City's ability to provide a consistent and transparent process for receiving and determining the status of an application.</p> <p>The City is requesting further clarification on the process for which a motion is forwarded to the Ontario Land Tribunal in advance of an application being submitted to the City. The City is also seeking further clarification on how to determine when an applicant has begun to consult with the municipality without the requirement of a pre-consultation.</p>
<p><b>Appeal for Urban Boundary Expansion</b></p> <p>Subsection 22 (7.1) provides that there is no appeal under subsection (7) in respect of the refusal or failure to adopt or approve an official plan amendment described in subsection 22 (7.2). Clause 22 (7.2) (a) of the Act currently describes amendments that propose to alter all or any part of the boundary of an area of settlement in a municipality.</p>	<p>Impacts are discussed in Report PED23145(a).</p>	<p>The City of Hamilton does not support the proposed change.</p> <p>The proposed amendment is associated with impacts of the proposed Provincial Planning Statement, 2024 which is discussed in detail in Report PED23145(a).</p>

Summary of Proposed Change	Implementation Impacts	Comments
<b>Schedule 12 – Planning Act (Continued)</b>		
<p><b>Appeal for Urban Boundary Expansion (Continued)</b></p> <p>The clause is re-enacted to describe an alteration of the boundary of an area of settlement in a municipality if, as a result of the alteration, any land in the Greenbelt Area would be included in the area of settlement. A similar amendment is made to clause 34 (11.0.4) (a).</p>		
<p><b>Zoning By-law Amendment and Site Plan Control Application Refunds</b></p> <p>Subsections 34 (10.12) to (10.14) of the Act, which currently provide rules respecting when municipalities are required to refund fees in respect of applications under that section, are repealed. Transitional rules are provided for in new Subsections 34 (35) and (36) (Zoning By-law Amendment). Similar amendments are made to section 41 (Site Plan Control).</p>	<p>Staff are committed to maintaining the 60, 90 and 120 day timelines. No impacts are anticipated as a result of the proposed amendments.</p>	<p>The City of Hamilton supports the proposed changes.</p> <p>While the City has successfully implemented process changes and made efficiencies during the application process, eliminating fee refunds will allow the City to work more collaboratively with applicants. Under the current framework staff were not always able to negotiate simple solutions to address concerns within the timeframes which has resulted in denial recommendations. Zoning By-laws often have associated Holding Provisions that may be avoided with additional time.</p> <p>The City acknowledges the benefit of the timelines and is committed to maintaining the current process efficiencies to continue to bring forward applications within or as closely within the <i>Planning Act</i> timelines. The streamlined processes that have been established align with the City's Council commitment to build new homes to meet our Housing Pledge.</p>
<p><b>Community Infrastructure and Housing Accelerators Requests</b></p> <p>Section 34.1 currently provides for Minister's orders that are made at the request of a municipality. The section is repealed and re-enacted to provide a transition rule respecting orders that were previously made under the section.</p>	<p>No impact to current processes.</p>	<p>The City of Hamilton supports the proposed changes.</p> <p>The City has not made a request under section 34.1 to date.</p>
<p><b>Minister Zoning Orders</b></p> <p>The new framework includes criteria that will consider whether a Minister's Zoning Order delivers on provincial priorities, and whether it is supported by a municipal council or a mayor with strong mayor powers and why the municipal process cannot be used. Additional information on public comments and Indigenous engagement is required to be provided. A public notice must be posted for a minimum of 30 days which will be followed by a posting of the Minister's Zoning Order on the Environmental Registry of Ontario.</p>	<p>The City of Hamilton will have to follow the new framework for the submission of a request for a Minister's Zoning Order.</p>	<p>The City of Hamilton supports the new framework.</p> <p>The framework provides clear instructions for how a request is submitted, the specific criteria for the submission and the consultation requirements. The criteria align with Council's priority for Responsiveness and Transparency.</p>

Summary of Proposed Change	Implementation Impacts	Comments
<b>Schedule 12 – Planning Act (Continued)</b>		
<p><b>Minister Authority - Additional Residential Unit</b></p> <p>Subsection 35.1 (2) authorizes the Minister to make regulations establishing requirements and standards with respect to a second or third residential unit in a detached house, semi-detached house or rowhouse and with respect to a residential unit in a building or structure ancillary to such a house. The subsection is re-enacted to authorize regulations establishing requirements and standards with respect to any additional residential units in a detached house, semidetached house or rowhouse, a residential unit in a building or structure ancillary to such a house, a parcel of land where such residential units are located or a building or structure within which such residential units are located.</p>	<p>Amendments to the City's Official Plans and Zoning By-laws may be required to have regard for the proposed regulations.</p> <p>Staff are requesting to participate in the preparation of the Ontario Regulations to provide feedback on the City's recent amendments, and results of monitoring applications.</p>	<p>The City of Hamilton does not support the proposed changes.</p> <p>Since introducing Additional Dwelling Unit permissions in May 2021, the regulations for internal and detached Additional Dwelling Units have been continuously monitored and periodically amended to aid implementation. The City's Zoning By-law's support the creation of Additional Dwelling Units and includes regulations that are intended to guide integration of new units into a neighbourhood, not create barriers to their development.</p> <p>While staff are in support of the promotion of Additional Dwelling Units as an important means to meeting the City's Housing Pledge, mandating specific development regulations may interfere with the City's ability to maintain a supportive regulatory framework for Additional Dwelling Units that addresses context and integration and minimizes impacts.</p> <p>The Province could support a municipalities' implementation of Additional Residential Unit policies and regulations by preparing guidelines for Additional Dwelling Units, stock building plans that may reduce approval timelines, and financial measures to assist their development. Regulations to implement conditional zoning would also provide additional resources for municipalities to incorporate greater flexibility for all residential land uses.</p> <p>The City requests to be further engaged on the implementing Ontario Regulations associated with Additional Residential Units.</p>
<p><b>Use it or Lose It Site Plan Lapsing of Approval</b></p> <p>A new subsection 41 (7.3) permits an authorized person to provide for the lapsing of previous approvals and, if the person does so, requires the municipality to notify the owner of the land. Amendments are made to subsection 70.1 (1) to authorize certain regulations in relation to subsections 41 (7.1), (7.2) and (7.3), including providing for exemptions to those provisions.</p>	<p>The City's Site Plan Control By-law will require amendments to reflect the lapsing period. Staff must bring forward a Report on the proposed lapsing time frame. Timeline should align with the proposed changes to the Development Charges lock in timeframe, being 18 months.</p>	<p>The City of Hamilton supports the proposed amendment.</p> <p>The proposed amendment re-instates the City's previous practice of establishing a one year lapsing period for Site Plan approvals which was suspended with the implementation of Bill 109. The option to establish a lapsing date for Site Plan approval supports the City's goal of ensuring development applications proceed to building permit and are built in a timely manner. The assurance that an application will be limited to an established time period will provide additional certainty in how the City will meet our Housing Pledge.</p> <p>Additionally, applications that lapse will not benefit from continued Development Charge discounts.</p> <p>The proposed amendments align with Council's priority for Safe and Thriving Neighborhoods and will help to enable streamlined and accelerated approvals for new residential development.</p>
<p><b>Use it or Lose It Subdivision Lapsing of Approval</b></p> <p>Subsection 51 (32) permits an approval authority to provide for the lapsing of an approval to a draft plan of subdivision.</p>	<p>The proposed amendment would require that Draft Plans of Subdivision approved on or before March 27, 1995, automatically lapse three years after the date the legislation comes into force, unless there are any outstanding appeals to any conditions of approval.</p>	<p>The City of Hamilton supports the proposed changes.</p> <p>The City already includes a three year lapsing date on all Draft Plan of Subdivision approvals. Therefore, given that this proposed change is consistent with the City's current practices, staff support the change.</p>



Summary of Proposed Change	Implementation Impacts	Comments
<b>Schedule 12 – Planning Act (Continued)</b>		
<p><b>Use it or Lose It Subdivision Lapsing of Approval (Continued)</b></p> <p>The subsection is re-enacted to, among other things, require approval authorities to provide for the lapsing of such approvals. New subsection 51 (33.4) deals with the lapsing of approvals that were given on or before March 27, 1995. Amendments are made to subsection 70.1 (1) to authorize certain regulations in relation to subsections 51 (32), (32.1) and (33.4), including providing for exemptions to those provisions.</p>	<p>There is no opportunity to extend this three year lapsing period, so the approval would cease after that time period.</p> <p>Note that the City's current practice is to grant Draft Plan Approval extensions as required for the applicant to register the Plan. If implementing the approval lapsing is intended to fast-track housing supply, the City may need to re-consider this approach and not issue approval extensions, potentially with a servicing allocation policy.</p>	<p>Note that extensions to Draft Plan Approval can be granted if the Plan is not registered prior to the lapsing date.</p> <p>For plans draft approved prior to March 27, 1995, it is estimated that there are approximately 16 Draft Approved Plans of Subdivision in the City that would be impacted by this change. The proposed amendment will require that these plans lapse in three years without the opportunity for extension. Given the time that has passed since these Plans were draft approved and the lack of progress in registering the Plans and proceeding to construction, staff support this proposed change.</p> <p>From a servicing perspective, the lapsing provision may be effective in conjunction with a servicing allocation policy as part of the 'Use It or Lose It' tools as it would help ensure that servicing capacity is only reserved for a specific development for a specific timeframe, beyond which it would be reallocated with lapsing of the draft plan approval.</p>
<p><b>Non Application of Part V, etc.</b></p> <p>A new Section 49.3 of the Act authorizes regulations that provide for the non-application of any provision of Part V or a regulation under section 70.2 or setting out restrictions or limitations with respect to its application, to houses and ancillary structures meeting prescribed criteria.</p>	<p>Amendments to the City's Official Plans and Zoning By-laws may be required to have regard for the proposed regulations.</p> <p>Staff are requesting to participate in the preparation of the Ontario Regulations to provide feedback on the City's recent amendments, and results of monitoring applications.</p>	<p>The City of Hamilton does not support the proposed changes.</p> <p>Land Use Controls and Related Administration, being Part V of the <i>Planning Act</i> enables a municipality to establish zoning regulations for uses including Additional Residential Units. This section cannot be viewed simply as acting as a barrier to the development of Additional Residential Units. For example, Minor Variance applications provide data for monitoring purposes that can inform modifications to regulations that improve implementation, ease of use, and the successful integration of the policy approach.</p> <p>The absence of the fundamental tools of the <i>Planning Act</i> to regulate development coupled with the diminished public participation, and expedited timelines leaves the City with less tools to accommodate thoughtful intensification and infill options in which may impact how communities in the City accept new forms of development.</p>
<p><b>Post-Secondary Exclusions from the <i>Planning Act</i></b></p> <p>A new Section 62.0.2 is added to the Act to exempt undertakings of certain classes of post-secondary institutions from the <i>Planning Act</i> and sections 113 and 114 of the City of Toronto Act, 2006.</p>	<p>Amendments would be required to the City's Official Plans, Zoning By-laws and Site Plan Control By-law to provide the necessary exemptions.</p> <p>Additional review of the City's Master Plans and the potential impacts of not understanding how potential development of post-secondary institutions may impact the City's larger infrastructure networks.</p>	<p>The City of Hamilton strongly opposes the proposed changes.</p> <p>The proposed amendment has the effect of exempting post-secondary institutions from the <i>Planning Act</i>, including zoning regulations and application of Site Plan Control. While the City is supportive of providing more streamlined approvals for post-secondary institutions, the exemption from the provisions of the <i>Planning Act</i> removes the City's ability to provide regulations that address site specific context, integration into communities, servicing constraints and orderly development.</p> <p>The broad terminology could be interpreted to mean that the exclusion applies to all lands owned by a post-secondary institution regardless of its connection to a campus. While a Building Permit will still be required to be issued in the normal manner, eliminating zoning regulations and Site Plan Control will limit the City's objectives for good planning.</p>



Summary of Proposed Change	Implementation Impacts	Comments
<b>Schedule 12 – Planning Act (Continued)</b>		
<b>Post-Secondary Exclusions from the Planning Act (Continued)</b>		The City requests clarification with regard to the exclusion of lands owned by a post-secondary institution versus campuses.
<p><b>Community Service Facilities Exclusions from the Planning Act</b></p> <p>A new Section 62.0.3 of the Act authorizes regulations that provide for the non-application of any provision of the Act or a regulation made under section 70.2, or setting out restrictions or limitations with respect to its application, to prescribed classes of community service facilities that meet prescribed requirements.</p> <p><b>**Implementing Regulations**</b></p>	Amendments would be required to the City's Official Plans, Zoning By-laws, and Site Plan Control By-law to provide the necessary exemptions.	<p>The City of Hamilton strongly opposes the proposed changes.</p> <p>Community service facilities, including schools, long term care facilities and hospitals would also be permitted to be exempted from the Planning Act; however, this exemption is subject to future regulations. While the City is supportive of providing more streamlined approvals for important community service facilities, exemptions from the provisions of the <i>Planning Act</i> removes the City's ability to provide regulations that address site specific context, integration into communities, servicing constraints and orderly development.</p> <p>While a Building Permit will still be required to be issued in the normal manner, eliminating zoning regulations and Site Plan Control will limit the City's objectives for good planning.</p>
<p><b>Use It or Lose It</b></p> <p>Section 70.3 of the Act currently permits the making of regulations that authorize municipalities to pass by-laws establishing a system for allocating sewage and water services to land that is subject to an application under section 51. The section is repealed.</p> <p>Bill 185 has proposed amendments to the Municipal Act to add a new Section 86.1 to Part III (Specific Municipal Powers enabling municipalities to adopt a policy providing for the allocation of water supply and sewage capacity.</p>		<p>The City of Hamilton supports the proposed amendment.</p> <p>The City will evaluate the potential for creating an allocation By-law under 86.1 of the <i>Municipal Act</i> and the merits of its application.</p> <p>An allocation policy could consider geographic-specific areas where capacity issues are known and where information is available to support a policy, or in strategic priority areas, similar to the City's existing Wastewater Allocation Policy for the Airport Employment Growth District.</p>
<b>Schedule 13 – Poet Laureate of Ontario Act (In Memory of Gord Downie), 2019</b>		
The City of Hamilton has no comment.		
<b>Schedule 14 – Redeemer Reformed Christian College Act, 1998</b>		
The City of Hamilton has no comment.		
<b>Schedule 15 – Universite de Hearst Act, 2021</b>		
The City of Hamilton has no comment.		

**Appendix “A1” to Report PED24097  
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**Comments on Additional Environment Registry of Ontario (ERO) and Ontario Regulatory Registry (ERR) Postings Accompanying Bill 185 - *Cutting Red Tape to Build More Homes Act***

<b>ERO Posting 019-8368 - Proposed Amendments to Ontario Regulation 73/23: Municipal Data Reporting</b>	
<p>Changes are proposed to Ontario Regulation 73/23 to require additional application summaries and change datapoints for Draft Plan of Subdivision and Draft Plan of Condominium Applications.</p>	<p>The City of Hamilton generally supports the proposed changes.</p> <p>The amendments would increase the quarterly reporting requirements. Many of the proposed additions may be more suitable in a yearly reporting requirement. Additional data will need to be collected and organized to fulfill the new requirements and may not be feasible by the October 2024 reporting period.</p> <p>The City requests clarification on the term “submissions” to clarify if reporting is meant to include each submission for an application by an applicant or is the term meant to capture initial submissions only.</p> <p>Further clarification is requested on the request to provide the municipalities geospatial data that identifies designated serviced land supply. The term ‘designated serviced land’ is not defined or explained.</p>
<b>ERO Posting 019-8370 – Proposed Changes to Regulations under the <i>Planning Act</i> and <i>Development Charges Act, 1997</i> Relating to the Bill 185, <i>Cutting Red Tape to Build More Homes Act, 2024</i> (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes</b>	
<p>Changes are proposed to the <i>Planning Act</i> and <i>Development Charges Act</i> to modernize public notice requirements to allow notices to be provided by way of a Municipal Website where no local print newspaper is available.</p>	<p>The proposed changes will not affect the City of Hamilton’s circulation process as the City of Hamilton has a municipal newspaper to accommodate notices.</p>

## Appendix "A1" to Report PED24097

Page 2 of 3

<b>ERO Posting 019-8370 – Proposed Changes to Regulations under the <i>Planning Act</i> and <i>Development Charges Act</i>, 1997 Relating to the Bill 185, <i>Cutting Red Tape to Build More Homes Act</i>, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes (Continued)</b>	
<p>Consequential Housekeeping Amendments related to proposed changes to Third Party Appeals as part of Bill 185.</p>	<p>The City of Hamilton does not support the proposed changes.</p> <p>Public engagement is an important part of the planning process and is beneficial to planning outcomes. The City supports meaningful public consultation with communities and the ability for members of the public to have an opportunity to participate in appeals. The proposed change is not consistent with best practices in public engagement and participation.</p>
<b>ERO Posting 019-8366 Proposed Regulatory Changes under the <i>Planning Act</i> Relating to the <i>Cutting Red Tape to Build More Homes Act</i>, 2024 (Bill 185): Removing Barriers for Additional Residential Units</b>	
<p>The proposed changes build on previous amendments to the <i>Planning Act</i> through Bill 23 <i>More Homes Built Faster Act</i>.</p> <p>An enhanced regulation-making authority is proposed providing the Minister with broader authority to remove municipal zoning by-law barriers that may be limiting development of Additional Residential Units.</p> <p>The ERO posting poses two Discussion questions related to Additional Residential Units:</p>	<p>The City of Hamilton does not support the proposed changes.</p> <p>In response to the Discussion Questions, staff provide the following:</p> <ol style="list-style-type: none"> <li>1. The City of Hamilton has incorporated additional dwelling units in a phased approach over many years. The regulations have evolved to provide a flexible framework for development while integrating Additional Residential Units into a neighbourhood and community. Mandating specific development regulations will interfere with the City's ability to continue to allow for Additional Residential Units in a form that works well within an infill context. Zoning is not a barrier to the development of Additional Residential Units.</li> </ol>

**ERO Posting 019-8366 Proposed Regulatory Changes under the *Planning Act* Relating to the *Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units (Continued)***

Discussion Questions

1. Are there specific zoning by-law barriers standards or requirements that frustrate the development of Additional Residential Units (e.g., maximum building height, minimum lot size, side and rear lot setbacks, lot coverage, maximum number of bedrooms permitted per lot, and angular plane requirements, etc.)?

