



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 16, 2015
SUBJECT/REPORT NO:	Coordinated Provincial Plan Review - City of Hamilton Comments (PED15078) (City Wide)
WARD(S) AFFECTED:	City Wide
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SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the City of Hamilton supports the Province’s general directions of the Niagara Escarpment Plan, the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe to manage growth by strengthening the economy and population base through complete communities, strong transportation and infrastructure systems; and protecting agricultural lands and natural heritage systems. The City of Hamilton welcomes the opportunity to provide input to the Coordinated Provincial Plan Review, as follows:
 - (i) That Report PED15078 and Appendices “A” to “G” be the formal submission to the Ministry of Municipal Affairs and Housing. The Report contains recommended changes to the Plans to strengthen and to clarify policies; to address the inconsistency amongst the Plans and to identify tools and funding requirements by senior levels of government necessary to implement the Plans, in particular the Growth Plan for the Greater Golden Horseshoe.

- (b) That given the importance of implementation to the success of the provincial and municipal planning documents, the Province should consider the comments that it received from the City in the 2013 Land Use Planning and Appeal System Review and the future comments respecting Bill 73, as part of the City's overall comments on the Provincial Plan Review.
- (c) That the Public Consultation Summary Report, prepared by Dillon Consulting, summarizing the comments received from the City hosted consultation events on the Coordinated Provincial Plan review and attached as Appendix "D", be forwarded to the Province to be considered as additional citizen input on the Provincial Plan Review;
- (d) As part of the Phase 2 of the Coordinated Provincial Plan Review, the Province should allow sufficient time for municipalities to comment on the proposed amendments to the Plans as well as provide for a broad public engagement process that includes two meetings in Hamilton (one in the urban area and one in the rural area);
- (e) That City staff consult with the Province, the public, and the development community on options for any changes to the Greenbelt boundaries that are necessary to ensure Hamilton has sufficient land to accommodate future growth, while at the same time ensuring there is no net decrease in the size of the Greenbelt in Hamilton, and ensuring that the Greenbelt's goals related to protecting agricultural lands and natural heritage are achieved; and that these options be brought forward for Council's approval, prior to submitting them to the Province for its consideration.
- (f) That the City Clerks be requested to forward Report PED15078 to the Ministry of Municipal Affairs and Housing. This Report is considered the City of Hamilton's formal comments on the first phase of the Coordinated Provincial Plan Review.

EXECUTIVE SUMMARY

Alternatives for Consideration – See Page 25

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: N/A

HISTORICAL BACKGROUND

The Province has several different Provincial Plans and the Provincial Policy Statement (PPS) that have been developed over different time periods, geographic areas and for different land use planning purposes.

Provincial Coordinated Land Use Planning Review

On February 27, 2015, the Ministry of Municipal Affairs and Housing announced the coordinated review of the following four Provincial Plans:

- The Growth Plan for the Greater Golden Horseshoe;
- The Greenbelt Plan;
- The Oak Ridges Moraine Conservation Plan; and,
- The Niagara Escarpment Plan.

Planning Committee / Council Directions

On March 3, 2015, Planning Committee requested staff to provide an Information Update on the Province of Ontario's Coordinated Land Use Planning Review. The Information Update outlined the Province's consultation program (i.e. online consultation and in-person consultation sessions), commenting deadline and how the City is responding/participating in the review.

At the City Council meeting on March 11, 2015, Council approved the following motion relating to the Province's Regional Town Hall Meeting scheduled in Downtown Hamilton on April 16, 2015:

“That Mayor Eisenberger forward a letter to the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, on behalf of Council, requesting that the Ministry of Municipal Affairs and Housing hold additional public meetings for the Provincial Plan review in Hamilton's rural area and advising that a Provincial staff person is welcome to attend all of the City's own public meetings being held in the rural area.”

The request was warranted to promote accessibility and open discussion for the residents of Hamilton and the surrounding rural areas.

Provincial Stakeholder Consultations

On March 23, 2015, staff attended a special stakeholder workshop for the coordinated review. The purpose of the workshop was to generate ideas on how to make the plans stronger and work better together.

City of Hamilton Consultation Sessions

In April 2015, City staff hosted four public consultations to allow the public an opportunity, to provide input to the Provincial Plan Review. The sessions were held in the rural (i.e. Rockton Fairgrounds; Ancaster Fairgrounds) and urban (i.e. Downtown Hamilton; Stoney

Creek) areas, in the afternoon and evening to allow urban and rural residents an equal opportunity to attend the sessions and provide comments.

The public consultation session format was an interactive display with information panels and the other portion of the session was a workshop component. Dillon Consulting was retained to facilitate the workshop portion of the consultation sessions.

Provincial Consultation Session

The Province hosted their Regional Town Hall Meeting in Downtown Hamilton on Thursday, April 16, 2015. The purpose of the Province's public consultation session was to allow the public access to Provincial staff to express concerns and ideas to make the Plans stronger and work together better, to identify what parts of the Plans work well.

Due to expedited timeframes, City of Hamilton staff requested an extension from the Province from the May 28, 2015 deadline to June 24, 2015 to include information gathered from the internal and external consultation sessions, and to enable Council to receive the staff report on the matter and advise the Province accordingly. As such, staff have provided preliminary staff comments to the Province prior to the May 28, 2015 deadline. The staff report and the appendices that are the subject of this Report will be forwarded to the Province once they are endorsed by Council on June 24.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Province has several different Provincial Plans and a Provincial Policy Statement (PPS) that have been developed over different time periods, geographic areas and for different land use planning purposes. They include:

- Provincial Policy Statement, 2014;
- Niagara Escarpment Plan, 2005;
- Greenbelt Plan, 2005;
- Growth Plan for the Greater Golden Horseshoe, 2006;
- Parkway Belt West Plan, 1978; and,
- Oak Ridges Moraine Conservation Plan, 2001.