Are there any other changes that would help support the development of Additional Residential Units?

2. The Province could support the City’s implementation of Additional Residential Unit policies and regulations by preparing guidelines for Additional Residential Units, stock building plans that may reduce approval timelines and financial incentives to assist with costs associated with developing and Additional Residential Unit.



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

May 14, 2023

# PED24097

City of Hamilton's Response to the proposed *Planning Act* and *Municipal Act* changes in Provincial Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* (PED24097) (City Wide)

Presented by: Shannon McKie

## Thank you to:

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Sean Kenney	Heritage and Urban Design
Binu Korah	Development Engineering Approvals
Heather Travis	Growth Management
Charlie Toman	Sustainable Communities
Melanie Pham	Sustainable Communities
Ailish Brooke	Corporate Services
Patrick MacDonald	Legal Services
Peter K	Legal Services

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- On April 10, 2024 the Provincial Government released Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*
- The Bill includes amendments various Acts including:
  - *Development Charges Act,*
  - *Municipal Act,* and
  - *Planning Act*





## The City does not support the following amendments

Proposed Changes	Rationale
Eliminate Third Party Appeals	<ul style="list-style-type: none"> <li>Reduces overall engagement on application processes.</li> </ul>
Eliminate Formal Consultation Requirements	<ul style="list-style-type: none"> <li>Limits meaningful conversations on applications.</li> <li>May result in increased processing times.</li> </ul>
Additional Residential Unit Regulations	<ul style="list-style-type: none"> <li>Limits this City’s ability to create appropriate development regulations.</li> </ul>
Parking Reductions in Major Transit Station Areas	<ul style="list-style-type: none"> <li>Restricts the City from incorporating AODA standards and visitor parking.</li> </ul>
Exemptions for Post Secondary Institutions	<ul style="list-style-type: none"> <li>Removes the City’s ability to ensure appropriate servicing, traffic, design and integration within communities.</li> </ul>
Exemptions for Community Service Facilities	<p>Removes the City’s ability to ensure appropriate servicing, traffic, design and integration within communities.</p>

## The City supports the following amendments:

Proposed Changes	Rationale
Repeal Bill 109 Refund Requirements	<ul style="list-style-type: none"> <li>Allows the City to continue meaningful engagement with the applicant to improve applications.</li> </ul>
'Use It or Lose It'	<ul style="list-style-type: none"> <li>Lapsing dates will encourage faster implementation of decisions.</li> </ul>
Allocation of Services Policy	<ul style="list-style-type: none"> <li>Enables the City to establish policies to direct services.</li> </ul>
Repeal Community Infrastructure and Housing Accelerator	<ul style="list-style-type: none"> <li>The City encourages applications to proceed through the regular development application process.</li> </ul>
Minister's Zoning Order	<ul style="list-style-type: none"> <li>Improves transparency in the process for submitting, reviewing and approving a Minister's Zoning Order.</li> </ul>



- Eliminates appeal rights for the public on Official Plan, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments;
- Eliminates the City's ability to require Pre-Consultation applications;
- Removes regulatory mechanisms for ensuring appropriate development of post-secondary institutions and community service facilities;
- Removes mechanisms for the City to require barrier free and visitor parking within Major Transit Station Areas;
- Weakens the protection of the City's urban boundary development limits by allowing appeals to applications to expand into the City's rural area; and,
- Results in unilateral decision making to the Minister of Municipal Affairs and Housing as it relates to Additional Residential Units.



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 14, 2024
<b>SUBJECT/REPORT NO:</b>	City of Hamilton Comments on Proposed Provincial Planning Statement, 2024 (PED23145(a)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Charlie Toman (905) 546-2424 Ext. 5863 Jennifer Allen (905) 546-2424 Ext. 4672
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That Council adopts the submissions and recommendations as provided in Report PED23145(a) regarding the revised Provincial Planning Statement, 2024;
- (b) That Council confirms that the submission and recommendations, as attached in Appendix "A" to PED23145(a), are in addition to the City's submission and recommendations on the first draft of the proposed Provincial Planning Statement, 2023 contained in Reports PED23145 and PED23185;
- (c) That the Director of Planning and Chief Planner be authorized and directed to confirm the submission made to the Province attached as Appendix "A" to Report PED23145(a);
- (d) That Council direct staff to assess the implications of existing or potential urban boundary expansion Official Plan Amendment applications and report back with recommendations on the processing and evaluation of these applications relative to requirements for a complete application, potential staffing and consultant resources for the processing of applications and potential Ontario Land Tribunal appeals, changes to existing application fees, and any necessary capital budget enhancements.

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**EXECUTIVE SUMMARY**

Through the Environmental Registry of Ontario, the Government of Ontario has requested input on an updated proposed Provincial Planning Statement, 2024 by May 12, 2024. The proposed Provincial Planning Statement is adapted from, and would replace the Provincial Policy Statement, 2020 and Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan). At the same time, the Province introduced several other legislative amendments impacting land use planning through Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* and other regulations through multiple other Environmental Registry of Ontario postings. Staff will be submitting separate report(s) to Planning Committee on these other changes.

A proposed revised Provincial Planning Statement was first released on April 6, 2023. The City's comments on this version were presented and endorsed by City Council through Report PED23145 on June 21, 2023, and submitted to the Province. The City of Hamilton identified several areas of concern and generally found that the policies were contrary to balanced decision making, the protection of the natural environment, employment lands and agricultural lands, would diminish the role of local participation in land use planning and represent a significant shift away from the policy led planning system in Ontario.

The updated Provincial Planning Statement, 2024 responds to some of the concerns raised by the City of Hamilton, including restoring some protection of rural and agricultural areas from residential lot creation. However, overall, City staff maintain its concerns raised through Report PED23145. A second report on the proposed revised Natural Heritage policies was addressed through report PED23185.

Most importantly, the revised Provincial Planning Statement, 2024 would still remove the requirement for a Municipal Comprehensive Review before a municipality or landowner can expand the urban boundary more than 40 hectares or convert employment lands to other uses. A significant new concern is that the removal of this requirement, combined with changes in Bill 185, that would allow landowners to appeal urban boundary expansion applications to the Ontario Land Tribunal, would mean that all whitebelt lands (land outside of Hamilton's urban boundary and outside of the Greenbelt Plan area) could be subject to urban boundary expansion applications and appeals. There is approximately 4,320 hectares of whitebelt land within the City of Hamilton. The proposed repeal of the Growth Plan would create a policy vacuum to consider urban boundary expansion applications and without the City establishing its own submission requirements or evaluation criteria, urban boundary expansion proponents can propose their own criteria.

The proposed policy shift from "Residential Intensification First" to ad hoc urban boundary expansions significantly erodes the City's ability to make land use decisions

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based on the City Council's directed Urban Hamilton Official Plan's no urban boundary expansion growth strategy as well as, public engagement, local conditions, and municipal priorities. It also creates uncertainty in terms of the design, delivery and financing of both "hard" infrastructure and community services required for complete communities. In addition to this planning uncertainty, considerable resources may need to be dedicated to responding to any potential application and appeals. To defend against a boundary expansion appeal at the Ontario Land Tribunal would require substantial staff time, legal counsel and qualified external consultants. Experience has shown that such hearings will be very costly.

As a result of these proposed changes, a recommendation has been included that staff be directed to assess the implications of urban boundary expansion Official Plan Amendment applications and report back with recommendations on the processing and evaluation of these applications relative to requirements for a complete application, criteria for assessing applications, potential staffing and consultant resources for the processing of applications and potential Ontario Land Tribunal appeals, changes to existing application fees, and any necessary capital budget enhancements.

The deadline for comment on the Provincial Planning Statement was May 12, 2024. Given the timing, staff comments contained in Appendix "A" attached to Report PED23145(a) have been submitted to the Province. If the recommendations of this Report are approved by Council, the Director of Planning and Chief Planner will notify the Province that the submission made has been adopted by Council for the City of Hamilton and of any changes to staff comments as a result of Council's consideration of the matter.

**Alternatives for Consideration – See Page 16**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** At this time there are no immediate financial implications associated with the recommendations contained in this Report. However, if changes are implemented to appeal rights for urban boundary expansions through Bill 185, combined with proposed Provincial Planning Statement policies that remove the process of municipal comprehensive review, there will be significant financial impacts that will be assessed in more detail and outlined in a subsequent report to Council.

**Staffing:** At this time there are no immediate staffing implications associated with the recommendations contained in this Report. However, if changes are implemented to appeal rights for urban boundary expansions through Bill 185, combined with proposed Provincial Planning Statement policies that remove the process of municipal comprehensive review it is anticipated

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there will be the need for additional staff which will be assessed in more detail.

Legal: Legal Services and the Planning Division will continue to monitor the proposed Provincial Planning Statement, 2024 and report back where necessary with recommendations for the implementation of the proposed Provincial Planning Statement, 2024.

### **First Draft of the Proposed Provincial Planning Statement**

On April 6, 2023, the first draft of the proposed Provincial Planning Statement, 2023 was introduced at the Ontario Legislature. City Council ratified the submissions made by staff to the Province on June 21, 2023 through Report PED23145 and subsequent Natural Heritage Systems report PED23185 which identified several areas of concerns including:

- Reducing the required justification and direction for settlement area expansion;
- Reducing emphasis on residential intensification and development in locations that support transit;
- Increasing opportunities for rural residential lot creation in rural and agricultural areas;
- Weakening restrictions on conversion of Employment Lands and making it more challenging to designate Employment Lands;
- Reducing land use compatibility criteria for sensitive land uses near Major Facilities; and
- Weakening Climate Change policies; and,
- Allowing Minister Zoning Orders be exempt from Provincial plans and policies.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

#### **Provincial Policy Statement (2020)**

The Government of Ontario is proposing to replace the Provincial Policy Statement, 2020 and Growth Plan with the new Provincial Planning Statement. Similar to the current framework, the proposed Provincial Planning Statement will require that all municipal land use decisions affecting planning matters be consistent with policy statements and plans issued by the Province. The Government of Ontario is still proposing to carry forward some of its policies from the Growth Plan respecting strategic growth areas and density targets for 29 “large and fast growing” municipalities across Ontario into the new Provincial Planning Statement.

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**RELEVANT CONSULTATION**

Staff from within Planning, Growth Management, Climate Change Initiatives, Transportation Planning, Public Works, Finance, and Legal Services were consulted in the drafting of this report, recommendations, and appendices.

In addition, City staff have been in communication with staff from other municipalities, government agencies and professional associations through various networks to discuss broader implications of the Provincial Planning Statement, 2024.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The proposed Provincial Planning Statement, 2024 makes some changes to reflect concerns raised from earlier consultation; however, overall, it will move land use planning away from a coordinated, balanced approach for planning for population and employment growth.

In Appendix “A” attached to Report PED23145(a), staff have identified where it supports specific revisions and where there are still questions and concerns. Staff have specified in its 2024 submission to the Province that all new comments provided are in addition to and do not replace the City’s previous submission on the first draft of the proposed Provincial Planning Statement, 2023.

In assessing the implications of the proposed Provincial Planning Statement, 2024 which are summarized below, staff considered the effects of recent Provincial legislation, most notably Bill 185 which is discussed in detail through Report PED24097.

**1.1 Municipal Comprehensive Reviews and Bill 185 Appeal Rights**

The proposed Provincial Planning Statement, 2024 proposes to rescind the Growth Plan and remove the requirement for municipalities to undertake a Municipal Comprehensive Review before considering urban boundary expansions and employment land conversions. This combined with the *Planning Act* changes proposed in Bill 185 would allow landowners to submit Official Plan Amendment applications for urban boundary expansions and employment conversions at any time and with no limit on the size of a boundary expansion request; whereas, the Growth Plan currently limits landowner applications to 40 hectares. Implications to employment lands are discussed under section 1.4 of this report.

For urban boundary expansions, the proposed Provincial Planning Statement, 2024 states municipalities shall consider certain criteria for expanding a settlement area including: whether there is a need for additional land to accommodate an appropriate range and mix of land uses; if there is sufficient infrastructure capacity available or

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planned; and general avoidance of expansions into prime agricultural areas. The City's previous comments opposed the removal of the Municipal Comprehensive Review requirement, stating that it would hinder the ability of municipalities to effectively plan for orderly and comprehensive land use planning over time.

The Province has made several revisions in the new draft of the Provincial Planning Statement, 2024 including stating that municipalities shall (rather than should) apply the Province's criteria in considering urban boundary expansions and adding a policy (2.3.1.4) encouraging municipalities to establish minimum intensification targets based on local conditions. While these revisions are positive in comparison to the first draft, staff are still concerned with the removal of the Municipal Comprehensive Review requirement which is further compounded by the introduction of Bill 185 which would allow landowners to appeal urban boundary expansion applications to the Ontario Land Tribunal. Further, while the Urban Hamilton Official Plan has an intensification target of 81%, the provincial "encouragement" of intensification targets (based on the Growth Plan classification of urban areas as "Building Boundaries" or "Designated Greenfield Areas") will result in less provincial policy support for defending expansion applications. There is further commentary on intensification targets in section 1.11 below.

There are land use planning and financial implications of allowing landowners to appeal urban boundary expansion applications to the Ontario Land Tribunal. In essence, it would undermine and potentially reverse the City's no urban boundary expansion growth strategy which was solidified in December 2023 with the Province's adoption of Bill 150. In addition, approval of urban boundary expansions by the Ontario Land Tribunal when the City is implementing a no urban boundary expansion growth strategy has the potential to redistribute infrastructure capacity allocated to development within the built boundary to new designated greenfield areas. Should the Province approve these changes, there is a possibility that the City would receive multiple urban boundary expansion applications of various sizes and locations in the near future.

Transferring authority to the Ontario Land Tribunal from municipalities and the Province to consider and approve urban boundary expansion requests will increase uncertainty of where growth is planned to occur, impacting the ability of communities to effectively and efficiently plan for growth including both hard infrastructure and public services in a comprehensive and coordinated manner. In addition, by allowing the Ontario Land Tribunal to adjudicate multiple individual urban boundary expansion application appeals, there is no certainty on the timing and outcome of Ontario Land Tribunal decisions and could lead to a fragmented urban boundary.

The continuous pressure of urban boundary expansion applications and appeals would also divert staffing resources away from focusing on completing the necessary growth and infrastructure planning that is essential to achieving the City's intensification targets. As a result, staff believe that additional staff resources will likely be required. The

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Province's proposal to allow landowners to opt out of pre-consultation through Bill 185 would further compound matters by potentially allowing incomplete and/or poor quality urban boundary expansion applications to be submitted.

It is noted that under Bill 185 the Province is proposing to remove third party appeals.

It is staff's opinion that allowing appeals would decelerate rather than accelerate new housing construction by impacting the ability of communities to plan for growth effectively and efficiently, redirecting staff resources from processing development applications for new housing that are already within the urban boundary and serviced, as well as requiring both municipalities and developers to wait until the conclusion of lengthy Ontario Land Tribunal hearings before proceeding with the various investments required to support the new residential development.

## **1.2 Efficient Use of Land and Intensification**

The proposed Provincial Planning Statement released in 2023 removed direction for accommodating growth through intensification in locations that support transit and where there is sufficient existing or planned infrastructure and public service facilities. Additionally, the policy direction to prioritize investment in infrastructure and public service facilities in strategic growth areas was removed. While the updated proposed Provincial Planning Statement, 2024 adds back general support for intensification, it is no longer a requirement for municipalities to direct growth in locations planned for growth resulting in increased flexibility and uncertainty on where growth will occur.

The proposed Provincial Planning Statement, 2024 impacts municipality's ability to make efficient use of land by making the following changes:

- Provides more flexibility for outward growth in the criteria for complete communities;
- Does not require consideration for infrastructure and public service facilities when planning for growth;
- Removes reference to residential intensification throughout the policy document;
- Removes Urban Growth Areas which currently have minimum density targets in the Growth Plan and no longer mandates minimum density targets;
- Weakens direction to focus growth within Strategic Growth Areas; and,
- Removes the requirement for a Municipal Comprehensive Review to consider expansions to settlement areas with no requirement to demonstrate there is not sufficient land in the existing settlement area.

The efficient use of land allows for the accommodation of growth while also promoting other provincial interests including the protection of the natural environment, economic viability, and sustainability. The policies of the proposed Provincial Planning Statement,

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2024 should reflect the importance of intensification and compact built form in planning for growth.

**1.3 Provincial Population Projections and Land Need Assessment Methodologies****1.3.1 Requirement to Base Long Term Planning on Ministry of Finance Population and Employment Projections**

The growth policies of the City's Urban Hamilton Official Plan are based on the Growth Plan's population forecast of 820,000 people and employment forecast of 360,000 jobs by the year 2051. The first draft of the Provincial Planning Statement did not include specific population projections for municipalities or use Ministry of Finance population projections (but does not contain employment projections), leaving it up to municipalities to establish their own projections. The revised Provincial Planning Statement, 2024 states municipalities must base population and employment growth projections on Ministry of Finance 25-year projections (2.1.1) but also states:

- Municipalities "may modify projections, as appropriate"; and,
- Municipalities may continue to use the previous forecast issued by the Province until its next Official Plan review.

Overall, this new policy creates uncertainty on what growth projections are to be used as well as when and how municipalities would seek to modify Ministry of Finance population projections. Staff note that the Province has stated in their Environmental Registry of Ontario posting that municipalities can to continue to use Growth Plan forecasts until more current forecasts are available to 2051; however, once the Provincial Planning Statement, 2024 comes into effect staff expect the Ministry of Finance projections would be referenced in applications for urban boundary expansions.

The updated version of the Provincial Planning Statement, 2024 also changed the time horizon municipalities must plan towards from being at least 25 years to at least 20 years but not more than 30 years, providing some flexibility to municipalities when updating Official Plan growth policies.

It is important to note that the Ministry of Finance projections are not forecasts or predictions. The projections are based on a standardized method for all Census Divisions across Ontario, including the City of Hamilton, but do not otherwise provide results at the area municipal level.

As shown in Figure 1, the projections are for population to 2046 which could be extended to 2054 to reflect growth for up to 30 years for urban land needs assessment as proposed in the new Provincial Planning Statement, 2024. The current 2046 Ministry

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of Finance population projection for Hamilton is notably higher than the Growth Plan, surpassing the Growth Plan's 2051 population estimate of 820,000 by 2043.

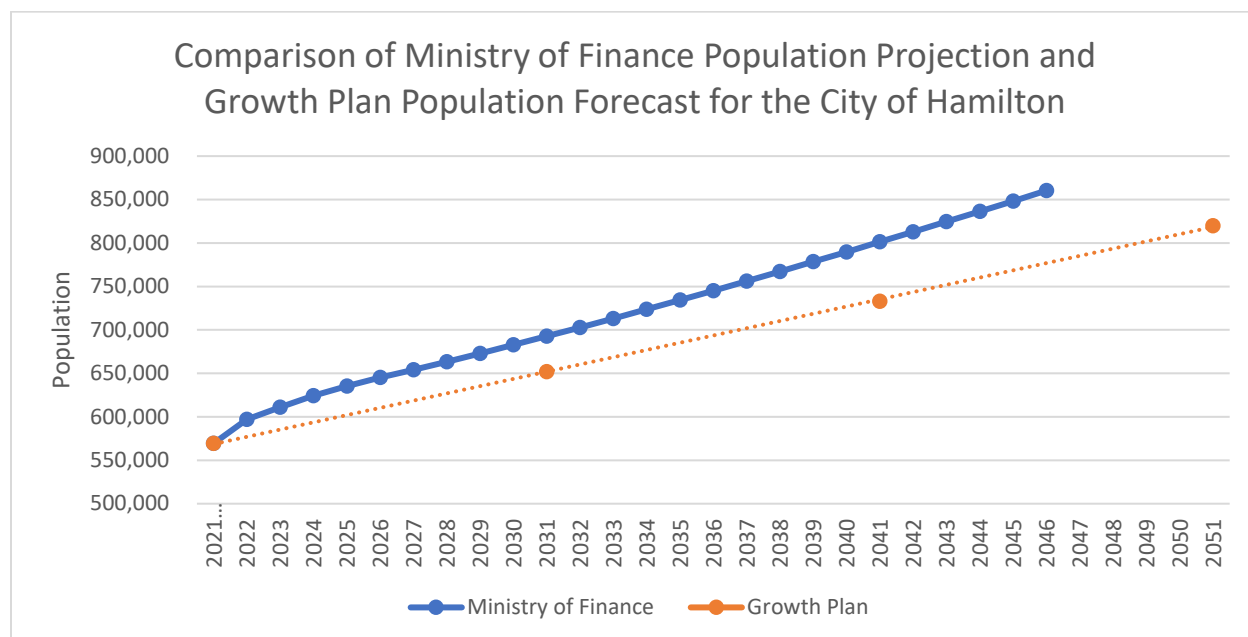


Figure 1 - Comparison of Ministry of Finance Population Projection and Growth Plan Population Forecast for the City of Hamilton

More importantly, the Ministry of Finance projections do not take into account of planning or Growth Plan policy, infrastructure capacity, housing affordability, land supply or other matters that influence the pattern of growth in southern Ontario. The results also tend to vary from year to year, given that the method is based on a continuation of recent patterns of migration and population growth rather than a forecast of longer-term trends.

For these reasons, it is not clear that the Ministry of Finance projections would be any more or less helpful for land use planning than the current Growth Plan Schedule 3 figures. Replacing, Urban Hamilton Official Plan growth policies to 2051 with Ministry of Finance projections would necessitate the need to plan for additional population growth and/or reducing the planning horizon of the Official Plan. Based on current Ministry of Finance trends, staff expect this increase to be in the 100,000 range (approximately 920,000 by 2051). However, as noted above, the Ministry of Finance forecasts will change year to year based on, among other things, evolving migration and immigration trends.

Staff support the continued use of Growth Plan Schedule 3 projections which appear to be better suited to reflect land use planning conditions at the municipal level.

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### 1.3.2 Removal of Growth Plan Land Need Assessment Methodology

With the proposed rescinding of the Growth Plan, the Province would also be rescinding its current Land Needs Assessment Methodology for the Greater Golden Horseshoe (2020). Under the Growth Plan, a Land Needs Assessment is a technical study that determines how much land is needed to accommodate future growth. In 2020 the Province adopted a new Land Needs Assessment methodology under the Growth Plan which required a market based approach that considers market demand for all housing market segments. Generally, a Land Needs Assessment completed using this new methodology would have to account for the forecasted market demand for ground-oriented housing (i.e., single, semi-detached and townhouse dwellings).

Staff note that the 2021 Land Need Assessment completed by Lorus and Associates in support of the City's recent Municipal Comprehensive Review GRIDS 2 was based on this methodology with policy adjustments to increase residential intensification beyond the Growth Plan's 50% minimum intensification target (i.e., ambitious density growth scenario). At that time, the Ministry of Municipal Affairs and Housing provided feedback to the City stating that a no urban boundary expansion growth scenario appeared to conflict with the objective of the Land Needs Assessment methodology to "provide sufficient land to accommodate all market segments so as to avoid shortages". However, with the adoption of Bill 150, the Province is inferring that the no urban boundary expansion growth strategy implemented through Urban Hamilton Official Plan Amendment No. 167 conforms to the Growth Plan.

The proposed Provincial Planning Statement, 2024 does include a policy (2.1.3) stating municipalities shall make sufficient land available to accommodate an appropriate range and mix of land uses as informed by provincial guidance. However, at this time, the Province has not confirmed whether it will be replacing the current Growth Plan Land Needs Assessment methodology with new Provincial guidelines or if they expect the previous 1995 Projection Methodology Guidelines to be used.

Based on the Council adopted no urban boundary expansion growth strategy, a traditional land needs assessment does not align with a growth model predicated on residential intensification and reurbanization. For example, while the vacant residential land supply in Hamilton has decreased by approximately 120 hectares since 2019, the unit supply has increased by approximately 9,000 dwellings over the same time period. Staff are supportive of a Provincial Planning Statement that allows for a policy driven approach in forecasting future land needs. This in turn would allow local municipalities to determine whether they want to implement more transformational urban growth strategies. At this time, it is not clear if this is the intent and staff will continue to monitor and update Council should additional provincial policies or guidance be released.

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**1.4 Planning for Climate Change**

Planning for climate change within several sections, including land use pattern, energy conversation, air quality, public infrastructure and healthy communities' policies is proposed to be removed and there continues to be little mention of the importance of the natural environment and sustainability throughout the policy document. The City had identified several concerns with these changes; however, the updated proposed Provincial Planning Statement, 2024 remains largely unchanged with respect to climate change.

The City of Hamilton has declared a climate change emergency and is undertaking many initiatives to support healthy, resilient communities including the Climate Action Strategy, Community Energy and Emissions Plan, Urban Forest Strategy and Biodiversity Action Plan. The changes to the proposed Provincial Planning Statement, 2024 threaten the City's ability to incorporate and implement these initiatives through its Official Plan policies by increasing the potential for Ministry of Municipal Affairs and Housing modifications and by weakening the City's position to defend its policies at Ontario Land Tribunal hearings.

**1.5 Infrastructure**

As part of the introduction of "use it or lose it" legislation proposed in Bill 185, the proposed Provincial Planning Statement, 2024 establishes a new policy (3.3.1. d) that enables municipalities to consider opportunities to allocate, and re-allocate, if necessary, unused municipal water and wastewater capacity to meet current and projected needs for increased housing supply. Staff's comments on these changes are discussed in Report PED24097.

With respect to rural residential development, the revised Provincial Planning Statement, 2024 maintains policies from the first draft allowing private communal sewage and water services to support multi-lot development in rural settlement areas and adds a new policy allowing partial services (i.e. individual private wells with a municipal or private communal sewage system) in rural settlement areas.

As was stated in the City's comments to the Province on the first draft of the Provincial Planning Statement, 2023, staff do not support any policy changes that would encourage communal servicing systems (water and / or wastewater) due to the financial risk to the City in the event of a system failure and subsequent Ministry of Environment, Conservation and Parks orders for the City to assume the system.

**1.6 Employment Areas**

In addition to removing the requirement for municipalities to undertake a Municipal Comprehensive Review before removing lands from designated Employment Areas as

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defined in Official Plans, the proposed Provincial Planning Statement, 2024 redefines the uses that are part of Employment Areas to be consistent with the definition in the *Planning Act* which was amended in 2023 through Bill 97. The City had submitted concerns to the Province that this definition change could impact the City's ability to plan for and protect sufficient employment land to meet the City's needs (refer to Report PED23145). Staff note that Bill 185 makes no amendment to the *Planning Act* that would allow applicants to appeal employment land conversion applications.

The proposed Provincial Planning Statement, 2024 would still create very strict areas for heavy manufacturing types of employment, only permitting office, retail and commercial uses associated with the employment use. Areas that are considered as business parks that have permissions for a wider range of uses like office uses, or areas in business parks that contain commercial, or retail uses supportive to the employment use, would not be permitted.

While the new Provincial Planning Statement, 2024 speaks to supporting a modern economy, the proposed definition does not reflect modern integrated economic activities that are occurring in employment areas, such as clustering of different employment uses that provide synergies – often including research and development uses, employee supportive uses such as collaborative spaces for learning and training, and retail, office and commercial uses that provide services and support the employees within employment areas.

The updated proposed Provincial Planning Statement, 2024 makes some revisions to include direction for the protection of employment areas and the economic viability of major facilities and adds the requirement to demonstrate there is sufficient local employment land to accommodate sufficient job growth which was not included in the 2023 version.

### **1.7 Land Use Compatibility**

The proposed Provincial Planning Statement, 2024 reduces protections that help ensure the long term viability for Major Facilities by removing the following criteria currently used to determine if the sensitive use (e.g. residential, institutional) may be permitted:

- That there is an identified need for the proposed use; and,
- That alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations.

The removal of these criteria allows sensitive land uses to encroach into Major Facilities because they “can” and doesn't consider whether they “should” or “need to”, and the associated implications to existing and planned uses on adjacent lands.



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The updated proposed Provincial Planning Statement, 2024 adds the requirement for providing transition areas between employment areas and sensitive land uses which helps to address concerns respecting the ability for Major Facilities to expand or redevelop over time however the policy change to allow industrial and manufacturing and small scale warehousing in strategic growth areas when there are no adverse effects is still proposed.

With respect to the Hamilton International Airport, the proposed Provincial Planning Statement, 2024 maintains the current prohibition of new residential development and other sensitive land uses near airports above 30 Noise Exposure Forecast contours. This represents a minimum standard and the Provincial Planning Statement allows municipalities to be more restrictive provided it does not conflict with any other Provincial policy.

The Hamilton International Airport and Tradeport recently reaffirmed its support of the City's Official Plan policies which use the 28 Noise Exposure Forecast contours when considering residential development or other sensitive land uses in the area around the Airport. This considers that residential or other sensitive land use development within the 28 Noise Exposure Forecast contour could negatively impact the Airport's ability to maintain and grow its position as a gateway hub for logistics, distribution, and goods movement, such as limiting its key strategic advantage as a 24/7 unrestricted cargo airport.

### **1.8 Rural Lands and Prime Agricultural Areas**

The first draft of the Provincial Planning Statement, 2023, proposed several changes to policies for Prime Agricultural Areas and Rural Land purposes to increase the permissions for residential land development in these areas. The proposed Provincial Planning Statement, 2024 revises policies to no longer include the following:

- Permissions for up to three residential lots within Prime Agricultural Areas where currently only surplus farm dwelling severances are permitted;
- Permissions for multi-lot residential subdivisions on rural lands; and,
- Removal of the ability for municipalities to have more restrictive Prime Agricultural Area lot creation policies.

With these changes it is important to note that the majority of Hamilton's Prime Agricultural Areas and Rural Lands are located within the Greenbelt Plan and designated Protected Countryside which maintains more restrictive lot creation policies than what had been proposed. The proposed Provincial Planning Statement, 2024 states that the Provincial Plans (e.g., Greenbelt Plan) takes precedence over the Provincial Planning Statement. As a result, these changes would have only applied to whitebelt lands within the City.

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The revisions to the proposed Provincial Planning Statement, 2024 indicate the Province understands the importance of the protection of prime agricultural areas in Ontario. Staff are supportive of these changes.

The updated proposed Provincial Planning Statement, 2024 still proposes to:

- Allow up to two additional residential units to a primary farm dwelling in Prime Agricultural Areas although removes direction these additional units need to be subordinate to the principal dwelling;
- Remove policy that limits residential lot creation that is “locally appropriate” on rural lands; and,
- Remove policy that identifies the connection between rural lands and the wise use and management of resources.

With respect to allowing two additional residential units in Prime Agriculture Areas, City Council approved amendments to the Rural Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 on March 27, 2024 to allow up to two Additional Dwelling Units (one within the principal dwelling and one detached) in Agriculture, Rural and Rural Settlement Areas subject to specific development regulations.

Staff maintain its comments that there needs to be stronger policy direction respecting the importance of preserving the social, economic, and environmental fabric of the rural areas.

### **1.9 Natural Heritage Systems**

The existing natural heritage policies within the Provincial Policy Statement, 2020 are proposed to be carried forward with no text changes with some revisions to defined terms which were reviewed through PED23185. Overall, the proposed Provincial Planning Statement, 2024 carries forward the same approach for identifying and protecting natural heritage systems that has been in place in the Province since 2005.

### **1.10 Local Decision Making**

The proposed Provincial Planning Statement, 2024 removes the existing Provincial Policy Statement, 2020 policy that “The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.” City staff have concerns with the removal of this policy which deemphasizes and minimizes the critical role that municipal official plans have in creating clear and detailed land use planning visions, goals and policies based on extensive public engagement, and local conditions. This proposed policy deletion remains unchanged in the current draft.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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The updated proposed Provincial Planning Statement, 2024 removes the previously proposed policies which specifically restricted municipalities from establishing more restrictive policies respecting permissions for sensitive land uses within certain employment areas and residential lot creation within Prime Agricultural Areas. It is important municipalities can establish more restrictive policies based on local conditions.

**1.11 Transition Policies**

The Province has stated through Environmental Registry of Ontario posting No. 019-8462 that to allow municipalities to understand and adapt to the policy changes in the proposed Provincial Planning Statement, 2024, they would provide a short window between the policies being finalized to when they come into force. Staff have provided comment that the Province should provide a minimum of six months to allow municipalities to undertake in-depth analysis of the implications of the proposed Provincial Planning Statement, including undertaking any updates to its Official Plan necessary to reflect the new provincial policy regime together with the various legislative changes proposed through Bill 185. As discussed under section 2.2 of this report, a transition period is critical for establishing a framework to consider urban boundary expansion applications before the new Provincial Planning Statement, 2024 takes effect.

**2.0 Next Steps**

The proposed Provincial Planning Statement, 2024 was released on April 10, 2024 with the Province providing 32 days (May 12, 2024) for individuals and organizations to submit comments through the Environmental Registry of Ontario. Given this short turnaround time for comments, City staff have submitted this report including Appendix "A" along with the City of Hamilton's previous comments submitted on the proposed Provincial Planning Statement, 2023.

Should the proposed Provincial Planning Statement come into effect, there is the possibility the City would receive multiple Official Plan Amendment applications seeking to expand Hamilton's urban boundary. Under Bill 185, applicants would no longer be required to submit a Formal Consultation application in advance of their submission and could appeal their application to the Ontario Land Tribunal for lack of decision within 120 days.

Staff are recommending the further assessment of the implications of urban boundary expansion Official Plan Amendment applications. Staff would then report back with recommendations on the processing and evaluation of these applications relative to requirements for a complete application, potential staffing and consultant resources for

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the processing of applications and potential Ontario Land Tribunal appeals, changes to existing application fees, and any necessary capital budget enhancements.

The magnitude of financial implications is not fully known currently. However, based on preparing for a potential long hearing on an expansion in 2021, costs were estimated at over one million dollars.

Staff would endeavour to bring forward any recommendations within the transition window identified by the Province when the new Provincial Planning Statement, 2024 is finalized but before it comes into effect, if feasible. The Province has not indicated the timing or length of this transition window and staff have provided comments requesting a minimum of six months.

**ALTERNATIVES FOR CONSIDERATION**

Council may amend the staff-level comments attached as Appendix “A” to Report PED23145(a) or supplement the staff-level comments with additional comments.

Council may direct staff to not review the implications of urban boundary expansion Official Plan Amendment applications or report back with recommendations on the processing and evaluation of these applications relative to requirements for a complete application, potential staffing and consultant resources for the processing of applications and potential Ontario Land Tribunal appeals, changes to existing application fees, and any necessary capital budget enhancements. Staff advise against this option to ensure the City will be able to respond to new urban boundary expansion applications under the new Provincial policy regime proposed.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23145(a) – Comment Matrix on Provincial Planning Statement, 2024

CT/JA:sd

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

### Overall Comments

The comments provided in this submission are in addition to the submission and recommendations the City provided on the first draft of the Provincial Planning Statement which the City has submitted to the Province through previous ERO postings.

The updated Provincial Planning Statement, 2024 responds to some of the concerns raised by the City of Hamilton, including restoring protections of rural and agricultural areas from residential lot creation. However, on the whole, the City maintains the following concerns.

The revised Provincial Planning Statement, 2024 would still remove the requirement for a Municipal Comprehensive Review before a municipality can expand its urban boundary more than 40 hectares or convert employment lands to other uses. A significant new concern is that the removal of this requirement, combined with changes in Bill 185 that would allow landowners to appeal urban boundary expansion applications to the Ontario Land Tribunal, would mean that all whitebelt lands within the City (approximately 4,320 hectares total) could become subject to urban boundary expansion applications and appeals.