The City of Hamilton is governed by three of the four Provincial Plans under review - the Niagara Escarpment Plan, the Greenbelt Plan, and the Growth Plan for the Greater Golden Horseshoe). The Provincial Plans inform and directs the land use framework by which the City of Hamilton uses to plan its neighbourhoods, communities and infrastructure needs. The Provincial Plans provide long-term visions and goals pertaining to specific areas of Hamilton as described below.

Importance of Provincial Plans for Municipalities

Provincial Planning documents play a critical role in land use planning and development in Ontario. Provincial Planning documents outline a framework by which municipal

planners must be consistent with (in the case of the Provincial Policy Statement) and conform to (in the case of the Growth Plan and Greenbelt Plan) the policies and regulations contained within each Plan. The Plans direct where growth shall occur and where protection shall be focussed.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan sets the direction for accommodating growth and development in the region. The Plan requires municipalities to grow in ways that use land and resources more efficiently by reducing outward growth and by building new developments in ways that use existing infrastructure to the fullest potential. The Growth Plan encourages the creation of complete communities and the revitalization of downtowns through intensification of people and jobs within the Region.

Greenbelt Plan

The Greenbelt Plan establishes the Protected Countryside, which supports agriculture as the predominant land use and seeks to prevent the loss and fragmentation of agricultural land. The plan gives long-term protection to the natural heritage and water resource systems that sustain ecological and human health and provides for a range of complementary economic and social activities including tourism, recreation and resource uses.

Niagara Escarpment Plan

The Niagara Escarpment Plan protects approximately 480,000 ac (195,000 ha) of land to support a continuous natural environment along the Escarpment. It ensures that development on the escarpment and in its immediate vicinity is compatible with protecting and maintaining the continuous natural environment.

Other Provincial Plans/Policy Statement Not Subject to the Coordinated Provincial Plan Review

In addition to the Plans mentioned above, development in the City of Hamilton is also impacted by the Provincial Policy Statement (PPS) and the Parkway Belt West Plan. The Greenbelt Plan, Growth Plan and the Niagara Escarpment Plan build upon the existing policy framework established in the Provincial Policy Statement to ensure that greater detail and protection is applied to specific topical/geographical areas of the Province.

The PPS was reviewed in 2014, was revised, and is currently in effect. The Parkway Belt West Plan, although not included in the 2015 review, City staff met with Provincial staff in November 2014 and have provided comments with respect to a portion of Hamilton lands designated under the Parkway Belt West Plan area. Although the PPS and the Parkway Belt West Plan were not included in the 2015 Coordinated Review, they effect

development in the City of Hamilton and provide guidance on the land use plans that are under review currently.

RELEVANT CONSULTATION

Staff Consultation

Planning staff consultations have been on-going since November 2014 and have resulted in suggestions contained in Appendices “A”, “B” and “C”.

A Staff Workshop was held on April 15, 2015 to gain input on the Provincial Plan Review. The following Departments / Divisions were in attendance:

- Public Health;
- Public Works;
- City Manager’s Office;and,
- Community Services.

Comments gathered from the staff consultation session relate to theme areas such as climate change, complete communities and infrastructure. For a detailed description of all staff comments received, please refer to Appendices “A”, “B” and “C”.

Public Consultation

Four public consultation sessions were hosted by the City of Hamilton to obtain input on the City of Hamilton response to the Coordinated Provincial Plan Review. Two sessions were held in Hamilton’s rural area (Rockton and Ancaster) and two sessions were hosted in Hamilton’s urban area (Stoney Creek and Downtown Hamilton).

Dillon Consultation was hired to assist staff with the public consultation process and preparing the report on the input. A full review and summation of all comments received are contained within the Public Consultation Summary Report, attached as Appendix “D”. Based on the review of all comments received at the consultation sessions, ten key messages that participants consistently expressed are described below.

Greenbelt Plan

1. The Greenbelt Plan has a strong impact on rural area land owners/residents and requires a greater level of local input and research.
2. The Greenbelt Plan protects land but does not protect farming. More support services, incentives to continue farming and flexible land use policies that support secondary or ancillary uses, are needed. The Province should critically review how current policies are impacting the long-term sustainability of farmers and rural residents.

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3. The Greenbelt Plan requires more research and evidence-based support to develop policies, revise boundaries and to include local and grassroots participants in their review and technical studies.
4. All Plans should focus on rural planning and planning complete communities in rural Ontario. Suggestions include what does growth look like and how rural, smaller communities grow. More local research and stronger policies specific to meeting the needs of rural complete communities, are required.

Growth Plan

5. Population and employment projections are difficult to understand (i.e. how to translate targets and policies associated with targets into real jobs and development is something that needs to be explored).
6. Provincial support to fund and direct infrastructure needs to be better coordinated. More attention is needed to coordinate the timing of infrastructure projects with development.
7. More support for municipalities is required to attract and retain jobs.
8. Plans need to address provision of housing and proactively consider needs (including housing types, amenities, etc.) for all types of residents (including families, seniors, etc.).

General Comments

9. The Province should improve education and marketing of the Plans as well as the processes required under the Plans (e.g. permitting, approvals, appeals). Direct public input and involvement is encouraged and a variety of communication methods should be used, particularly for members of the public that do not have access to internet or read the newspaper.
10. The Plans need to be consolidated or harmonized in order to be better understood. Enhancing mapping and providing more education to residents is slow supported.

In addition, a number of comments were received about changes to the Greenbelt Plan during the Public meeting for the Rural Zoning By-law. These comments have been summarized and included as Appendix "D1".