This significantly erodes the City’s ability to make land use decisions based on the Urban Hamilton Official Plan’s no urban boundary expansion growth strategy, public engagement, local conditions and municipal priorities and creates uncertainty in terms of the design and delivery of both “hard” infrastructure and community services required for complete communities. On top of this, there would also be immense legal expenses associated with any appeal.

The Province has stated through Environmental Registry of Ontario posting No. 019-8462 that to allow municipalities to understand and adapt to the policy changes in the proposed Provincial Planning Statement, 2024, they would provide a short window between the policies are finalized to when they come into force. The City recommends a minimum of six months to allow municipalities to undertake in-depth analysis of the implications of the proposed Provincial Planning Statement, including undertaking any updates to its Official Plan necessary to reflect the new provincial policy regime together with the various legislative changes proposed through Bill 185.

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 1: Introduction</b>	
<p>2023: See Appendix "D" attached to Report PED23145.</p> <p>2024: No revisions.</p>	<p>The updated proposed Provincial Policy Statement, 2024 does not add back section 1.7 or any policies respecting long-term economic prosperity with the exception of policy 2.8.2.3 e). The City of Hamilton reiterates the previous comments on the 2023 version that there needs to be a stronger policy connection to tie good planning and economic prosperity.</p> <p>It is understood the proposed Provincial Planning Statement will have the effect of repealing the Growth Plan although it is no longer explicitly stated in the updated proposed Provincial Policy Statement, 2024. The Province has advised that they will be making administrative amendments to the Greenbelt Plan so that the policies in the current Greenbelt Plan are maintained should the Provincial Policy Statement, 2020 and Growth Plan be revoked.</p> <p>This City of Hamilton reiterates the previous comments respecting the proposed vision. The vision needs to identify the value of the natural environment and the importance of sustainability for long range planning.</p> <p>The City acknowledges reference to conservation authorities have been added to new policy 4.2.5 regarding watershed planning and policy 5.2.1 for the identification of hazardous lands and hazardous sites. However, the role of conservation authorities in planning matters needs to be further clarified and strengthened in the policies to reflect the statement in the vision that the province, planning authorities and conservation authorities need to work together.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 1: Introduction (Continued)</b>	
	The City reiterates previous comments respecting the removal of reference to the importance of cultural heritage in the overall vision provided in the 2023 version.
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.1 Planning for People and Homes</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Addition of new policies 2.1.1 and 2.1.2 replaces proposed policy 2.1.1 and clarifies that growth forecasts will need to be based on Ministry of Finance 25 year projections, however it still leaves in flexibility for modifying the projections.</p> <p>New 2.1.2 clarifies that previously released growth forecasts, like the current Schedule 3 Growth Plan forecasts, may continue to be used by municipalities for land use planning purposes.</p> <p>New policy 2.1.3 clarifies that land supply needs shall be considered in the writing of a new official plan as well as at the time of plan update, and provides a range of a planning horizon of minimum 20 years, and not greater than 30 years.</p>	<p><b>Ministry of Finance Projections</b></p> <p>The growth policies of the City’s Urban Hamilton Official Plan are based on the Growth Plan’s population forecast of 820,000 people and employment forecast of 360,000 jobs by the year 2051. The first draft of the Provincial Planning Statement did not include specific population and employment projections for municipalities, leaving it up to municipalities to establish their own projections. The revised Provincial Planning Statement, 2024 states municipalities must base population and employment growth projections on Ministry of Finance 25-year projections (2.1.1) but also states:</p> <ul style="list-style-type: none"> <li>- Municipalities “may modify projections, as appropriate” and,</li> <li>- Municipalities may continue to use previous forecasts issued by the Province until its next Official Plan review.</li> </ul>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.1 Planning for People and Homes (Continued)</b>	
	<p>Overall, this new policy creates uncertainty on what growth projections are to be used as well as when and how municipalities would seek to modify Ministry of Finance population projections. The City notes that the Province has stated in their Environmental Registry of Ontario posting that municipalities can continue to use Growth Plan forecasts until more current forecasts are available to 2051; however, once the Provincial Planning Statement, 2024 comes into effect the City expects the Ministry of Finance projections would be referenced in applications for urban boundary expansions.</p> <p>The Ministry of Finance projections take no account of planning or Growth Plan policy, infrastructure capacity, housing affordability, land supply or other matters that influence the pattern of growth in southern Ontario. The results also tend to vary from year to year, given that the method is based in large measure on a continuation of recent patterns of migration and population growth rather than a forecast of longer-term trends.</p> <p>For these reasons, it is not clear that the Ministry of Finance projections would be any more or less helpful for land use planning than the current Growth Plan Schedule 3 figures.</p>



## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.1 Planning for People and Homes (Continued)</b>	
	<p>Given the number of unanswered questions surrounding the utility of the Ministry of Finance projections as well as when and how municipalities would seek to modify these projections, the City supports the continued use of Growth Plan schedule 3 projections which appear to be better suited to reflect land use planning conditions at the municipal level.</p> <p><b>Change in Planning Horizon</b></p> <p>Policy 2.1.3 has direct implications for land needs and may also impact the consideration of urban boundary expansion applications. The Policy states that at the time of the next official plan update, sufficient land must be made available to meet projected needs for 20 to 30 years. This directive makes it clear that municipalities are not required to immediately reassess land needs and that current growth projections and policies about accommodating growth in the Official Plan continue to be valid until the next Official Plan update. The City is supportive of this direction.</p> <p><b>Minister Zoning Order’s</b></p> <p>The proposal does not revise the policy language added to (now) policy 2.1.3 which states development resulting from a Minister’s Zoning Order (MZO) is in addition to the projected growth needs established in the Official Plan.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.1 Planning for People and Homes (Continued)</b>	
	<p>The City reiterates the previous comments provided for the 2023 version of the proposed PPS which raised significant concerns for a municipality’s ability to plan for growth with efficient use of infrastructure and facilities and to achieve intensification targets.</p> <p>The updated proposed PPS has not clarified what factors are considered by the Province when issuing an MZO and the City reiterates the province should be required to comply with the criteria for supporting complete communities outlined in (now) policy 2.1.6 of the proposed PPS when considering issuing an MZO.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The 2024 version of the proposed PPS makes no revisions to proposed policy 2.1.4 to address the City’s previous comments which do not support the proposed changes to the criteria for the creation of complete communities. The City of Hamilton reiterates the comments submitted in 2023 respecting policy 2.1.4 (previously 1.1.1) which raised concerns with weakening policy direction respecting intensification, the ability to respond to a changing climate, the efficient use of public facilities and services, and undermining other provincial interests and public health and safety.</p> <p>These concepts should be added back into the policy since these are important in sustaining a healthy, livable and safe community.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.1 Planning for People and Homes (Continued)</b>	
Other wording changes as outlined in <a href="#">PPS Comparison</a> .	The 2024 version of the proposed PPS does not add back any reference to residential intensification in the proposed policies. The City of Hamilton reiterates the comments submitted in 2023 that this de-emphasizes the importance of intensification as an important way to accommodate growth in a sustainable manner.
<b>2.2 Housing</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Adds the minimum targets for housing that is affordable to low and moderate income households back from original PPS 2020 text.</p> <p>Maintains the removal of reference to alignment of targets with local housing and homelessness plans.</p> <p>Maintains the addition of the term additional needs housing.</p> <p>Adds the term development to 2.2.1b) 2 with respect to residential development on commercial and institutional sites. Modifies the previous 2023 wording about development and redevelopment of these sites to reference cases where they are “underutilized”.</p> <p>Continues to remove specific direction to facilitate compact form to minimize the cost of housing and make efficient use of land.</p>	<p>The City was concerned with the removal of minimum targets for the provision of housing that is affordable to low and moderate income households as proposed in the 2023 version of the PPS. The City’s Urban Hamilton Official Plan currently includes policies related to targets for affordable housing.</p> <p>The City is generally supportive of adding these targets back given the challenges that many households face in acquiring affordable housing and having targets provides an important policy basis from which to build other housing policies and plans (i.e. Housing Strategy, Inclusionary Zoning). It is unclear however why the targets are no longer required to align with local housing and homelessness plans.</p> <p>The City previously submitted comments on the proposed definitions of low and moderate income households through its submission on ERO posting 019-7669 which raised concerns relative to the exemption of Development Charges based on the broad definition.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.2 Housing (Continued)</b>	
	<p>The City is generally supportive of including direction to focus some development and redevelopment on underutilized commercial and institutional sites; however, the City requests some clarification about the process for determining underutilized lands. The City may need to update land use plans to reflect an appropriate vision for these properties.</p> <p>The 2024 version of the proposed PPS makes no revisions to add back the development standards for residential intensification, redevelopment and new residential development to minimize the cost of housing and facilitate compact built form previously included as policy 1.4.3 f) as identified in the City’s previous comments. The City of Hamilton reiterates the comments submitted in 2023 which do not support the removal of the criteria in policy 1.4.3 f) of the current PPS.</p> <p>The City reiterates the previous comment respecting clarity on how the requirement to coordinate land use planning and planning for housing with Service Managers will be operationalized.</p>
<b>2.3 Settlement Areas and Settlement Area Boundary Expansions</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The City reiterates the previous comments provided in 2023 respecting proposed policy (now) 2.3.1.1 particularly about the inclusion of “where applicable” which weakens the policy.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.3 Settlement Areas and Settlement Area Boundary Expansions (Continued)</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The updated proposed PPS, 2024 does not respond to the City’s previous comments provided in 2023 which raised concerns about the use of “should” vs “shall” when providing direction for land use patterns in settlement areas as well as concerns respecting the removal of reference to public health and sustainability considerations including the protection of natural features. Removal of preparing for the impacts of a changing climate from the determination of land use patterns may result in harm to the public through development in inappropriate locations. The City reiterates the comments provided on the 2023 version of the proposed PPS respecting this policy change which undermines matters of provincial interest in the <i>Planning Act</i>.</p>
<p>2023: See Appendix “D” to Report PED23145</p> <p>2024: Modifies policy 2.3.1.3 (renumbered from 2.3.3) to state that planning authorities ‘shall’ rather than ‘should’ support “general intensification and redevelopment to support the achievement of complete communities...”</p>	<p>The City supports the updated proposed PPS (2024) which changes the language to “shall” in the proposed policy 2.3.1.3 for supporting general intensification and redevelopment in the achievement of complete communities. However, as indicated in the City’s previous comments on the 2023 version, this policy needs to be strengthened with criteria to evaluate planning for complete communities through intensification.</p> <p>The City is supportive of changing the language back to “shall” when referring to the prescribed criteria for land use patterns within settlement areas to ensure the criteria must be met. The City was not supportive of the original proposed change to “should” in the 2023 version as outlined in the previous comments.</p>

### City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.3 Settlement Areas and Settlement Area Boundary Expansions (Continued)</b>	
	<p>The updated proposed PPS (2024) does not add back any language respecting sustainability when evaluating appropriate land use patterns in settlement areas. The City reiterates the previous comments on the 2023 version of the proposed PPS as the lack of policy direction respecting planning for the impacts of climate change throughout the policy document remain a significant concern.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Establishes new policies 2.3.1.4 to 2.3.1.6 which:</p> <ul style="list-style-type: none"> <li>- Encourage planning authorities to establish and implement minimum targets for intensification based on local conditions;</li> <li>- Encourage planning authorities to establish minimum density targets for designated growth areas based on local conditions; and,</li> <li>- States planning authorities should establish and implement phasing policies that align with infrastructure and public service facilities.</li> </ul>	<p>The proposed new policies 2.3.1.4, 2.3.1.5 and 2.3.1.6 do not add back the policy direction to ensure development standards adequately mitigate risks to public health and safety (1.1.3.4) or the promotion of compact built form and efficient use of land (1.1.3.6) by directing growth adjacent to built up areas. The City reiterates the previous comments provided in 2023 which state the City does not support the removal of this direction which are important elements to emphasize in the effective creation of complete communities.</p> <p>The addition of policy 2.3.1.4 to encourage municipal intensification targets is positive; however, the language is too permissive. Intensification targets are a key part of the City’s growth strategy, and the intensification target has a direct correlation with land needs. The City requests that this policy be amended to require that minimum targets <b>shall</b> be established.</p> <p>The City is generally supportive of adding back the policy direction for establishing density targets now within designated growth areas (current policy 1.1.3.5).</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.3 Settlement Areas and Settlement Area Boundary Expansions (Continued)</b>	
	<p>The new policy encourages municipalities to set a target of 50 residents and jobs per hectare for designated growth areas. The City’s current Official Plan requires a minimum density of 70 persons and jobs per hectare to ensure the efficient use of land. The proposed policy should instead reference a minimum target, to give municipalities flexibility to require a greater target density than 50 residents and jobs per hectare.</p> <p>The City notes that added policy language in the implementation section of the proposed PPS (Policy 6.1.12) clarifies that policies which represent density targets are minimums, and municipalities are encouraged to have higher targets. However, this should be directly stated in the policy for clarity.</p> <p>The addition of proposed policy 2.3.1.6 (1.1.3.7 in the current PPS) provides direction for implementing phasing policies to allow for an orderly progression of development. This is an improvement from the 2023 version; however, with the removal of policy 1.1.3.3, there is still no requirement for municipalities to plan for growth in locations that support transit and have sufficient existing and planned infrastructure and public service facilities.</p>
2023: See Appendix “D” to Report PED23145.	The revised proposed PPS (2024) maintains the deletion of policy 1.1.3.8 which states the process to consider a settlement area boundary expansion is at the time of a municipal comprehensive review and further revises the criteria to evaluate settlement area expansions.

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.3 Settlement Areas and Settlement Area Boundary Expansions (Continued)</b>	
<p>2024: Under Policy 2.3.2, the updated proposed PPS makes a number of changes to what planning authorities are to consider when identifying new settlement areas or settlement area boundary expansions, including:</p> <ul style="list-style-type: none"> <li>- That planning authorities “shall” rather than ‘should’ consider the policies.</li> <li>- Adds a policy (2.3.2.1 a)) that planning authorities shall consider “the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses”.</li> <li>- Adds a policy (2.3.2.1. d)) that planning authorities need to avoid prime agricultural areas and where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands.</li> <li>- Adds a new policy (2.3.2.2) that notwithstanding policy 2.3.2.1 b) planning authorities may only identify a new settlement area where it is demonstrated infrastructure and public service facilities are planned or available.</li> </ul>	<p>The proposed Provincial Planning Statement, 2024 still proposes to rescind the Growth Plan requirement for municipalities to undertake a Municipal Comprehensive Review before considering urban boundary expansions and employment land conversions. This would allow proponents to submit Official Plan Amendment applications for urban boundary expansions and employment conversions at any time and with no limit on the size of a boundary expansion request, whereas the Growth Plan currently limits landowner applications to 40 hectares.</p> <p>In conjunction with the proposed changes to appeal rights for Urban Boundary Expansion applications through Bill 185, these policies are, in essence, a reversal of the Province’s previous decision through Bill 150 to re-establish the Council-approved No Urban Boundary Expansion growth strategy, which was based on a firm urban boundary.</p> <p>The proposed Provincial Planning Statement, 2024 states municipalities shall consider certain criteria for expanding a settlement area including whether there is a need for additional land to accommodate an appropriate range and mix of land uses, if there is sufficient infrastructure capacity available or planned and general avoidance of expansions into prime agricultural areas. The City’s previous comments opposed the removal of the Municipal Comprehensive Review requirement, stating that it would limit the ability of municipalities to effectively plan for orderly and comprehensive land use planning over time.</p>



**City of Hamilton Comments on Proposed Provincial Planning Statement, 2024**

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.3 Settlement Areas and Settlement Area Boundary Expansions (Continued)</b>	
	<p>To ensure orderly and well-planned development of complete communities, settlement area boundary changes should only be considered as part of a comprehensive municipally led official plan update process. The City requests that the settlement area boundary expansion policies be amended to include this stipulation.</p> <p>There are significant land use planning and financial implications of allowing applicants to appeal urban boundary expansion applications to the Ontario Land Tribunal.</p> <p>Transferring authority to the Ontario Land Tribunal from municipalities and the Province to consider and approve urban boundary expansion requests will significantly increase uncertainty of where growth is planned to occur, severely impacting the ability of communities to effectively and efficiently plan for growth including both hard infrastructure and public services in a comprehensive and coordinated manner, such as through Secondary Planning and Subwatershed Planning. The change will also impact the ability to prepare accurate City-wide Master Servicing Plans and Development Charge Studies, as there would be less certainty regarding when and where growth will occur, subject to the outcomes of individual private applications.</p>

**City of Hamilton Comments on Proposed Provincial Planning Statement, 2024**

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.3 Settlement Areas and Settlement Area Boundary Expansions (Continued)</b>	
	<p>In addition, by allowing the Ontario Land Tribunal to adjudicate multiple individual urban boundary expansion application appeals, there is little to no certainty on the timing and outcome of Ontario Land Tribunal decisions, which can lead to a fragmented urban boundary.</p> <p>The continuous pressure of urban boundary expansion applications and appeals would also redirect city staff resources from focusing on completing the necessary growth and infrastructure planning that is essential to achieving the City’s intensification targets to processing development applications for new housing that on sites that are already within the urban boundary and serviced.</p> <p>The Province’s proposal to allow landowners to opt out of a Formal Consultation process in Bill 185 would further exacerbate this by potentially allowing incomplete urban boundary expansion applications to be submitted. As a result, staff have noted there are staffing implications associated with both the Bill 185 and the proposed Provincial Planning Statement, 2024.</p> <p>While the language in the proposed policy has been revised to replace the terms “new settlement areas” or “settlement area expansions” to “designated growth areas” from the 2023 version of the proposed PPS, the effect of the policy remains the same of providing added flexibility for permitting new settlement areas and settlement area expansions.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.3 Settlement Areas and Settlement Area Boundary Expansions (Continued)</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: This policy is moved to 2.3.1.5 and further revised to replace “new settlement areas or settlement area expansion” to “designated growth areas”. No changes are made to the wording of the policy itself.</p> <p>Designated Growth Areas is a newly defined term in the PPS which means “lands within settlement areas designated for growth or lands added to settlement areas that have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 2.1.4.a), as well as lands required for employment and other uses.”</p>	<p>The City reiterates the previous comments submitted in 2023 which identify significant concern for this added flexibility and the recommendation to “require” instead of “encourage” minimum density targets in these areas to better support policy direction for intensification.</p>
<b>2.4 Strategic Growth Areas</b>	
<p>2024: Adds new policy 2.4.1.1 which states:</p> <p>Planning authorities are encouraged to identify and focus growth and development in strategic growth areas.</p>	<p>The City of Hamilton supports directing growth within strategic growth areas which would now consist of the MTSAs (which are currently under review to be delineated), existing and emerging downtowns, lands adjacent to publicly assisted post-secondary institutions and other areas to focus development.</p> <p>However, there is concern the language of this policy should be stronger to better promote residential intensification and achieving minimum growth targets.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.4 Strategic Growth Areas (Continued)</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Renumbered to 2.4.1.2.</p> <p>Removes reference to large and fast growing municipalities and adds new indicators for planning strategic growth areas including which is now a should not a shall:</p> <ul style="list-style-type: none"> <li>a) To accommodate significant population and employment growth;</li> <li>b) As focal areas for education, commercial, recreational and cultural uses;</li> <li>c) To accommodate and support transit networks and provide connection points for inter-and intra-regional transit; and,</li> <li>d) To support affordable, accessible and equitable housing.</li> </ul>	<p>The City reiterates its previous comments respecting policy 2.4.1.1 however it is unclear why the policy was weakened so the criteria is no longer a requirement. This reflects the policy direction away from supporting the encouragement of residential intensification.</p>
<p>2024: Adds new policy (2.4.1.3) that directs planning authorities to prioritize planning and investment for infrastructure and public service facilities in strategic growth areas, identify the appropriate type and scale of development in strategic growth areas, permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form, consider a student housing strategy when planning for strategic growth areas and support redevelopment of commercially-designated retail lands to support mixed use residential.</p>	<p>The City is supportive of the general direction in proposed policy 2.4.1.3, which supports intensification, redevelopment of underutilized land, the efficient use of infrastructure and public service facilities, and consideration for student housing which was absent in the 2023 version of the proposed PPS.</p> <p>It is unclear why the criteria included in this policy are only encouraged through the use of “should”. The City recommends strengthening this policy by replacing “should” with “shall”.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.4 Strategic Growth Areas (Continued)</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Removes proposed new policy from 2023 respecting reductions to the size or change in locations of an urban growth centre.</p>	<p>The City of Hamilton maintains the previous comment indicating support of maintaining existing urban growth centres. This previously proposed policy has been removed as the 2024 version of the PPS removes urban growth centres altogether and refers to them as existing and emerging downtowns. Existing and emerging downtowns has not been defined in the proposed PPS and may cause ambiguity in the interpretation.</p> <p>Urban growth centres have minimum density targets established in the Growth Plan which will therefore be removed. The City has concerns that the removal of urban growth centres will negatively impact the promotion of residential intensification.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Removes reference to large and fast growing municipalities and adds the word “approximately” when referencing the radius for an MTSA.</p>	<p>The use of the wording “approximately” is consistent with the current definition of a Major Transit Station Area in the current Growth Plan and proposed PPS.</p> <p>The City’s MTSA workplan has used an approximate radius for the 500-800m draft delineations around the LRT stops and GO Transit rail locations. This has allowed flexibility in the delineations to capture lands that may fall slightly beyond the 800m catchment, but which are suitable for inclusion in the MTSA due to their potential for redevelopment and intensification.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.4 Strategic Growth Areas (Continued)</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Removes reference to large and fast growing municipalities and replaces with planning authorities.</p> <p>Removes the word “inter-city” when referencing commuter and regional rail.</p>	<p>These minor amendments to the proposed policy are supported. No implications for policy interpretation.</p>
<p>2024: Adds new policy 2.4.2.3 which directs municipalities to promote development and intensification within MTSAs by:</p> <p>“a) planning for land uses and built form that supports the achievement of minimum density targets; and</p> <p>b) supporting the redevelopment of surface parking lots within major transit station areas, including commuter parking lots, to be transit supportive and promote complete communities.”</p>	<p>This series of policies seem generally supportable. Planning for land uses and built forms that support achieving minimum density targets in MTSAs is already being considered through the existing MTSA workplan.</p> <p>Regarding encouragement of redevelopment of surface parking lots, this is consistent with general feedback that Policy Planning staff heard through the public engagement process for GRIDS 2 and the MCR regarding intensification targets. There was a strong desire to see redevelopment of surface parking lots for intensification and housing in the urban boundary.</p> <p>While this policy is supportable in terms of intent, integration of commuter parking facilities into redevelopments for those wishing to access higher order transit as part of a multi-modal commute should be considered in the policy wording.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.4 Strategic Growth Areas (Continued)</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Renumbered to Policy 2.4.2.4 and removes reference to large and fast growing municipalities and replaces with planning authorities.</p>	<p>The City of Hamilton maintains the comments previously provided in 2023 which indicated support for allowing flexibility in the required density targets within MTSAs where growth cannot be accommodated due to other considerations but recommended the minimum density target should not be subject to privately initiated official plan amendments.</p> <p>The City of Hamilton is not impacted by the replacement of “large and fast growing municipalities” with “planning authorities”.</p>
<p>2024: Removes Policy 2.4.2.4 (2023 version).</p>	<p>This policy refers to planning authorities that are not large and fast growing municipalities and therefore does not apply to the City of Hamilton.</p> <p>No comment.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The City of Hamilton maintains the comments previously provided in 2023 in support of this added policy.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The updated proposed PPS, 2024 does not provide clarification as to why a Major Transit Station Area would not be transit supportive. City of Hamilton reiterates the comments previously provided in 2023.</p>

### City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.4 Strategic Growth Areas (Continued)</b>	
<p>2024: Adds Policy 2.4.2.7 as follows:</p> <p>“All major transit station areas should be planned and designed to be transit-supportive and to achieve multimodal access to stations and connections to nearby major trip generators by providing, where feasible:</p> <ul style="list-style-type: none"> <li>a) connections to local and regional transit services to support transit service integration;</li> <li>b) infrastructure that accommodates a range of mobility needs and supports active transportation, including sidewalks, bicycle lanes, and secure bicycle parking; and,</li> <li>c) commuter pick-up/drop-off areas.”</li> </ul>	<p>As written, Policy 2.4.2.7 appears to be an exact duplication of 2.4.2.6, which appears to be an error. If there is another policy that should have been added as 2.4.2.7 or 2.4.2.6 instead, the Province should provide clarification and additional time for review.</p>
<p>2024: Adds new policy section 2.4.3 “Frequent Transit Corridors” requiring planning authorities to plan intensification on lands adjacent to existing or planned frequent transit corridors (new term) which is defined as “a public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week.”</p>	<p>This revised policy needs to be reviewed in reference to the proposed service levels through the (Re)Envision the HSR project and the current Urban Structure identifications for “Corridors” on Schedule E of the Urban Hamilton Official Plan. The frequency of bus service and routing plans as part of (Re)Envision will have an impact on the interpretation of this policy and where intensification shall occur.</p> <p>The City notes that this is a “shall” policy however it is caveated with “where appropriate” at the end. Staff would like further direction from the province about the expected levels of intensification along these frequent transit corridors, and what may or may not be considered as an appropriate location for intensification.</p>



## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.5 Rural Areas in Municipalities</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The 2024 PPS did not revise proposed policy 2.5.1 and therefore did not address the City’s previous comments provided in 2023. The City reiterates the previous comments.</p> <p>In policy 2.5.1 g, it has been stated “healthy, integrated and viable rural communities should be supported by conserving biodiversity and considering the ecological benefits provided by nature”. This should not just be restricted to the rural area. It is important to consider within both the urban and rural areas.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Reintroduces Policy 1.1.4.2 (now 2.5.2), reversing the 2023 PPS change that the City was not in support of.</p>	<p>The City of Hamilton was not supportive of the removal of policy 1.1.4.2 of PPS, 2020 as identified in the previously submitted comments. The City supports this policy being added back to ensure Rural Settlement Areas remain the residential and service centres serving the immediate community and surrounding rural area.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change, now numbered 2.5.3.</p>	<p>The City of Hamilton reiterates the comments previously provided in 2023 in support of the addition of “locally appropriate” to policy 2.5.3.</p>
<p>Other wording changes as outlined in <a href="#">PPS Comparison</a>.</p>	<p>The 2024 version of the proposed PPS does not add back the preamble of Section 2.5 which provided background and context of the importance of preserving the social and environmental fabric of rural areas. The City of Hamilton reiterates the previous comments submitted in 2023 that the removal of the preamble does not adequately introduce the purpose and function of rural lands in Ontario.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.6 Rural Lands in Municipalities</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>In the current Provincial Policy Statement, the importance of protecting the natural environment and hazard lands in rural areas has been recognized.</p> <p>The City of Hamilton is not supportive of the proposed removal of policy 1.1.5.1 of PPS, 2020 as identified in the previous comments submitted in 2023. The City reiterates the previous comments as the 2024 version has not been revised to address these comments. While the conservation of biodiversity and consideration of ecological benefits has been identified in 1.1.4.1 h), this has not been translated into policy.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The City of Hamilton maintains the comments previously provided in 2023.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>No comment.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The City of Hamilton is not supportive of the proposed policy change as identified in the previous comments submitted in 2023. The City reiterates the previous comments.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Policy 2.6.1c), (formerly 1.1.5.2 c)) is revised removing reference to “multi-lot residential development”.</p>	<p>The City of Hamilton maintains the previous comment that the City is not supportive of the removal of “locally appropriate” from policy 2.6.1 c) as it threatens the City’s ability to maintain its more restrictive lot creation policies to prevent further fragmentation of rural lands.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.6 Rural Lands in Municipalities (Continued)</b>	
	<p>With the removal of policy 1.1.5.1 (application of natural heritage policies) and the words “locally appropriate” from policy 1.1.5.2 c), there is concern that there will be impacts to the natural heritage system. The proposed policy 2.6.1 c) does not take into consideration the Natural Heritage System and development could result in negatively impacting natural heritage features and functions.</p> <p>The change in language to policy 2.6.4 does not significantly change its interpretation; however, with the removal of policy 1.1.5.1 (application of natural heritage policies), there is concern that there may be impacts to the Natural Heritage System.</p> <p>The City is supportive of the removal of “multi-lot residential development” (e.g. rural residential subdivisions) to avoid further fragmentation of the City’s rural lands for residential lot creation which has negative impacts on the City’s agricultural and natural heritage systems.</p>
<p>2024: Policy 2.6.4 (formerly 1.1.5.7) is modified to indicate that planning authorities should support a diversified rural economy.</p> <p>“Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.”</p>	<p>No comment.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.7 Territory Without Municipal Organization</b>	
Wording changes as outlined in <a href="#">PPS Comparison</a> .	No comment.
<b>2.8 Employment</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Policy 2.8.1.1 d) now references the term “compatible” with respect to intensification of employment uses with compact mixed use development and adds reference to achievement of complete communities. This has been modified to remove reference to examples of employment uses that may be compatible in a mixed use setting (was previously referencing office, retail, industrial, manufacturing and warehousing).</p> <p>2.8.1.1e) added as a new policy to ensure transition areas are provided between employment areas and sensitive land uses.</p>	<p>The City reiterates its comment that there is value to having amenities/supports located in close proximity / integrated into significant employment areas. This needs to be done with care, but can be done in a manner that ensures the outcome is ‘supporting’ employment areas and advancing climate resilience through reducing automobile trips and encouraging pedestrian connections. The change in language to policy 2.8.1.1. d) does not have a significant impact on the policy interpretation.</p> <p>The inclusion of policy 2.8.1.1 e) helps address previous comments related to land use compatibility and helps ensure the long term viability for major facilities.</p>
2023: See Appendix “D” to Report PED23145.	The City identified some potential concerns as a result of the proposed new policy 2.8.1.2 in the previous comments provided in 2023. The City reiterates these comments.
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change from draft PPS 2023 version. Policy 2.8.1.3 is clarified that certain uses will be considered on lands that are considered “appropriate” transition between employment and sensitive land uses, and inserts reference to Policy 3.5 – Land Use Compatibility.</p>	The City reiterates the previous comments that the “lands for employment” that exists outside of an employment area will need to be carefully considered for local policy. However, the added clarification that only certain uses will be considered on lands which are considered “appropriate” transition between employment and sensitive land use is important.

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.8 Employment (Continued)</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Deletion of previous 2023 draft policy that stated that local OPs and Zoning By-laws could not contain provisions to be more restrictive than policy 2.8.1.3.</p>	<p>The City is supportive of removing the previously proposed policy 2.8.1.4.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Other than numbering change to 2.8.1.4 (due to deletion of policy above), no change to this proposed policy from 2023 version.</p>	<p>The City reiterates the previous comments provided in 2023 in support of this proposed policy.</p>
<p>2024: Policy 2.8.2.1 in previous 2023 version contained sub-policies a) and b) which have been revised to policies 2.8.2.1 and 2.8.2.2 respectively with subsequent policy numbering revised accordingly.</p> <p>“Planning authorities shall protect employment areas” has been added before policy 2.8.2.2.</p>	<p>The added language does not significantly change the interpretation of this policy. The City supports the direction within policies 2.8.2.1 and 2.8.2.2 to ensure the long term viability of major facilities and the centralization and efficiency of the movement of goods.</p>
<p>2024: Policy 2.8.2.3 (previously policy 2.8.2.2 in 2023 version) has been revised with respect to sub-policy d) which addresses prohibition of certain sensitive land uses that are not ancillary to employment. This has been updated and removes reference to “primary employment use” term and instead references “uses permitted in the employment area”, which appears to consider a broader range of uses in the area rather than a primary use on a site.</p>	<p>This language change appears to consider a broader range of uses than only the primary use on site thus allowing for more flexibility in permissions for sensitive land uses which are ancillary to uses permitted within employment areas.</p> <p>The addition of reference to “economic viability” better aligns policy 2.8.2.3 e) with policy 3.5.1 respecting land use compatibility.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.8 Employment (Continued)</b>	
Policy 2.8.2.3 Sub-policy e) now references “economic viability” as a desired outcome in the planning for transitions between employment and sensitive land uses.	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Policy 2.8.2.4 (previously policy 2.8.2.3 in 2023 version) maintains requirement for municipalities to review employment areas and update this designation where appropriate, in accordance with revised employment area definition. The policy now includes further language speaking to consideration of land use compatibility when undertaking assessment of the appropriateness of lands designated as “employment areas”.</p>	<p>The City continues to have concerns that the policy framework for employment areas would permit consideration of the removal of employment lands at any time. The updated proposed PPS does not clarify how often a municipality should be undertaking a review of the employment areas with the removal of the municipal comprehensive review process. If there are no longer requirements for municipal comprehensive reviews in the Policy Statement, the policy framework should provide direction that reviews be undertaken as part of an official plan update.</p> <p>The City is supportive of adding clarification to this policy that land use compatibility must be considered at the time of this review.</p>
2024: Policy 2.8.2.5 (previously policy 2.8.2.4 in 2023 version) has addition of sub-policy d) that references that when planning authorities decide to remove lands from an employment area, they need to demonstrate that there is sufficient local employment land to accommodate job growth to the end of the planning horizon in the OP. This speaks to a land supply consideration that was not mentioned in the earlier 2023 version.	<p>The City supports this addition of a land needs supply consideration for the removal of employment land. This is an important element in determining the appropriateness of removing employment land and ensures the protection of employment areas that have been identified as being needed to accommodate sufficient job growth within the planning horizon. The 2023 version of the proposed PPS did not require this to be demonstrated and would have threatened the maintenance of land for employment uses.</p> <p>An adequate supply of employment land contributes to the creation of more complete communities (live, work, play) which, in turn, is essential for building climate resilience/ lower carbon living.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.9 Energy Conservation, Air Quality and Climate Change</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No Change.</p>	<p>The City of Hamilton has significant concerns with the proposed PPS weakening the policies related to climate change as described in the comments previously submitted in 2023. The City reiterates the previous comments which identify there should be much more robust policies related to climate change to ensure communities are being planned to promote low or no carbon living.</p> <p>In addition, within the vision it has been stated “a prosperous Ontario will support a strong and competitive economy, and a clean and health environment”. By not recognizing the importance of maintaining existing vegetation, it is unclear how the vision can be attained.</p> <p>It is recommended that current policy 1.8.1 f) and g) be included within policy 2.9.</p>
<b>Chapter 3: Infrastructure and Facilities</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The City reiterates the previous comments that are not supportive of the removal of reference to “prepares for the impacts of climate change” in the infrastructure and public service facilities policies as well as the removal of reference to “green infrastructure”.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 3: Infrastructure and Facilities</b>	
<b>3.1 General Policies for Infrastructure and Public Service Facilities</b>	
<p>2024: Removes policy 3.1.2 which gave direction to prioritize strategic growth areas for planning and investment in infrastructure and public service facilities.</p> <p>Renumbered subsequent policies.</p>	<p>There are some revisions in the updated proposed PPS, 2024 to address some of the previous concerns respecting prioritizing growth where there is existing and planned infrastructure. The removal of policy 3.1.2 does not support direction to encourage residential intensification. The City is not supportive of the removal of this policy.</p>
<p>2024: Revises Policy 3.1.3 (renumbered from 3.1.4) to include reference to parks and open spaces for co-location with public service facilities.</p>	<p>The City of Hamilton does not have any significant comments for adding reference to parks and open spaces when referencing co-location with public service facilities. The co-location of various facilities and amenities help contribute to a complete community and make efficient use of land. This policy could help to address previous comments made on proposed policy 3.1.6 (now 3.1.5) to better integrate parks and schools.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Renumbered to 3.1.5.</p>	<p>The updated proposed PPS, 2024 does not make any revisions to the proposed policy 3.1.5 from the 2023 version. While generally supportive of this policy, the City of Hamilton reiterates the previous comments provided which included recommendations to provide specific policies or tools to require consultation with school boards as part of a planning approval. The 2024 version of the proposed PPS made no revisions to this policy. The City reiterates the previous recommendations and the non-support for the removal of reference to preparing for the impacts of a changing climate.</p> <p>The City reiterates previous comments respecting policy 3.1.1, including the removal of reference to preparing for the impacts of a changing climate and the inclusion of “where appropriate” in policy 3.1.1 b).</p>



## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 3: Infrastructure and Facilities</b>	
<b>3.2 Transportation Systems</b>	
2024: Revised policy 3.2.1 to add reference to the use of zero- and low-emission vehicles.	The City of Hamilton is supportive of including reference to the use of zero and low emission vehicles in transportation systems. This is consistent with current direction within the City to plan for electric vehicles in new developments as well as the green building standards.
2024: Revises policy 3.2.3 to add words “planned for”.	The City of Hamilton has no concerns with adding the language “planned for” to policy 3.2.3 as it indicates connectivity within transportation systems is intended to be considered in the planning of complete communities and not only maintaining connectivity in the existing transportation systems.
2023: See Appendix “D” to Report PED23145.  2024: No change.	<p>The City of Hamilton maintains the previous comment that the City is not supportive of the removal of policy 1.6.7.4 of PPS, 2020 which is contrary to good planning with respect to the importance of transit, mode share, active travel, the climate emergency, air quality and energy conservation.</p> <p>The City still seeks clarification from the Province on the justification for removing this policy as there does not appear to be any defensible justification for removing this policy given that transportation is a major source of GHG emissions in every Ontario urban area and the current policy is not restrictive in cases where it cannot be achieved.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 3: Infrastructure and Facilities</b>	
<b>3.3 Transportation and Infrastructure Corridors</b>	
2023: See Appendix “D” to Report PED23145.  2024: Adds term adverse effects before “from the corridor and transportation facilities.”	The use of the term adverse impact when referring to impacts from the corridor and transportation facilities strengthens the policy relative to the protection of the natural environment, biodiversity, and public health and safety.
2023: See Appendix “D” to Report PED23145.  2024: No change.	The City of Hamilton maintains the previous comment that policy 1.6.8.6 of PPS, 2020 should be kept in the new PPS.
<b>3.4 Airports, Rail and Marine Facilities</b>	
Numbering changes only.	N/A
2024: Revises policy 3.4.2 c) to replace the word “discouraging” with “prohibiting” when referring to land uses which may cause a potential aviation safety hazard.	The proposed replacement of “discouraging” and “prohibiting” strengthens the policy relative to the protection of public safety and the protection of the airport operations.
<b>3.5 Land Use Compatibility</b>	
2023: See Appendix “D” to Report PED23145.  2024: No change.	The updated proposed PPS, 2024 does not add back the criteria for permitting a sensitive use adjacent to major facilities that there is an identified need for the proposed use or there are no alternative locations. The City reiterates the previous comments provided on the 2023 version that the City is not supportive of this amendment.  Some of the revisions to the policies under Section 2.8 may reduce the impact of these changes however the concerns respecting restrictions on major facilities’ ability to expand or redevelop over the long term remain.

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 3: Infrastructure and Facilities</b>	
<b>3.5 Land Use Compatibility (Continued)</b>	
	The Hamilton International Airport and Tradeport recently reaffirmed its support of the City’s position in adhering to the current measure of using the 28 Noise Exposure Forecast contours when considering residential development or other sensitive land uses in the area around the Airport. This considers that residential or other sensitive land use development within the 28 Noise Exposure Forecast contour could negatively impact the Airport’s ability to maintain and grow its position as a gateway hub for logistics, distribution and goods movement, such as limiting its key strategic advantage as a 24/7 unrestricted cargo airport.
<b>3.6 Sewage, Water and Stormwater</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Adds the word “timely” before manner in policy 3.6.1 (planning for sewage and water services to accommodate forecasted growth).</p> <p>Replaces the word “considers” with “aligns with” in policy 3.6.1 b) 4).</p> <p>Adds the following language to policy 3.6.1 d): “, including consideration of opportunities to allocate, and re-allocate if necessary, the unused system capacity of municipal water services and municipal sewage services to meet current and projected needs for increased housing supply;”.</p>	<p>As was stated in the City’s comments to the Province on the first draft of the Provincial Planning Statement, 2023, the City does not support any policy changes that would encourage communal servicing systems (water and / or wastewater) due to the financial risk to the City in the event of a system failure and subsequent Ministry of Environment, Conservation and Parks orders for the City to assume the system.</p> <p>Additionally, the word “timely” added to policy 3.6.1 a) is too vague. If there is an expectation implied it should be included in the policy with more context.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 3: Infrastructure and Facilities</b>	
<b>3.6 Sewage, Water and Stormwater (Continued)</b>	
<p>Adds policy 3.6.5 c) as follows: “c) within rural settlement areas where new development will be serviced by individual on-site water services in combination with municipal sewage services or private communal sewage services.”</p> <p>Revises policy 3.6.8 b) to include the words “or reduce” and “stormwater volumes and”.</p>	
<b>3.7 Waste Management</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The City of Hamilton reiterates the previous comment that policy 3.7.1 should maintain the language describing Integrated Waste Management (IWM) or define IWM in the definitions section and to expand the definition of waste management systems.</p> <p>Organics processing facilities are emerging as critical pieces of effective movement to net zero carbon. Hamilton’s Climate Action Strategy acknowledges this – and the need for the municipality to determine how to generate more ‘renewable natural gas’ (RNG) to fuel municipal vehicles, etc.</p>
<b>3.8 Energy Supply</b>	
Numbering changes only.	N/A
2024: Revises policy 3.8.1 to include energy storage systems.	The City of Hamilton does not have concern with this revision but requests that the province provide further guidance on siting requirements for energy storage systems.

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 3: Infrastructure and Facilities</b>	
<b>3.9 Public Spaces, Recreation Parks, Trails and Open Space (Continued)</b>	
Wording changes as outlined in <a href="#">PPS Comparison</a> related to inclusive communities.	The City of Hamilton maintains support of the added language to support the needs of all ages and abilities as identified in the previous comments submitted in 2023.
<b>Chapter 4: Wise Use and Management of Resources</b>	
<b>4.1 Natural Heritage</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Policies remain the same as the 2023 version.</p> <p>Changes to defined terms related to natural heritage policies are included in summary of definition changes – see changes to the following terms:</p> <ul style="list-style-type: none"> <li>- Fish habitat;</li> <li>- Natural heritage features and areas; and,</li> <li>- Negative impacts.</li> </ul>	<p>The 2024 version of the proposed PPS does not make any revisions to the existing natural heritage policies. The Natural Heritage System within the Province has been delineated based on a “systems” approach recognizing that features and their functions are important. This is based on the concept of Landscape Ecology and has been in place in the Province since 2005. A balance of growth and healthy environments are required. A healthy Natural Heritage System leads to a healthy population.</p> <p>The City of Hamilton maintains its previous comment that the proposed PPS provides the opportunity to strengthen the existing natural heritage policies in certain areas as described in the comments submitted in 2023.</p> <p>The changes to the defined terms are commented on below.</p>
<b>4.2 Water</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	The City is not supportive of the proposed changes to policy 4.2.1 as described in the previous comments provided in 2023.

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 4: Wise Use and Management of Resources</b>	
<b>4.2 Water (Continued)</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The City is not supportive of the proposed changes to policy 4.2.2 which remove reference to sensitive surface water features, sensitive ground water features and their hydrologic functions as described in the previous comments provided in 2023.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Modifies policy 4.2.3 to state that large and fast-growing municipalities shall undertake watershed planning where the previous version encouraged municipalities to undertake watershed planning. Hamilton is a large and fast-growing municipality.</p>	<p>As was stated in the City’s previous comments, the City does not support any policy changes that would encourage communal servicing systems (water and / or wastewater) due to the financial risk to the City in the event of a system failure and subsequent Ministry of Environment, Conservation and Parks orders for the City to assume the system.</p> <p>The revision to this policy creates a two-tiered approach where it is only encouraged within some municipalities and required in others. This is not supported. A consistent approach should be taken, and this policy should be revised to require all municipalities to undertake watershed planning.</p> <p>The intent of the policy is supported, however, there is concern that the focus is only limited to water and water resources. The overall Natural Heritage System is to be considered (not just water). In addition, this policy specifically references municipalities. There is concern that recognition that this type of planning is complex, involves several disciplines, and can be multi-jurisdictional is missing. There are also questions regarding the timeframe associated with completing watershed planning.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 4: Wise Use and Management of Resources</b>	
<b>4.2 Water (Continued)</b>	
<p>2024: Adds the following two additional policies stating:</p> <p>Upper-tier municipalities shall undertake watershed planning in partnership with lower tiers (4.2.4).            “All municipalities undertaking watershed planning are encouraged to collaborate with applicable conservation authorities (4.2.5).</p>	<p>As was stated in the City’s comments, the City does not support any policy changes that would encourage communal servicing systems (water and / or wastewater) due to the financial risk to the City in the event of a system failure and subsequent Ministry of Environment, Conservation and Parks orders for the City to assume the system.</p> <p>Conservation Authorities, who have valuable knowledge of the larger system have not been specifically considered within this policy. Policy 4.2.5 “encourages” collaboration. It is suggested that the policy be revised to include stronger language (i.e., “shall”).</p>
<b>4.3 Agriculture</b>	
<p>2024: Policy 4.3.1.1 replaces “encourages” with “required” when referring to the use of an agricultural system approach.</p>	<p>In policy 4.3.1.1, it has been identified that an agricultural system approach is required. This is reflective of current policies within the Growth Plan. While it has been noted that guidance will be provided by the Province, it is unclear when this guidance will be available and if there is flexibility in the development of the system. In addition, it is unclear why the agricultural system developed for the Growth Plan is not being used.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Policy 4.3.2.4 is modified replacing “may” with “shall” in regard to permitting a principal dwelling associated with an agricultural operation.</p>	<p>No comment.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 4: Wise Use and Management of Resources</b>	
<b>4.3 Agriculture (Continued)</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Policy 4.3.2.5 is modified to specify that the policy applies to lots in prime agricultural areas where a residential dwelling is permitted.</p> <p>Reference to additional residential units being subordinate to the principal dwelling has been removed.</p> <p>The word “may” is replaced with “shall” in regards to permitting two additional residential units and it is further specified that they need to be in accordance with provincial guidance.</p> <p>Policy 4.3.2.5 c) is modified to add “have” in front of “appropriate sewage and water services”. New policies d, e, and f are added requiring that any additional residential units:</p> <ul style="list-style-type: none"> <li>- Address any public health and safety concerns;</li> <li>- Are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and,</li> <li>- Minimize land taken out of agricultural production.</li> </ul> <p>The policy is modified removing “from the lot containing the principal dwelling” in reference to additional residential unit severance requirements.</p>	<p>The updated proposed PPS, 2024 makes two changes to the proposed policy 4.3.2.5 in the 2023 version that the City has concerns with. The revised policy removes reference to “subordinate to the principal dwelling”. The intent of the City’s new permissions for additional dwelling units in the rural areas is to ensure the additional dwelling unit is clearly secondary and subordinate to the principal dwelling. The removal of this phrase makes it difficult to interpret what would be considered a “limited scale” as per the revised policy 4.3.2.5 e). The City therefore reiterates the previous comment to revise the policy to include that municipalities shall establish appropriate policies and regulations to ensure that additional dwellings will be clearly subordinate to the principal dwelling as well as locational regulations.</p> <p>The City also requests clarification on how to evaluate the new policy d) for addressing health and safety concerns.</p> <p>The City also reiterates its previous comments recommending the policy be updated to limit to one additional dwelling.</p> <p>It is understood that the polices for Prime Agricultural Areas within the Protected Countryside designation of the Greenbelt Plan which only permit Additional Dwelling Units within single detached dwellings or existing accessory structures on the same lot, would take precedence over the proposed PPS.</p>



## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 4: Wise Use and Management of Resources</b>	
<b>4.3 Agriculture (Continued)</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Policy 4.3.3.1 which contained criteria for residential lot creation within prime agricultural areas has been removed.</p>	<p>The City of Hamilton is supportive of the removal of policy 4.3.3.1 which contained criteria for residential lot creation in prime agricultural areas. Lot creation for residential purposes is not supported by the City of Hamilton as summarized in the previous comments submitted in 2023.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Policy 4.3.3.2 has been deleted, removing the restriction that Official Plans and zoning by-laws cannot be more restrictive than policy 4.3.3.1 (now deleted).</p>	<p>The City supports this policy being deleted as it would limit municipality’s ability to establish “locally appropriate” official plan policies and regulations. The City strongly objected to the addition of this policy in the comments provided in 2023.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Policy 4.3.3.1 (formerly 4.3.3.3) is modified to remove the words “non-residential”, thus changing the subject of the policy to lot creation in general.</p> <p>Policy 4.3.3.1 b) is modified to remove the words “while still ensuring.”</p> <p>Policy 4.3.3.1 c) is added to permit up to one residence surplus to agricultural operation per farm consolidation, provided that the new lot will be limited to a minimum size needed for appropriate sewage and water.</p>	<p>The updated proposed PPS, 2024 modifies policy 4.3.3.1 respecting lot creation in prime agricultural areas to reflect the existing policy in the current PPS (policy 2.3.4.1) with the only change being the inclusion of “up to one” when referring to residences surplus as a result of a farm consolidation and replaces the term “farming operation” with “agricultural operation”. The change in wording may expand the uses that are eligible for residential lot creation through a farm consolidation.</p> <p>The City supports permissions for lot creation in prime agricultural areas reverting back to ensure the protection of agricultural operations.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 4: Wise Use and Management of Resources</b>	
<b>4.3 Agriculture (Continued)</b>	
The planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance.	
2024: Policy 4.3.3.3 is added stating:  “the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 4.3.3.1.c).”	The updated proposed PPS, 2024 adds back policy 2.3.4.3 from the current PPS which does not permit the creation of new residential lots in prime agricultural areas except in accordance with the criteria discussed above. The City supports the policy being added back to maintain restrictive lot creation policies that ensure the protection of prime agricultural areas for agricultural purposes.
2023: See Appendix “D” to Report PED23145.  2024: Policy 4.3.5.2 is modified by replacing “surrounding agricultural lands and operations” with “agricultural systems”.	No comment.
2024: Section 4.3.6 “Supporting Local Food and the Agri-food Network” is added.  Policy 4.3.6.1 is added which reads: “Planning authorities are encouraged to support local food, facilitate near-urban and urban agriculture, and foster a robust agri-food network”.	The City supports the inclusion of this policy.
<b>4.4 Minerals and Petroleum</b>	
Numbering changes only.	No comment.

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from Current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 4: Wise Use and Management of Resources</b>	
<b>4.5 Mineral Aggregate Resources</b>	
2023: See Appendix “D” to Report PED23145.  2024: No change.	No comment.
<b>4.6 Cultural Heritage and Archaeology</b>	
2023: See Appendix “D” to Report PED23145.  2024: No change.	The 2024 version of the proposed PPS maintains the replacement of “significant” with “protected heritage property”. The City reiterates the comments previously provided on the 2023 version of the proposed PPS.
2023: Proposed policy 4.6.4 a) revises current PPS policy 2.6.4.  2024: No change.	The City does not have any concerns with this policy revision as it is consistent with the City’s Built Heritage Inventory (BHI) Strategy as outlined in the previous comments submitted in 2023.
2023: Proposed policy 4.6.5 revises previous PPS, 2020 policy 2.6.5.  2024: No change.	The City does not have any concerns with this policy revision as early engagement with indigenous communities when identifying, protecting and managing cultural heritage resources is already a best practice and is reflected in the City’s Archaeology Management Plan (AMP) and Indigenous Archaeological Monitoring Policy.
<b>Chapter 5: Protecting Public Health and Safety</b>	
<b>5.1 General Policies for Natural and Human-Made Hazards</b>	
2023: See Appendix “D” to Report PED23145.  2024: No change from 2023 version.	The City reiterates the previous comments that do not support the elimination of reference to a changing climate. Reference to a changing climate should be included within the preamble.