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Overall, the Greenbelt Plan, the Niagara Escarpment Plan (NEP) and the Growth Plan are very supportive and reflect the future land use planning directions for the City of Hamilton and have been translated into both the Rural Hamilton and the Urban Hamilton

Official Plans. Hamilton has a diverse geographic landscape with a rural land area comprising 80% of the total land mass; the Niagara escarpment that traverses the urban and rural lands and an urban area with one urban growth centre, many community nodes, employment land that attracts a variety of different employment uses, a diverse residential community, shopping and open space areas.

City staff support the Vision, goals, and objectives of the Plans. Over the last ten years, the City has implemented the policies of the Plans and while the fundamental basis of the Plans are sound, there are some changes to the policies that are warranted.

This section highlights the benefits, challenges and potential changes for each of the three Plans that apply in Hamilton. There are a total of 32 recommendations by staff:

- Recommendations 1 to 8 relate to all three Plans;
- Recommendations 9 to 18 relate to the Growth Plan;
- Recommendations 19 to 25 relate to the Greenbelt Plan;
- Recommendation 26 relates to the Niagara Escarpment Plan; and,
- Recommendations 27 to 32 relate to implementation.

The detailed / technical analysis is contained in Appendices “A” to “C”.

1.0 General Issues (All Plans)

The Growth Plan and the Greenbelt Plan are two sides of the same coin. The main focus of the Growth Plan is managing growth in the urban context and the Greenbelt Plan provides the protection for the agricultural land and Natural Heritage System. On a Provincial level, the boundaries of these two Plans do not align. The Growth Plan applies to other municipalities including Brant County, Brantford, and Waterloo. Waterloo and Brant County border Hamilton.

Recommendation 1: The Greenbelt Plan boundaries should be expanded to align with the Growth Plan boundaries.

1.1 Overlapping Plans

Staff support the Province’s role in long term land use planning, particularly its focus on the Greater Golden Horseshoe (GGH). In particular, the Growth Plan is the other side of the coin of the Greenbelt Plan. The NEP protects a specific resource, the Escarpment, and the lands around it. Together, these Plans provide a comprehensive planning framework for urban and rural areas throughout the GGH. In addition to the Plans’ policies and the designations, is the PPS 2014. The Growth Plan depends on many of the policies in the PPS to guide development patterns (e.g. concept of complete communities, protection of natural heritage and cultural heritage, housing, etc.). In other cases, the Growth Plan is more detailed than the PPS and so the PPS is not relevant where the policies are duplicated (e.g. employment lands, settlement area expansions).

The layering of Plans and other Provincial policies is confusing and in certain cases, result in competing objectives. The solution is to harmonize and integrate the Plans to provide a better overall and more consistent framework for planning across the Greater Golden Horseshoe.

Recommendation 2: The Province harmonize the definitions, terms and regulations between the Provincial Plans to ensure a better overall and more consistent framework for planning across the Greater Golden Horseshoe

1.1.1 Pleasantview, Dundas

Of particular concern for Hamilton is the overlapping Plans which regulate land use in the Pleasantview area in Dundas. In the 1978, the Province introduced the Parkway Belt West Plan to protect infrastructure corridors, to connect regions and urban areas together; to provide a linked open space system and to separate and define urban areas.

During the 1980's and 1990's, extensive municipal planning (Official Plan and zoning) was undertaken to implement the Complementary Use Provisions of the Parkway Belt West Plan for Pleasantview.

In 2013, the Ministry of Natural Resources approved Amendment No. 179 to incorporate these lands within their NEP boundary; however, no amendment to the Parkway Belt West Plan was undertaken to remove the lands. At the present time, there are two overlapping Provincial Plans and the City's zoning that apply to the lands.

A coordinated review of these Plans is required to ensure both the protection of the Escarpment and the infrastructure corridors (hydro and rail) in this area and to remove the unnecessary layers and confusion.

Recommendation 3: Amend the Parkway Belt West Plan:

- a. to delete the land use policies for this area and retain the policies to protect infrastructure corridors; or,
- b. to delete the Parkway belt West Plan in its entirety.

1.1.2 Terms, Definitions and Regulations

There are differences in terms, definitions and regulations between the Greenbelt Plan and the NEP, the Greenbelt Plan and the PPS, the PPS and the NEP and the Growth Plan and the PPS.

There are several examples including, but not limited to, wetlands vs. provincially significant wetlands, natural areas vs. key hydrologic features, and municipal comprehensive review vs. comprehensive review.

A thorough review of the terms, definitions and regulations must be undertaken to ensure consistency between Plans, especially in circumstances where the issue is the same. A

more consistent framework amongst the Plans provides for greater clarity in policy interpretation and application.

Recommendation 4: If the Plans remain as separate Plans, consistency of terms, definitions, and regulations in each of the Plans must be undertaken.

1.2 Boundaries of the Greenbelt Plan - Hamilton

As part of the review of the Provincial Plans, staff have begun to look at potential changes to the Greenbelt boundaries. A number of recommendations for changes to the boundaries were also brought forward by members of the public at the City's public consultation sessions. To help inform this boundary review process, Dillon Consulting has been retained to undertake a preliminary review of the long term land needs in the City to accommodate future growth. This review is not yet complete. It is staff's intention to consult with the public, the Province and the development community on potential changes to the Greenbelt boundaries, and ultimately to submit proposed changes to the Province in advance of the second phase of the Provincial Plan Review.

1.3 Climate Change and Energy

1.3.1 Climate Change

With storms, floods and heat already a reality in Ontario, there is strong interest in identifying integrated actions that will mitigate emissions and build resilience to inevitable climate change. Provincial land use planning policies encourage intensification and increase densification of urban areas with compact development which reduces emissions per capita in an urban setting. However, intensification and increase densification also increases the number of population that is exposed to climate risks of extreme weather such as flooding, hotter weather, and ice storms. The recent update of the 2014 PPS added a new policy that requires municipalities "to promote development and land use patterns that ...consider the impacts of climate change". There is a need to encourage actions that both reduce greenhouse gas emissions and the risks of a changing climate such as increased recognition and encouragement of low impact development or green development such as increase green space, improved water infiltration and reduction of stormwater runoff, opportunities for green or white roofs, in urban and suburban environments.