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 5: Protecting Public Health and Safety</b>	
<b>5.2 Natural Hazards</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: Policy 5.2.1 has been updated to refer to identification of natural hazards in collaboration with conservation authorities, where they exist.</p>	<p>The 2024 version of the proposed PPS has been updated to state that the identification of hazardous lands and hazardous sites are to be done in collaboration with Conservation Authorities. The role of Conservation Authorities in the identification/management of these areas is unclear.</p> <p>Further clarification respecting how these areas will be identified and managed is still requested as per the comments submitted in 2023. It is unclear if this is to be undertaken within the Official Plan, through zoning requirements or other mechanisms. It is suggested that guidance documents be developed to assist in implementing this policy direction. It is also unclear if there will be funding/resources available to update this information.</p>
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change from 2023 version.</p>	<p>The 2024 version maintains the deletion of policy 3.2.3 (PPS, 2020). The City previously identified concern that the removal of this policy could exacerbate existing problems with excess soil being dumped in rural areas. The City reiterates the comments provided in 2023.</p>
<b>Chapter 6: Implementation and Interpretation</b>	
<b>6.1 General Policies for Implementation and Interpretation</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The 2024 version of the proposed PPS does not propose any changes to policy 6.1.6 or the added policy language in Section 2.1 regarding Minister’s Zoning Orders. The City reiterates the previous comments provided in 2023.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 6: Implementation and Interpretation</b>	
<b>6.1 General Policies for Implementation and Interpretation (Continued)</b>	
<p>2023: See Appendix “D” to Report PED23145.</p> <p>2024: No change.</p>	<p>The 2024 version of the proposed PPS does not add back the policy stating the official plan is the most important vehicle for implementation of the PPS. The City reiterates the previous comments provided in 2023.</p>
<p>Other wording changes as outlined in <a href="#">PPS Comparison</a>.</p>	<p>In the current Provincial Policy Statement, it is recognized that evaluation of natural heritage features may be required to determine significance. This recognizes that nature is dynamic. The removal of this reference in policy 6.1.5 is not supported.</p> <p>To allow for further flexibility, the statement “To determine the significance of some natural heritage features and other resources, evaluation may be required” should be included within policy 6.1.5.</p> <p>The City reiterates the previous comments raising concern about the removal of reference to further evaluation to determine the significance of natural heritage features.</p>
<p>2024: Revises policy 6.1.11 to include designated growth areas in addition to strategic growth areas.</p>	<p>This relates to the addition of designated growth areas as a defined term. See comments in the definitions section below.</p>
<p>2024: Adds policy 6.1.12 as follows which is adapted from policy 5.2.5.1 of the Growth Plan:</p> <p>“Density targets represent minimum standards and planning authorities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of this Policy Statement or any other provincial plan.”</p>	<p>The City of Hamilton already exceeds various minimum targets established in the Growth Plan. The City is supportive of the inclusion of this policy which clarifies that density targets are minimums as adapted from policy 5.2.5.1 of the Growth Plan. However, this should be clearly stated in the related policies, and not just in the implementation chapter.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 6: Implementation and Interpretation</b>	
<b>6.1 General Policies for Implementation and Interpretation (Continued)</b>	
<p>2024: Adds policy 6.1.13 as follows:  “Minimum density targets will be revisited at the time of each official plan update to ensure the target is appropriate.”</p>	<p>The City is supportive of reevaluating the minimum density targets at the time of each official plan update. This would be consistent with a municipal comprehensive review where municipalities can currently reevaluate existing growth targets.</p> <p>Stronger language is requested to prohibit private applications for changes in density targets. Applications/requests for changes outside of an official plan update process should not be permitted.</p>
<b>6.2 Coordination</b>	
<p>2023: See Appendix “D” to Report PED23145.  2024: No change.</p>	<p>The proposed PPS, 2024 does not provide further guidance on the requirements for early engagement with Indigenous communities. The City reiterates the previous comments from 2023.</p>
<p>2023: See Appendix “D” to Report PED23145.  2024: No change.</p>	<p>The City reiterates the previous comments respecting the proposed policy to encourage early engagement with the public and stakeholders. There are still a number of changes as described in the previous comments which are contrary to this policy direction.</p> <p>Engagement on the proposed PPS has been limited with a short review window to allow municipalities to fully consider and comment on the wide-reaching implications of the new policy directions. The Province has not engaged early with municipalities on the development of the proposed PPS.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 6: Implementation and Interpretation</b>	
<b>6.2 Coordination (Continued)</b>	
2023: See Appendix “D” to Report PED23145. 2024: No change.	No further comment.
2023: See Appendix “D” to Report PED23145. 2024: Renumbered to 6.2.8.	The City of Hamilton supports this policy addition to the PPS as identified in the 2023 comments.
2024: Adds two new policies after policy 6.2.4 quoted below:  Planning authorities shall collaborate with publicly-assisted post-secondary institutions, where they exist, to facilitate early and integrated planning for student housing that considers the full range of housing options near existing and planned post-secondary institutions to meet current and future needs.”  Further to policy 6.2.5, “planning authorities should collaborate with publicly-assisted post- secondary institutions on the development of a student housing strategy that includes consideration of off-campus housing targeted to students”.  All policies remain; however the numbering has changed.	The City has concerns with proposed policies 6.2.5 and 6.2.6 in the updated proposed PPS, 2024 as they relate to the proposed Amendment to the <i>Planning Act</i> under Bill 185 which exempts post-secondary institutions from the requirements of the <i>Planning Act</i> .  Proposed policies 6.2.5 and 6.2.6 are not of concern on their own as the City supports collaboration with post-secondary institutions to facilitate an appropriate amount of student housing.  The City also seeks clarification on what needs to be included in a student housing strategy and how it relates to the Bill 185 legislative amendments exempting Universities from being subject to local planning.

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 7: Definitions</b>	
<p>2024: Definition of <b>Affordable</b> is added.</p> <p>Definition of <b>Agricultural System</b> is modified, removing reference to the agricultural land base being “based on mapping provided by the Province where mapping is available and requested”. It is also modified by adding “it may also include” rural lands and replacing “together” with “help to” create a continuous productive land base for agriculture.</p> <p>Definition for <b>Designated Growth Areas</b> is added.</p> <p>Definition for <b>Employment Area</b> is modified adding that “An employment area also includes areas of land described by subsection 1(1.1) of the <i>Planning Act</i>.”</p> <p>Definition for <b>Energy Storage System</b> is added.</p>	<p><b>Affordable:</b> Supportive of adding back the definition of affordable in the PPS as these policies provide a clear and consistent measure for municipalities to use for the formulation of housing policies, targets, and related initiatives like Inclusionary Zoning. However, the City maintains its concerns with respect to the definition of affordable which was submitted to the Province through ERO 019-7669.</p> <p><b>Agricultural System:</b> It is unclear what the agricultural land base will be based on if the mapping is not provided by the Province.</p> <p>The definition has been changed slightly. It now includes “agri-food sector” instead of “agricultural sector”. A clear definition of “agri-food sector” has not been provided. This should be included within the definition.</p> <p><b>Designated Growth Area:</b> This definition appears to be adapted from designated greenfield areas – see policy 2.1.4 a).</p> <p><b>Employment Areas:</b> Related to changes proposed through Bill 97.</p> <p><b>Energy Storage System:</b> No comments.</p>



## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 7: Definitions (Continued)</b>	
<p>The definition for <b>Fish Habitat</b> is modified replacing “spawning grounds” with “water frequented by fish”. Spawning grounds is included as an example of an area on which fish depend directly or indirectly to carry out to their life processes.</p> <p>The definition of <b>Infrastructure</b> is modified by adding “broadband” as an example of communications/telecommunications infrastructure.</p> <p>The definition of <b>Intensification</b> is modified by adding “and underutilized shopping malls and plazas” as examples of redevelopment.</p> <p>Definition for <b>Low and Moderate Income Households</b> is added.</p> <p>The definition for <b>Major Transit Station Area</b> is modified removing “representing about a 10 minute walk”.</p> <p>The definition for <b>Multi-modal</b> is modified including “higher order transit” as an example of a form of transportation. “Commuter” is removed as an example of rail transportation.</p> <p>The definition for <b>Negative Impact</b> is modified replacing “permanent” with “harmful”.</p>	<p><b>Fish Habitat:</b> The definition has been changed to remove “spawning grounds” and include “water frequented by fish”. The revisions align with the <i>Fisheries Act</i> definition of fish habitat. There is no concern with this change.</p> <p><b>Infrastructure:</b> No comment.</p> <p><b>Intensification:</b> The City of Hamilton is supportive of including underutilized shopping malls and plazas as examples of redevelopment.</p> <p><b>Low and Moderate Income:</b> See comments on affordability.</p> <p><b>Major Transit Station Areas:</b> No comment.</p> <p><b>Multimodal:</b> No comment.</p> <p><b>Negative impact:</b> b) <b>Fish Habitat:</b> The definition has been changed slightly to remove “any permanent alteration” and is replaced with “any harmful alteration”. The revision aligns with the terminology used in the <i>Fisheries Act</i>. There is no concern with this change.</p>

### City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 7: Definitions (Continued)</b>	
<p>The definition for <b>Prime Agricultural Area</b> is modified to specify that planning authorities may identify prime agricultural areas “based on provincial guidance or informed by mapping obtained from the Ontario Ministry of Agriculture, Food and Rural Affairs”.</p> <p>The definition for <b>Protected Heritage Property</b> is modified by combining the last three bullets into one and reintroducing the previously removed reference to the “Standards and Guidelines for the Conservation of Provincial Heritage Properties”.</p> <p>The definition of <b>Residence surplus to an agricultural operation</b> is modified by replacing “an existing habitable farm residence..” with “one existing habitable detached dwelling..”.</p> <p>The definition of <b>Strategic Growth Areas</b> is modified by removing “urban growth centres” as an example of Strategic Growth Areas and adding “existing and emerging downtowns” and “lands adjacent to publicly assisted post-secondary institutions” as Strategic Growth Areas. Underutilized shopping malls and plazas are also added as examples of redevelopment.</p>	<p><b>Prime Agricultural Area:</b> Within this definition there is a change in who determines “prime agricultural areas”. The onus has been placed on municipalities instead of on the Province. It is unclear what level of oversight will be involved and how (or by who) guidance/mapping will be updated.</p> <p><b>Protected Heritage Property:</b> There are minor administrative changes to the definition of protected heritage property, but the intent of the definition remains the same.</p> <p><b>Residence surplus to an agricultural operation.</b> No comment.</p> <p><b>Strategic Growth Areas:</b> Replaces urban growth centres with “existing and emerging downtowns” and adds lands adjacent to publicly assisted post-secondary institutions.</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 7: Definitions (Continued)</b>	
<p>The definition of <b>Transit-supportive</b> is modified by adding “Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.”</p> <p>The definition for <b>Urban Growth Centres</b> is removed.</p> <p>A definition for <b>Urban Agriculture</b> is added.</p> <p>The definition for <b>Watershed planning</b> is modified by adding “Watershed planning evaluates and considers the impacts of a changing climate on water resource systems and is undertaken at many scales.”</p>	<p>Transit-supportive It is unclear what alternative approaches could be.</p> <p>Urban Growth Centres. See comments above on Section 2.4 Strategic Growth Areas.</p> <p>Urban Agriculture: Examples have been included within the definition, however, it is unclear if there will be guidance provided by the Province. The definition should be revised. See comments above.</p> <p>Watershed Planning: A definition of watershed planning has been provided. This definition does not appear to be the same as the one found within the Growth Plan. The Growth Plan definition should be retained.</p> <p>Growth Plan Definition: “Planning that provides a framework for establishing goals, objectives, and direction for the protection of water resources, the management of human activities, land, water, aquatic life, and resources within a watershed and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts.”</p>

## City of Hamilton Comments on Proposed Provincial Planning Statement, 2024

Summary of Proposed Changes from current Provincial Policy Statement, 2020	2024 Comments
<b>Chapter 7: Definitions (Continued)</b>	
Watershed planning ( <b>Continued</b> )	<p>Watershed planning typically includes: watershed characterization, a water budget, and conservation plan; nutrient loading assessments; consideration of the impacts of a changing climate and severe weather events; land and water use management objectives and strategies; scenario modelling to evaluate the impacts of forecasted growth and servicing options, and mitigation measures; an environmental monitoring plan; requirements for the use of environmental best management practices, programs, and performance measures; criteria for evaluating the protection of quality and quantity of water; the identification and protection of hydrologic features, areas, and functions and the interrelationships between or among them; and targets for the protection and restoration of riparian areas. Watershed planning is undertaken at many scales, and considers cross jurisdictional and cross-watershed impacts. The level of analysis and specificity generally increases for smaller geographic areas such as subwatersheds and tributaries”.</p>



## Hamilton

**Agriculture and Rural Affairs Sub-Committee**  
**REPORT 24-001**  
**Thursday, April 25, 2023**  
**7:00 p.m.**  
**Room 264, 2nd Floor Hamilton City Hall**  
**71 Main Street West**

**Present:** Councillors C. Cassar, B. Clark, T. McMeekin, M. Tadeson, A. Wilson, A. Spoelstra (Chair), G. Smuk (Vice Chair), A. Cheema, J. Currie, A. Freeman, J. Mantel, C. McMaster, N. Mills, A. Payne, C. Roberts, M. Switzer, D. Vander Hout

**Absent with Regrets:** Councillor J. Beattie – Personal  
 D. Smith

**THE AGRICULTURE AND RURAL AFFAIRS SUB-COMMITTEE PRESENTS REPORT 24-001 AND RESPECTFULLY RECOMMENDS:**

**1. APPOINTMENT OF CHAIR AND VICE CHAIR (Added Item 1)**

- (i) That Andrew Spoelstra be appointed as Chair of the Agriculture and Rural Affairs Sub-Committee for the remainder of the 2022-2026 Term of Council.
- (ii) That Gavin Smuk be appointed as Vice Chair of the Agriculture and Rural Affairs Sub-Committee for the remainder of the 2022-2026 Term of Council.

**2. Phase 2 - Stormwater Fee Implementation (Item 8.1)**

- (a) That the Agriculture and Rural Sub-Committee disagrees that the revised proposed credit system is justifiable, fair, and equitable to the rural property owners not serviced by built City-owned stormwater systems; and
- (b) That the Agriculture and Rural Affairs Sub-Committee recommends that the City of Hamilton consider a revised stormwater funding model that reflects the principles used in the proposed Brant County Stormwater Utility Program.

**FOR INFORMATION:****(a) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

**1. APPOINTMENT OF CHAIR AND VICE CHAIR****4. MINUTES**

(i) November 30, 2023 – REVISED

**5. COMMUNICATIONS**

5.2 Correspondence from the Christian Famers Federation of Ontario respecting Item 8.1, Phase 2 - Stormwater Fee Implementation

Recommendation: Be received and referred to the consideration of Item 8.1

The agenda for the April 25, 2024 meeting of the Agriculture and Rural Affairs Sub-Committee, was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)****(i) November 30, 2023 (Item 4.1)**

The Minutes of the November 30, 2023 meeting of the Agriculture and Rural Affairs Advisory Committee were approved, as presented.

**(d) COMMUNICATIONS (Item 5)****(i) Hamilton Stormwater Financial Incentive Program Update (City Wide) (Item 5.1)**

The Communication Item respecting Hamilton Stormwater Financial Incentive Program Update, was received.

**(ii) Correspondence from the Christian Famers Federation of Ontario respecting Item 8.1, Phase 2 - Stormwater Fee Implementation (Added Item 5.2)**

The Correspondence from the Christian Farmers Federation of Ontario respecting Item 8.1, Phase 2 – Stormwater Fee Implementation, was received and referred to the consideration of Item 8.1.

- (iii) The Rules of Order were waived to allow for the introduction of correspondence from the Ministry of Food and Rural Affairs respecting Stormwater Fee Structures.
- (iv) **Correspondence from the Ministry of Food and Rural Affairs respecting Stormwater Fee Structures (Added Item 5.3)**

The Correspondence from the Ministry of Food and Rural Affairs respecting Stormwater Fee Structures, was received and referred to the consideration of Item 8.1.

**(e) STAFF PRESENTATIONS (Item 8)**

**(i) Phase 2 - Stormwater Fee Implementation (Item 8.1)**

Nancy Hill, AECOM, addressed the Committee respecting Phase 2 – Stormwater Fee Implementation, with the aid of a PowerPoint presentation.

The presentation from Nancy Hill, AECOM, respecting Phase 2 - Stormwater Fee Implementation, was received.

For further disposition of this item, refer to Item 2.

**(f) ADJOURNMENT (Item 16)**

The meeting of the Agriculture and Rural Affairs Sub-Committee adjourned at 9:32 p.m.

Respectfully submitted,

Andrew Spoelstra, Chair  
Agriculture and Rural Affairs Sub-  
Committee

Carrie McIntosh  
Legislative Coordinator  
Office of the City Clerk

Ministry of Agriculture,  
Food and Rural Affairs

Ministère de l'Agriculture, de  
l'Alimentation et des Affaires rurales

Office of the Minister

Bureau du ministre

77 Grenville Street, 11th Floor  
Toronto, Ontario M7A 1B3  
Tel: 416-326-3074  
www.ontario.ca/OMAFRA

77, rue Grenville, 11<sup>e</sup> étage  
Toronto (Ontario) M7A 1B3  
Tél. : 416 326-3074  
www.ontario.ca/MAAARO



April 16, 2024

Dear Mayor [REDACTED]

It has been brought to my attention that some municipalities in the province have implemented new stormwater fee structures, and others are exploring doing so.

As Minister of Agriculture, Food and Rural Affairs, I am writing to ask that your municipality considers the needs and potential impacts on agriculture in your community when evaluating proposed changes to stormwater or other fees and to offer any support that my ministry can provide as you fully consider the impacts.

As you know, Ontario farms contribute significantly to local economies while supporting access to high-quality food both domestically and globally. The agri-food sector employs over 836,000 people and contributed \$48.8 billion to our provincial economy. Our government is committed to supporting the growth of the agriculture and food industry, which is why we released [Grow Ontario: a provincial agri-food strategy](#) to strengthen the agri-food sector, support economic growth, and ensure an efficient, reliable and responsive food supply for Ontarians.

To ensure that our food supply system continues to be responsible, trusted, and competitive on the world stage as well as a driver for economic growth in Ontario, it is important that all levels of government work closely with the agricultural community when evaluating new policies.

There is a need for special consideration for agricultural properties to ensure there are no unintended consequences that disproportionately impact farmers or greenhouse operators, as demonstrated in several of the new stormwater utility programs, including Brant County's proposed Stormwater Utility Program, which will exempt agricultural properties from the new proposed fee.

.../2



- 2 -

It is also worth noting that many farmers have already invested in water management measures and may not utilize municipal waterways in the same manner as other businesses.

Staff at my ministry are available to provide guidance on supporting the growth of the agricultural community while balancing broader municipal needs. Please feel free to contact Scott Duff with any questions you may have at (519) 820-3331 or by email at [scott.duff@ontario.ca](mailto:scott.duff@ontario.ca).

I hope that your municipality will consider engaging more directly with farmers and greenhouse operators to mitigate any unintended impacts new charges may have. It is imperative that municipalities and the agricultural industry work together to ensure the economic prosperity of our rural communities now and well into the future.

Sincerely,



Lisa M. Thompson  
Minister of Agriculture, Food and Rural Affairs

c: Scott Duff, Director, Policy Division

**Did you know about the Farmers' Wellness Initiative?**

- Your mental health is important! If you're a farmer or a member of a farm family and in need of mental health support, please call 1-866-267-6255 and arrange to speak with a professional today.
- For additional resources visit: <https://farmerwellnessinitiative.ca/>.



## HAMILTON MUNICIPAL HERITAGE COMMITTEE REPORT 24-003

12:00 p.m.