Recommendation 6: Add climate change policies to the three Plans which focus on adaptation and mitigation as a way of lessening impacts from climate change. Concepts such as "climate change" and "resilient communities" need to be defined.

Recommendation 7: Create a stronger policy framework to require low impact development and to support initiatives and pilot projects for innovative low impact development methods through funding programs.

1.3.2 Energy

The *Green Energy Act* requires the public sector entities (municipalities, universities, colleges and hospitals) to report energy and associated emissions. There needs to be further support to encourage municipalities to undertake energy mapping, look at the built environment and transportation sectors, and integrate energy planning with land use planning. The handful of municipalities that have undertaken energy mapping has led to innovative work in community energy planning, changes to Official Plans, and local activities that support energy integration into the built form.

Recommendation 8: That the Provincial Plans be revised to add new policies to link energy planning with land use planning.

2.0 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The Growth Plan provides a good framework to manage growth by requiring compact complete communities, curbing sprawl, protecting employment lands, identifying the need for supporting infrastructure and transportation networks. However, after nine years of implementing this Plan, there are some changes and additional policies that would assist municipalities in achieving the goals and objectives. In addition to the comments below, Appendix “A” contains a recommended list of specific policy changes to the Growth Plan.

2.1 *Population and Employment Forecasts*

Schedule 3 of the Growth Plan establishes employment and population forecasts for 2031 A / B, 2036 and 2041. The Plan requires these forecasts be reviewed every five years whereas the policies of the Plan are reviewed every ten years (Section 9 of the *Places to Grow Act*, 2005).

As it relates to the City of Hamilton, the forecasts assume a constant level of growth. In Hamilton, historically there have been years where jobs are lost and then made up in subsequent years. There should be recognition in the modelling to deal with the need for replacement jobs due to capital reinvestment, no growth, and fast growth scenarios and cyclical (high and low periods) growth.

The forecasts work together with the policy framework for the purposes of planning and managing growth for the GGH. It is logical to have the forecasts and policies reviewed and revised concurrently to reflect the interrelationships between how much, where, how and when a municipality will grow. The public expectation is that once the new forecasts are released, the City would undertake a municipal comprehensive review even though a review of the Growth Plan is shortly thereafter.

Recommendation 9: The forecasts should be developed with a range and not one definitive number.

Recommendation10: The population and employment forecasts be reviewed as part of the ten year Plan review and not separately.

2.2 Targets

2.2.1 Density Targets

The Growth Plan contains a number of different types of targets, expressed in different units of measurement (e.g. persons and jobs per hectare [pjh]), percentage of new units). Overall, the City supports the 40% intensification rate and urban growth centre target of 200 pjh.

The most challenging target is the density target of 50 pjh which is calculated for the entire designated greenfield areas in the urban area (employment and non-employment areas). Fifty pjh on the employment side is difficult to achieve since the employment target tends to be lower, especially Hamilton where the City has fewer office buildings which have higher density yields. As a result, the non-employment target must be higher to reach the overall target of 50pjh. In the UHOP, the employment target is 37 pjh and 70 pjh on the non-employment side. The 70 pjh result in higher densities in certain greenfield areas which may not be appropriate.

Recommendation11: The 50 persons and jobs per hectare target be revised to split the target into two separate ones: one jobs per hectare target for Employment areas (such as the Business parks and traditional industrial areas) and one combined people and jobs per hectare target for the remaining greenfield areas (mixed use, residential, commercial, institutional areas).

2.2.2 Designated Greenfield Areas (Policy 2.2.7.3)

The 50 pjh is calculated by determining the number of jobs and people that are located in the entire designated greenfield area, excluding natural heritage and hydrologic features. There are a number of additional features that do not allow for development and should also be excluded from this calculation, such as transportation, hydro / gas corridors. By removing these features, the density calculation would be more realistic; it would include all types of non-developable lands not suitable for development rather than a subset of undevelopable lands.

Recommendation12: That infrastructure and transportation corridors be added to the list of lands to be excluded from the greenfield density calculation.

2.3 Employment Area Policies

Staff strongly supports the employment area policies, in particular the policies on conversion of employment lands to non-employment uses. The retention of existing and the establishment of new areas suitable for employment uses such as manufacturing, research and development, remain a key planning policy directive and economic goal for the Hamilton.

The Growth Plan policies which protect employment area from conversion to non-employment uses are reflected in the City's Economic strategy and UHOP policies. However, the policies should be amended to be explicit that institutional uses should not be permitted within Employment Areas. They require larger land parcels, which are often more readily available and affordable in the Employment areas. These uses support residents and not the employment areas. They do not support the function of the Employment areas and in fact, may undermine the employment areas since these uses are considered as sensitive land uses.

In addition, the Growth Plan should provide specific policy direction on how the municipality can protect lands outside the urban areas for strategic long term employment areas. These areas have significant infrastructure investment, and are located on key transportation routes and hubs. In Hamilton, long term protection of lands in the vicinity of the Airport is required to meet the 2041 employment forecasts of 350,000 jobs.

Recommendation13: That the Growth Plan be revised to include two new policies for employment areas that:

- a. specifically exclude institutional uses from employment areas; and,
- b. allow municipalities to establish long term protection for strategic employment areas.

2.4 Employment and Residential Land Budget Methodologies

As part of every urban boundary expansion, the City is required to complete a land budget analysis. The land budget determines how much land is required to accommodate employment and population forecasts based on intensification opportunities for vacant lands within the urban area. Since there is no prescribed provincial land budget methodology, the methodology and the assumptions used in the methodology differs by municipality. At the time of the 2009 Growth Plan conformity exercise, almost every municipal land budget was appealed to the OMB. These hearings are expensive and time consuming. The City and other municipalities have repeatedly requested the Province establish a consistent methodology for both employment and non-employment lands.

Recommendation14: That the Province work with municipalities to develop a standardized methodology for both employment and non-employment land budgets.

2.5 Intensification

The Plan supports intensification as an important planning goal aimed at making more efficient use of existing infrastructure, curbing sprawl and rejuvenating communities. The policies are structured to encourage intensification throughout the built up area without any recognition that some areas are not appropriate for redevelopment or the scale and type of redevelopment fundamentally alters the character of the neighbourhood. There is

no specific policy in the Plan that explicitly allows municipalities to make choices as to appropriateness of intensification. Intensification is also used as the major reason to support redevelopment and to illustrate conformity with the Growth Plan.

Recommendation 15: That the Growth Plan policies be reworded to explicitly allow municipalities to decide where intensification is appropriate outside of intensification corridors to enable the City to plan for areas of reinvestment, areas of gradual change and stable residential neighbourhoods.

2.6 Transportation and Infrastructure

2.6.1 Local Transportation systems

The Plan focuses on a regional transit and transportation systems but provides very little direction or support for local systems. A well-functioning local transit and transportation system is critical to a number of goals of the Plan including providing workers with access to local jobs, allowing residents to travel to stores, schools, decreasing traffic congestion and improvement in air quality.

The Province, through the Big Move, has identified a number of critical regional transit corridors, including the A and B lines in Hamilton. These corridors should be recognized in the Growth Plan, and appropriate policy direction given with respect to planning and development along these corridors, given their critical role in the regional urban structure.

Recommendation 16: That the Growth Plan identify the regional transit corridors of the Big Move, and provide appropriate policy direction for these corridors given their critical role in the regional urban structure.

2.6.2 Infrastructure

Planning, building and paying for infrastructure has a longer time horizon (i.e. 50 years) compared to land use planning (i.e. 20 years). The integration of infrastructure and land use planning is essential to ensure the municipality has invested wisely, provide certainty to general public as to the future directions and areas of growth.

Recommendation 17: That municipalities be permitted to generally identify and develop policies for areas of future development, beyond the 20-year planning horizon, without designating the lands as part of the urban area, in order to create a better alignment between land use planning and infrastructure investments.

2.7 Links between Healthy Communities and Land Use Planning

As part of the 2014 updates to the PPS, new policies were added to recognize that compact communities with strong pedestrian systems, variety of open spaces and availability and access to jobs have strong influences on public health.

Recommendation 18: That given the focus of the Growth Plan on managing growth, new policies should be added to the Growth Plan to recognize the important link between public health and the built environment.

3.0 Greenbelt Plan

Overall, staff support the goals, the objectives, designations and policies within the Greenbelt Plan. It provides strong policy direction to protect agricultural lands and the natural heritage system.

Hamilton has recently completed a new Zoning By-law for the rural area and certain policies of the Plan have created some implementation issues. In addition to the comments below, Appendix “B” contains a recommended list of specific policy changes to the Greenbelt Plan.

3.1 Lots sizes for Prime Agricultural Areas too large in a near urban municipality

The Greenbelt Plan permits severances for agricultural uses provided the lot area is 40 ha (100 ac) in size. In near urban areas, such as Hamilton, there are few lots 40 ha in size. Most of these lands are used for cash cropping.

Agricultural production has evolved and continues to evolve as farmers are able to produce higher yield crops, such as vegetables, fruits, herbs, on smaller farmer parcels. The existing severance policies do not allow farmers the opportunity to purchase lands and then subdivide based on their farming needs.

Recommendation 19: The lot sizes for prime agricultural areas should be reduced to 20 ha in size, in line with the Specialty Crop policies of the Greenbelt Plan.

In the alternative, allow the municipality to identify specific geographic areas where smaller lot sizes may be permitted based on a series of criteria.

3.2 Broadening the Uses permitted in the Agricultural Designation to recognize uses that support this industry

The recent changes to the prime agricultural policies of the Provincial Policy Statement have been broadened to recognize certain uses that add value to raw farm products. Examples include washing, packaging, and processing. These added uses are very important to the agricultural industry which operates in a highly competitive and global economy.

Recommendation 20: The recent changes to the Provincial Policy Statement respecting agriculture to recognize certain uses that add value to raw farm products be adopted into the Greenbelt Plan to provide consistency between planning documents.

3.3 Rural Area Land Uses

The Rural area can have multiple complementary functions. Hamilton's rural area is an important part of the City's economy. The Greenbelt Plan policies should be strengthened and broadened to recognize the diversity of the rural area. The rural area not only includes uses that support the agricultural community but it contains productive agricultural land.

The rural area policies need to recognize the role the rural area plays in local and regional economies. The policies allow for the City to recognize existing uses that do not comply with the policies of the Greenbelt Plan. In the Hamilton, there are a number of parcels of land that have small non-serviced industrial parks or highway commercial uses. These areas are primarily located along former Provincial Highways. These sites will never return to agricultural production. If an existing use ceases, the site can only be used for a very narrow list of rural uses.

Recommendation21: The Rural area policies be broadened to:

- a. recognize the important role of the rural area in the local and regional economies;
- b. recognize that rural areas also may contain productive agricultural land; and,
- b. expand the list of uses that may be considered for existing planned highway commercial and industrial areas that have not been fully implemented but will not revert to agricultural uses.

3.4 Natural Heritage System Policies

The Natural Heritage System includes both maps and policies. Refinements to both parts of the Plan are required to provide some flexibility in cases where features have changed.