Friday April 26, 2024

Room 264, City Hall, 2<sup>nd</sup> Floor

71 Main Street West, Hamilton, Ontario

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**Present:** Councillor C. Kroetsch  
A. Denham-Robinson (Chair), K. Burke, G. Carroll (Vice-Chair), A. Douglas, L. Lunsted, A. MacLaren and S. Spolnik

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### THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 24-003 AND RESPECTFULLY RECOMMENDS:

1. **Recommendation to Designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), under Part IV of the Ontario Heritage Act (PED24057) (Ward 6) (Item 8.1)**
  - (a) That the City Clerk be directed to give notice of Council's intention to designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), shown in Appendix "A" attached to Report PED24057, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24057, subject to the following:
    - (i) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
    - (ii) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

**2. Demolition of 178 Wilson Street, Hamilton, Being a Non-Designated Property listed on the Municipal Heritage Register with an Unsafe Order to Comply (PED24081) (Ward 2) (Item 10.1)**

That the non-designated property located at 178 Wilson Street, Hamilton, be removed from the Municipal Heritage Register.

**3. Monthly Report on Proactive Listings for the Municipal Heritage Register, April 2024 (PED24058) (Wards 3 and 14) (Item 10.2)**

(a) That staff be directed to list the following properties on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, as outlined in Report PED24058, in accordance with Section 27 of the *Ontario Heritage Act*:

- (i) 58 Erie Avenue, Hamilton (Ward 3);
- (ii) 1269 Mohawk Road, Ancaster (Ward 14).

**4. Cross-Melville Heritage District Committee Report 24-001 (February 8, 2024) (Item 10.3)**

That the Cross-Melville Heritage District Committee Report 24-001 of February 8, 2024, be received for information.

**5. Community Heritage Ontario Membership Renewal (Item 10.4)**

- (a) That the Hamilton Municipal Heritage Committee membership to Community Heritage Ontario be approved;
- (b) That the membership fee to the Community Heritage Ontario, in the amount of \$75.00, be paid for from Planning Account #56328-814000; and,
- (c) That staff be directed to prepare and execute the required documentation for the membership

**6. Selecting Members to Attend the 2024 Ontario Heritage Conference (Item 10.5)**

- (a) That the following members of the Hamilton Municipal Heritage Committee be designated as the Committee's representatives at the Ontario Heritage Conference on June 13-15, 2024:
  - (i) Graham Carroll

- (ii) Alissa Denham-Robinson
- (b) That the cost incurred by the Committee's representatives attending the 2024 Ontario Heritage Conference for the conference, accommodations, and travel, be reimbursed from Account Number 56328-81400.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

The Committee Clerk advised the Committee of the following changes to the agenda:

**13. GENERAL INFORMATION / OTHER BUSINESS**

13.3 Update on the Hamilton Wentworth Heritage Association's 2024 Heritage Volunteer Recognition Awards held on April 20, 2024

13.4 Update on Doors Open Hamilton – May 4 and 5, 2024

The agenda for the April 26, 2024, Hamilton Municipal Heritage Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) February 16, 2024 (Item 4.1)**

The Minutes of the February 16, 2024, meeting of the Hamilton Municipal Heritage Committee was approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

- (i) The following Communication items be approved, as presented:
  - (a) Correspondence respecting the Notice of Intention to Designate under Part IV of the *Ontario Heritage Act*, 84 York Boulevard, Hamilton (Philpot Memorial Church) (Item 5.1)

Recommendation: Be received.

- (b) Correspondence from Jennifer Meader and Mark A. de Jong, TMA Law, on behalf of John Kemp, respecting Notice of Objection to Recommendation to List 62 Erie Avenue, Hamilton, on the Municipal Heritage Register (Item 5.2)

Recommendation: Be received and referred to the consideration of Item 10.2

**(d) DELEGATION REQUESTS (Item 6)**

- (i) **Delegation Request from Matthew Hall and Madolyn Armstrong, Hamilton Conservation Authority, respecting Item 8.1 Report PED24057, Recommendation to Designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), under Part IV of the Ontario Heritage Act (Item 6.1)**

The delegation request from Matthew Hall and Madolyn Armstrong, Hamilton Conservation Authority, respecting Item 8.1 Report PED24057, Recommendation to Designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), under Part IV of the Ontario Heritage Act, was approved for today's meeting.

**(e) DELEGATION (Item 7)**

- (i) **Delegation from Matthew Hall and Madolyn Armstrong, Hamilton Conservation Authority, respecting Item 8.1 Report PED24057, Recommendation to Designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), under Part IV of the Ontario Heritage Act (Item 7.1)**

Matthew Hall and Madolyn Armstrong, Hamilton Conservation Authority, addressed Committee respecting Item 8.1, Recommendation to Designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), under Part IV of the Ontario Heritage Act (PED24057) (Ward 6).

**(Kroetsch/Douglas)**

The Delegation from Matthew Hall and Madolyn Armstrong, Hamilton Conservation Authority, respecting Item 8.1 Report PED24057, Recommendation to Designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), under Part IV of the Ontario Heritage Act, was received and referred to the consideration of Item 8.1

For further disposition of this matter, refer to Item 1.

**(f) STAFF PRESENTATIONS (Item 8)**

**(i) Recommendation to Designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), under Part IV of the *Ontario Heritage Act* (PED24057) (Ward 6) (Item 8.1)**

Scott Dickinson, Cultural Heritage Planning Technician, addressed Committee respecting Report PED24057, Recommendation to Designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), under Part IV of the *Ontario Heritage Act*, with the aid of a PowerPoint presentation.

The presentation from Scott Dickinson, Cultural Heritage Planning Technician, respecting Report PED24057, Recommendation to Designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), under Part IV of the *Ontario Heritage Act*, was received.

For further disposition of this matter, refer to Item 1.

**(g) CONSENT ITEMS (Item 9)**

**(i) The following Consent Items were received:**

**(a) Hamilton Heritage Permit Review Sub-Committee Minutes (Item 9.1)**

(a) December 12, 2023 (Item 9.1(a))

(b) February 20, 2024 (Staff Liaison Report) (Item 9.1(b))

**(b) Education & Communication Working Group Meeting Notes – February 7, 2024 (Item 9.2)**

**(c) Policy & Design Working Group Meeting Notes – January 22, 2024 (Item 9.3)**

**(h) DISCUSSION ITEMS (Item 10)**

**(i) Monthly Report on Proactive Listings for the Municipal Heritage Register, April 2024 (PED24058) (Wards 3 and 14) (Item 10.2)**

**(1) The Report was put on the floor as follows:**

- (a) That staff be directed to list the following properties on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, as outlined in Report PED24058, in accordance with Section 27 of the *Ontario Heritage Act*:
  - (i) 58 Erie Avenue, Hamilton (Ward 3);
  - (ii) 62 Erie Avenue, Hamilton (Ward 3);
  - (iii) 1269 Mohawk Road, Ancaster (Ward 14).
  
- (2) The following amendments were put on the floor:  
That the recommendation in Report PED24058, Monthly Report on Proactive Listings for the Municipal Heritage Register, April 2024, be **amended** as follows:
  - (a) That staff be directed to list the following properties on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, as outlined in Report PED24058, in accordance with Section 27 of the *Ontario Heritage Act*:
    - (i) 58 Erie Avenue, Hamilton (Ward 3);
    - ~~(ii) 62 Erie Avenue, Hamilton (Ward 3);~~
    - ~~(iii)~~ (ii) 1269 Mohawk Road, Ancaster (Ward 14).

For disposition of this matter, please refer to Item 3.

(i) **GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

(i) **Buildings and Landscapes (Item 13.1)**

Committee members provided brief updates on properties of interest.

- (a) The following properties were added to the Buildings and Landscapes of Interest (Yellow)
  - (a) 90 Markland, Hamilton (D)
  - (b) 231 Bay St. N. (Gallery on the Bay/Hamilton Bridge Works Company Office) (I)

- (c) 29 Harriet Street (Felton Brush Company) (I)
- (b) Councillor C. Kroetsch will monitor the properties.

That the following updates, be received:

- (a) Endangered Buildings and Landscapes (RED):  
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

Ancaster

- (1) 372 Butter Road West, Andrew Sloss House (D) – S. Spolnik
- (2) 1021 Garner Road East, Lampman House (D) – S. Spolnik
- (3) 398 Wilson Street East, Marr House (D) – S. Spolnik

Dundas

- (4) 2 Hatt Street (R) – K. Burke
- (5) 216 Hatt Street (I) – K. Burke
- (6) 215 King Street West (R) – K. Burke
- (7) 219 King Street West (R) – K. Burke

Glanbrook

- (8) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (9) 80-92 Barton Street East, Former Hanrahan Hotel (R) – S. Spolnik
- (10) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – A. Denham-Robinson
- (11) 66-68 Charlton Avenue West (D) – C. Kroetsch
- (12) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – G. Carroll
- (13) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (14) 127 Hughson Street North, Firth Brothers Building (D) – C. Kroetsch
- (15) 163 Jackson Street West, Pinehurst / Television City (D) – C. Kroetsch



- (16) 108 James Street North, Tivoli (D) – C. Kroetsch
- (17) 98 James Street South, Former James Street Baptist Church (D) – C. Kroetsch
- (18) 18-22 King Street East, Gore Buildings (D) – C. Kroetsch
- (19) 24-28 King Street East, Gore Buildings (D) – C. Kroetsch
- (20) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (21) 378 Main Street East, Cathedral Boys School (R) – S. Spolnik
- (22) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (23) 120 Park Street North (R) – C. Kroetsch
- (24) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (25) 100 West 5th Street, Century Manor (D) – G. Carroll

- (b) Buildings and Landscapes of Interest (YELLOW):  
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

#### Dundas

- (1) 64 Hatt Street, Former Valley City Manufacturing (D) – K. Burke
- (2) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (3) 3 Main Street, Former Masonic Lodge (D) – K. Burke
- (4) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (5) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – L. Lunsted

#### Flamborough

- (6) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (7) 62 6th Concession East, Hewick House (I) – L. Lunsted

#### Hamilton

- (8) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – G. Carroll
- (9) 134 Cannon Street East, Cannon Knitting Mill (R) – C. Kroetsch
- (10) 52 Charlton Avenue West, Former Charlton Hall (D) – C. Kroetsch
- (11) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll

- (12) 54-56 Hess Street South (D) – C. Kroetsch
- (13) 1284 Main Street East, Delta High School (D) – G. Carroll
- (14) 311 Rymal Road East (R) – G. Carroll
- (15) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (16) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (17) 84 York Boulevard, Philpott Church (NOID) – G. Carroll
- (18) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (19) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (20) 4 Turner Avenue, Hamilton (R) – C. Kroetsch
- (21) 420 King St E, St. Patrick Roman Catholic Church (I) – S. Spolnik
- (22) 206-210 King Street East, Former Bremner Grocery (I) – G. Carroll
- (23) 1269 Mohawk Road, Ancaster – G. Carroll
- (24) 657 King Street East, Hamilton – G. Carroll
- (25) 665-667 King Street East, Hamilton – G. Carroll

Stoney Creek

- (26) 2251 Rymal Road East, Former Elfrida Church (R) – G. Carroll

- (c) Heritage Properties Update (GREEN):  
(Green = Properties whose status is stable)

Dundas

- (1) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

- (2) 46 Forest Avenue, Rastrick House (D) – G. Carroll
- (3) 88 Fennell Avenue West, Auchmar (D) – A. Douglas
- (4) 125 King Street East, Norwich Apartments (R) – C. Kroetsch
- (5) 206 Main Street West, Arlo House (R) – C. Kroetsch
- (6) 50-54 Sanders Boulevard, Binkley Property (R) – K. Burke

Flamborough

- (7) 340 Dundas Street East, Eager House (R) – L. Lunsted

- (d) Heritage Properties Update (BLACK):  
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

- (1) 442, 450 and 452 Wilson Street East (R) – S. Spolnik

Heritage Status: (I) Inventoried, (R) Registered, (D) Designated,  
(NHS) National Historic Site

Chair A. Denham-Robinson relinquished the Chair to Vice-Chair G. Carroll in order to introduce the following items.

**(ii) Hamilton Municipal Heritage Committee's Heritage Recognition Awards – June 13, 2024 (no copy) (Item 13.2)**

A. Denham-Robinson provided Committee with a verbal update respecting Hamilton Municipal Heritage Committee's Heritage Recognition Awards on June 13, 2024.

The verbal update from A. Denham-Robinson respecting Hamilton Municipal Heritage Committee's Heritage Recognition Awards on June 13, 2024, was received.

**(iii) Update on the Hamilton Wentworth Heritage Association's 2024 Heritage Volunteer Recognition Awards held on April 20, 2024 (Item 13.3)**

A. Denham-Robinson provided Committee with a verbal update respecting the Hamilton Wentworth Heritage Association's 2024 Heritage Volunteer Recognition Awards held on April 20, 2024.

The verbal update from A. Denham-Robinson respecting the Hamilton Wentworth Heritage Association's 2024 Heritage Volunteer Recognition Awards held on April 20, 2024, was received.

**(iv) Update on Doors Open Hamilton – May 4 and 5, 2024 (Item 13.4)**

A. Denham-Robinson provided Committee with a verbal update respecting Doors Open Hamilton – May 4 and 5, 2024.

The verbal update from A. Denham-Robinson respecting Doors Open Hamilton – May 4 and 5, 2024, was received.

Chair A. Denham-Robinson assumed the Chair.

**(j) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton Municipal Heritage Committee, adjourned, at 12:56 p.m.

Respectfully submitted,

Alissa Denham-Robinson  
Chair, Hamilton Municipal  
Heritage Committee

Matt Gauthier  
Legislative Coordinator  
Office of the City Clerk

## STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

### Description of Property

The 2.83 hectare property municipally-addressed as 2 Dartnall Road, Hamilton, is comprised of a three-storey concrete grain elevator constructed in 1943, known as the former Harris Grain Elevator. It is located on a deep setback from the roadway on the western side of Dartnall Road, on a stretch of the Chippewa Rail Trail running between Stone Church Road East and Rymal Road East, in the neighbourhood of Hannon North in Hamilton, Ontario.

### Statement of Cultural Heritage Value or Interest

The concrete structure located at 2 Dartnall Road, Hamilton was constructed in 1943. It has design or physical value as it is a representative example of a concrete three-silo grain elevator. This property is associated with local businessman William Harris (1888-1959), local business Binbrook Feed Mills, the home front in Ontario during the Second World War (1939-1945) and to the historic Hamilton and Port Dover Railroad.

Contextually, the property is important in defining the historical agricultural character of the area. It is visually, historically, functionally, and physically linked to its surroundings, being located in a formerly rural area close to a historic rail line. A unique, distinctive, and prominent structure, 2 Dartnall Road is a local landmark along the Chippewa Trail.

### Description of Heritage Attributes

Key attributes that embody the physical value of the property as being a representative example of a concrete grain elevator, and its association with the Binbrook Feed Mill and the Hamilton and Port Dover Railroad, include:

- All elevations and the roofline of the three-storey concrete grain elevator, including its:
  - Poured concrete grain silos arranged in a triangle;
  - Truncated hip roof with gable roof extension to the east;
  - Projecting metal-sheathed headhouse; and,
  - Metal sheathing stamped with maple leaves.

Key attributes that embody the contextual value of the property as a defining feature of the historical agricultural character of the surrounding area, including its:

- Location fronting onto the Chippewa Rail Trail; and,
- Visibility from the public right-of-way on Dartnall Road.

# CITY OF HAMILTON

## MOTION

Planning Committee Meeting: May 14, 2024

**MOVED BY COUNCILLOR M. FRANCIS .....**

**SECONDED BY COUNCILLOR .....**

### **Review of Planning Permissions to Align with Council's Intensification Direction**

WHEREAS, staff are currently undertaking planning for the Major Transit Station Areas which will review existing density and height permissions along the entirety of the LRT corridor to ensure conformity with provincial minimum density targets around Major Transit Station Areas;

WHEREAS, through the next phase of the Municipal Comprehensive Review, staff have initiated a local context planning review which will also include a review of policies around key streets and intersections across the City for opportunities to refine the City's intensification policies to better reflect and respond to the type and scale of redevelopment seen in these areas;

WHEREAS, the City Wide Secondary Plan Review was undertaken in 2009 through Report PED08017(a) to determine where and when Secondary Plans and Community Strategies should be prepared and staff will be undertaking a review of existing Secondary Plan areas and planning permissions for increased heights/densities;

WHEREAS, the provincial priorities respecting managing growth have changed and the City has responded to these changing priorities through the Municipal Comprehensive Review and other policy initiatives;

WHEREAS, Bill 150 requires any decision of a municipality or the Ontario Land Tribunal made under the Planning Act, as well as any by-law passed by a municipality must conform with the official plan;

WHEREAS, updates to the Official Plans are required to increase housing opportunities across the City in accordance with provincial minimum density targets;

**THEREFORE BE IT RESOLVED:**

- (a) That through the work on Major Transit Station Area planning, the next phase of the City's Municipal Comprehensive Review workplan, and the next phases of the Residential Zones Project for Mid Rise Residential and High Rise Residential zones, that staff review and report back on the review of the following:
  - (i) All existing nodes, corridors, and key intersections both within existing Secondary Plan areas and outside of existing Secondary Plan areas and planning permissions for increased heights/densities, to align with

Council's intensification direction related to no urban boundary expansion and other more recent provincial policies.

# CITY OF HAMILTON

## NOTICE OF MOTION

Planning Committee: May 14, 2024

**MOVED BY COUNCILLOR C. KROETSCH.....**

**SECONDED BY COUNCILLOR T. HWANG.....**

### **Municipal Law Enforcement at Pier 4 Park Events (Ward 2)**

WHEREAS Pier 4 Park is a popular park for summer events because of its size and proximity to the water;

WHEREAS there can be adverse effects of noise amplification due to the surrounding built and natural environment;

WHEREAS there is limited Municipal Law Enforcement staffing availability during evening and weekend hours;

WHEREAS having Municipal Law Enforcement officers available during event hours will allow for enforcement of Noise Control By-law No. 11-285;

WHEREAS ensuring the noise levels remain within the allowed levels will address the adverse effects of excessive noise amplification.

THEREFORE, BE IT RESOLVED -

- (a) That paid duty Municipal Law Enforcement officers are present at the 5 confirmed events at Pier 4 Park in 2024, and funded from the Ward 2 Non-Property Tax Revenue Account 3301609602 at an upset limit, including contingency, not to exceed \$10,300;
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.