3.4.1 Mapping

The City has more detailed mapping identifying the type and location of key natural heritage features and key hydrologic features. A review of the Natural Heritage System map from the Greenbelt Plan has identified areas which should be added / deleted or refined; examples are shown on Appendix "E". For example, there are areas around Highway 6 South that capture large tracts of farmland and a major highway bisects the system and therefore should be deleted; there are sites where the wetland is only partially in the Natural Heritage System and there is one area adjacent to Lake Niapenco that has been excluded from the Natural Heritage System.

Recommendation 22: That the Province work with Hamilton staff to revise the Natural Heritage System map to reflect the core areas and natural heritage system of the City.

3.4.2 Policies

Vegetation Protection Zones (VPZ)

These VPZ policies are very rigid and do not provide any flexibility to change the mapping or provide alternative vegetation protection zones (buffers). Environmental Impact Statements (EIS) are scientific studies that allow for mitigation and protection of features and the associated buffers. The municipality should have the discretion to alter the buffers on the basis of the EIS.

Recommendation 23: The Greenbelt Plan policies be amended to allow municipalities to alter the VPZ on the basis of scientific studies (e.g. watershed/subwatershed studies and EIS).

Intermittent streams

The term intermittent stream is too broad and it has been the experience of staff that this term, especially as defined and applied, captures features such as ditches and drainage beds. Furthermore, the stream mapping produced by Ministry of Natural Resources is out dated which causes implementation issues.

Recommendations 24: The term 'intermittent stream' in the Greenbelt Plan should be refined or criteria added to ensure a better categorization of stream types.

3.5 Cultural Heritage Policies

Although the Plan recognizes the importance of cultural heritage resources, the policy framework is weak. There is no mechanism in the Plan to allow for the adaptive reuse or severance of buildings designated under Part V of the *Ontario Heritage Act*. There have been cases where smaller places of worship are no longer viable and there are no alternatives for this use. These buildings do not lend themselves to many agricultural uses. In addition, there have been cases where a designated building is located on land that is either agricultural or in conjunction with a cemetery but cannot be severed to allow for two useful parcels of land.

The Niagara Escarpment Plan has a policy that permits severances for heritage buildings.

Recommendation 25: That the Greenbelt Plan be revised to add new policies to the Greenbelt Plan, similar to the policies from the Niagara Escarpment Plan, to allow for severances and / or adaptive reuse of buildings designated under Part V of the *Ontario Heritage Act*, to provide for additional opportunities and tools for the long term protection of significant heritage resources in the rural area.

4.0 Niagara Escarpment Plan (NEP)

4.1 Designations

There are two areas in Hamilton that do not reflect the scale or function of the Niagara Escarpment Plan land use designations today.

4.1.1 Ancaster

a) Robert E. Wade Park (see Appendix “F”).

The Robert E Wade Park (which includes the MorganFirestone arena, baseball and soccer fields) is a large city-owned park located on Jerseyville Road, directly across the road from Ancaster High School and the City’s Aquatic Centre. This park along with the high school, the aquatic centre, the Lions Club outdoor swimming pool and the City owned baseball diamond is a grouping of recreational uses that serves not only the former Town of Ancaster residents, but the wider City of Hamilton. These uses serve a community hub function. In 2010, the City twinned the arena. At that time, the expansion of the arena became difficult since it exceeded the Niagara Escarpment Plan guidelines of a maximum of 25% expansion of facilities on a site.

The Robert E Wade Park lands are designated Escarpment Rural in the Niagara Escarpment Plan; the area to the north is Escarpment Natural. A more appropriate designation for this site is urban. There are many cases in Hamilton where urban designations are adjacent to the Escarpment Natural areas. This site serves a major urban area.

4.1.2 Dundas – Olympic Park and the Hydro One Building (see Appendix “G”)

In 2011, the Niagara Escarpment Commission proposed Amendment No. 176 which had the effect of adding lands in the vicinity of York Road/Olympic Drive and Cootes Paradise to the NEP. The proposed Amendment designated the lands occupied by Olympic Park (arena and soccer fields) and the Hydro One building as Escarpment Protection Area.

City Council, at its meeting of October 13, 2010, recommended these lands be excluded from the NEP since:

- “1. The hydro office building and storage yard uses are more characteristic of employment uses which are more commonly located in the urban area.
2. Olympic Park is identified as a city wide park in the City of Hamilton OP and largely serves the adjacent urban area. These lands are more characteristic and serve uses in the urban area (PED10228).”

The Niagara Escarpment Commission revised the amendment to designate the lands as Escarpment Rural (PED10228a). City Council at its meeting accepted this designation as an interim measure and further recommended:

- “(c) That City staff review the Escarpment Rural designation at the time of the 2015 the Niagara Escarpment Plan review to determine their appropriateness for inclusion of the Olympic Park and Hydro One sites within the Urban designation of the Niagara Escarpment Plan.”

Recommendation 26: The Robert E. Wade Park, Hydro One site and Olympic Park be redesignated from Escarpment Rural to Urban since these designations do not reflect the current function of the site.

4.2 Policies

As part of the NEP review, the NEC staff have prepared 12 different Discussion papers on a variety of topics such as land uses, secondary suites, existing uses. Within each of these papers, there are a series of recommended changes to the NEP policies. Appendix “C” provides an assessment and recommendation on these proposed changes.

5.0 Implementation Tools and Other Matters

There are a number of factors that influence the ability of a municipality to implement its Official Plan and Zoning By-law, including the land use planning process, implementation tools and actions by other Ministries.

5.1 Land Use Planning Process

The implementation of the Provincial Plan through the adoption of Official Plans and the passage of Zoning By-laws has become a long, complicated, expensive and sometimes acrimonious process at the municipal level. The lag time in implementing municipal plans and regulations is lengthy – background work, public consultation, appeals. The outcome sometimes results in decisions that are not supportive of the municipality’s goals. In many cases, the municipalities do not have the tools that would provide more certainty to the planning process, to shorten the approval of the planning documents, to reduce the costs associated with planning.

In January 2014, the City provided the Province with formal comments on the Provincial Review of Land Use Planning and Appeal System (PED14004) and the *Development Charges Act* (FCS14010). The purpose of the land use review is to ensure that the land use planning and appeal system in Ontario is “predictable, transparent, cost-effective and responsive to the changing needs of communities”.

In response to some of the comments received through this process, Bill 73 has received second reading recently.

A separate report on Bill 73 which will be considered by the Planning Committee on July 7, 2015, further articulates both support for *Planning Act* and the *Development Charges Act* changes as well as areas where further revisions are required.

5.1.1 Ontario Municipal Board Reform

The 2013 review of the Land Use Planning and appeal system did not address issues with the OMB.

The City's staff report on Provincial Review of Land Use Planning and Appeal System (PED14004) identified several areas for review within the OMB's operations, procedures and practices. These changes are critical to the overall land use planning system and in particular the implementation of the Provincial Plans and ultimately the municipal documents and regulations.

Recommendation 27: The 2014 comments on the Provincial Review of Land Use Planning and Appeal System (PED14004) and Bill 73 be considered as part of the review of the Provincial Plans.

5.2 Tools

5.2.1 Conditional Zoning

The City has repeatedly requested the Province to enact regulations for conditional zoning. The Planning Act Reforms in 2006 (Bill 51) included a new voluntary planning tool to allow municipalities to zone with conditions. This new tool provides municipalities with the authority to impose zoning by-laws with conditions, provided the Official Plan contains related policies. Zoning with conditions gives municipalities the authority to require a land owner to enter into an agreement relating to the conditions, and may register the agreement against title.

Although the authority exists under the Act, the Province has yet to establish the regulations to allow municipalities to use this planning tool. The City of Hamilton currently utilizes Holding Zones to achieve a similar outcome, however, having the ability to zone with conditions could be a useful and beneficial tool, one that would require further investigation by the municipality once Regulations are established.

Recommendation 28: The Province is encouraged to develop a Regulation for Section 34(16) of the *Planning Act* (Conditional Zoning).

5.2.2 Inclusionary Zoning

Across Ontario, municipalities have been challenged to create affordable housing for people of low and moderate incomes. One of the potential tools is the development of inclusionary zoning which would require a certain percentage of new units to make available for lower income groups.

Recommendation 29: The Province is encouraged to develop a new tool for the purposes of implementing inclusionary zoning.

5.3 Long Term funding Models for Infrastructure and Transportation

5.3.1 Transit/Transportation

The recent major funding announcement for LRT in Hamilton is an excellent example of aligning Provincial infrastructure funding with the implementation of the Growth Plan.

Long term sustainable infrastructure and transportation investment must continue to be a priority for the successful implementation of the Growth Plan.

A long term stable funding model is required to help municipalities plan for and invest in infrastructure that supports long term population and employment growth. Infrastructure is planned and built on the basis of a longer time horizon, at least 50 years, requiring significant upfront expenditures by municipalities. Development is at a slower pace and municipalities cannot recover these costs for several years after the initial investment. The existing funding models such as Development Charges, is not appropriate especially if growth is slower than projected.

Recommendation 29: The current infrastructure and transportation funding models be revised to create a long term sustainable model to reflect the increased investments required to implement the objectives of the Growth Plan.

5.4 Other Issues

5.4.1 No appeals to the Greenbelt Plan

The Greenbelt Plan designates lands but there is no right of appeal of the designations nor is there a mechanism to alter the designations, except at the ten year review. Of particular concern are the Natural Heritage System and the Tender Fruit and Grape designation. The Natural Heritage System map is based on very high level data with no input from the municipalities, yet the municipalities are required to implement the Plan. Furthermore, the scientific data gathered as part of the Land Evaluation Area Review (LEAR) was never tested before a tribunal.

Recommendation 30: A mechanism be established to allow for municipally requested / initiated changes to the Greenbelt Plan and associated designations, on the basis of strict, pre-determined criteria.

5.4.2 Ministry Mandates

Municipalities and in turn, landowners, are intended to implement the various Provincial and Municipal Plans. There needs to be changes to certain other Ministry policies/funding formulas to assist in the implementation of land use planning policies and investment in infrastructure and transportation.

One example is the Ministry of Education which continues to base its funding models on the capacity of schools. Older areas experience declining enrolment, which is a natural evolution of communities. School boards are forced to close schools. Neighbourhoods that do not have schools are less attractive to families which can be a deterrent for intensification.

Alternative funding models must be developed to allow schools to be retained so that in the event the neighbourhoods attract new school aged children, the school infrastructure is available.

Recommendation 32:The Province continues to work with other Ministries to ensure their programs and funding models(such as the school funding formula) are supportive of Provincial and Municipal goals to implement the Provincial Plans.

6.0 Summary of Recommendations

Listed below is a summary of the recommendations contained in this Report. Appendices “A” to “C” include a more detailed explanation of Recommendations 1 to 31, as well as some additional technical changes to each of the three Provincial Plans.

Based on discussions with other municipalities and agencies, many of these recommendations align with their concerns / issues.

All Plans

Recommendation 1:The Greenbelt Plan boundaries should be expanded to align with the Growth Plan boundaries.

Recommendation 2:The Province harmonize the definitions, terms and regulations between the Provincial plans to ensure better overall and more consistent framework for planning across the Greater Golden Horseshoe

Recommendation 3:Amend the Parkway Belt West Plan:

- a. To delete the land use policies for this area and retain the policies to protect infrastructure corridors; or,
- b. To delete the Parkway Belt West Plan in its entirety.

Recommendation 4:If the Plans remain as separate Plans, consistency of terms, definitions, and regulations in each of the Plans must be undertaken.

Recommendation 5:

- a. That the Greenbelt Plan Boundary Discussion Paper be forwarded to the Ministry of Municipal Affairs and Housing to be considered as part of the input on the Coordinated Provincial Plan review; and,
- b. Staff hold public engagement events to get feedback on the proposed Greenbelt Plan boundary refinement and report back to Planning Committee and Council in the fall of 2015.

Recommendation 6: Add climate change policies to the three Plans which focus on adaptation and mitigation as a way of lessening impacts from climate change. Concepts such as “climate change” and “resilient communities” need to be defined.

Recommendation 7: Create a stronger policy framework to require low impact development and to support initiatives and pilot projects for innovative low impact development methods through funding programs.

Recommendation 8: Add new policies to link energy planning with land use planning.

Growth Plan

Recommendation 9: The forecasts should be developed with a range and not one definitive number.

Recommendation 10: The population and employment forecasts be reviewed as part of the ten year Plan review and not separately.

Recommendation 11: The 50 persons and jobs per hectare target be revised to split the target into two separate ones: one target for Employment areas (such as the Business parks and traditional industrial areas) and one for the remaining greenfield areas (mixed use, residential, commercial, institutional areas).

Recommendation 12: That infrastructure and transportation corridors be added to the list of lands to be excluded from the greenfield density calculation.

Recommendation 13: That the Growth Plan be revised to include two new policies for employment areas that:

- a. Specifically exclude institutional uses from employment areas; and,
- b. Allow municipalities to establish long term protection for strategic employment areas.

Recommendation 14: The Province work with municipalities to develop a standardized methodology for both employment and non-employment land budgets.

Recommendation 15: The Growth Plan policies be reworded to explicitly allow municipalities to decide where intensification is appropriate outside of intensification corridors to enable the City to plan for areas of reinvestment, areas of gradual change and stable residential neighbourhoods.

Recommendation 16: That the Growth Plan identify the regional transit corridors of the Big Move, and provide appropriate policy direction for these corridors given their critical role in the regional urban structure.

Recommendation 17: That municipalities be permitted to identify and develop policies for areas of future development to create a better alignment between land use planning and infrastructure investments.

Recommendation 18: Given the focus of the Growth Plan on managing growth, new policies should be added to recognize the important link between public health and the built environment.

Greenbelt Plan

Recommendation 19:The lot sizes for prime agricultural areas should be reduced to 20 ha in size, in line with the Specialty Crop policies of the Greenbelt Plan. In the alternative, allow the municipality to identify specific geographic areas where smaller lot sizes maybe permitted based on a series of criteria.

Recommendation 20:The recent changes to Provincial Policy Statement respecting agriculture to recognize certain uses that add value to raw farm products be adopted into the Greenbelt Plan.

Recommendation 21:The rural area policies be broadened to:

- a. Recognize that rural areas also may contain productive agricultural land; and,
- b. Expand the list of uses that may be considered for existing planned highway commercial and industrial areas that have not been fully implemented but will not revert to agricultural uses.

Recommendation 22:The Province work with Hamilton staff to revise the Natural Heritage System map to reflects the core areas and natural heritage system of the City.

Recommendation 23: The Greenbelt Plan policies be amended to allow municipalities to alter the VPZ on the basis of scientific studies (e.g. watershed/subwatershed studies and EIS).

Recommendations 24:The term 'intermittent stream' should be refined or criteria added to ensure a better categorization of stream types.

Recommendation 25: The Greenbelt Plan be revised to add new policies to the Greenbelt Plan, similar to the policies from the Niagara Escarpment Plan, to allow for severances and / or adaptive reuse of buildings designated under Part V of the *Ontario Heritage Act*, to provide for additional opportunities and tools for the long term protection of significant heritage resources in the rural area

Niagara Escarpment Plan

Recommendation 26:The Robert E. Wade Park, Hydro One site and Olympic Park be redesignated from Escarpment Rural to Urban since these designations do not reflect the current function of the site.

Implementation Tools

Recommendation 27:The previous comments on the Provincial Review of Land Use Planning and Appeal System (PED14004)and Bill 73 be considered as part of the review of the Provincial Plans.

Recommendation 28:The Province is encouraged to develop a Regulation for Section 34(16) of the *Planning Act*(Conditional Zoning).

Recommendation 29: The Province is encouraged to develop a new tool to for the purposes of implementing inclusionary zoning.

Recommendation 30:The current infrastructure and transportation funding models be revised to create a long term sustainable model to reflect the increased investments required to implement the objectives of the Growth Plan.

Recommendation 31: A mechanism be established to allow for municipally requested / initiated changes to the Greenbelt Plan and associated designations, on the basis of strict criteria.

Recommendation 32: The Province continue to work with other Ministries to ensure their programs and funding models are supportive of Provincial and Municipal goals to implement the Provincial Plans.

ALTERNATIVES FOR CONSIDERATION

The City does not provide any comments to the Coordinated Provincial Plan review.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.
- 1.4 Improve the City's transportation system to support multi-modal mobility and encourage inter-regional connections.
- 1.6 Enhance overall sustainability (financial, economic, social and environmental).

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

- 3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”	Technical Changes to the Growth Plan
Appendix “B”	Technical Changes to the Greenbelt Plan
Appendix “C”	Technical Changes to the Niagara Escarpment Plan
Appendix “D”	Public Consultation Summary Report, Dillon Consulting, May 2015
Appendix “D1”	Comments Received through the Rural Zoning By-law Process
Appendix “E”	Potential Changes to Natural Heritage System Mapping
Appendix “F”	Location of Robert E. Wade Park
Appendix “G”	Location of Olympic Park