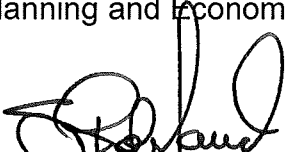




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

| | |
|---------------------------|---|
| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | June 18, 2019 |
| SUBJECT/REPORT NO: | Official Plan Amendment - Urban Boundary Expansion: Studies and Fees (PED19146) (City Wide) |
| WARD(S) AFFECTED: | City Wide |
| PREPARED BY: | Heather Travis (905) 546-2424 Ext. 4168 |
| SUBMITTED BY: | Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: |  |

RECOMMENDATION

- (a) That staff be directed to provide public notice, in accordance with the City's Public Notice By-law No. 07-351, of a proposal to amend the 2019 Tariff of Fees By-law to establish a new fee for an Official Plan Amendment – Urban Boundary Expansion in the amount of \$67,875, to be broken into two phases (Phase 1 being \$56,204 and Phase 2 being \$11,671);
- (b) That staff be directed to prepare a Peer Review Protocol, including a Peer Review Cost Acknowledgement Agreement, to outline the process for the completion of peer reviews of studies required in the review of an Official Plan Amendment – Urban Boundary Expansion application, with the cost of the peer reviews to be borne by the applicant.
- (c) That staff, in conjunction with Procurement Division, Corporate Services, be directed to:
 - (i) Hire CN Watson and Associates to peer review Financial Impact Assessments submitted as part of Official Plan Amendment(s) for Urban Boundary Expansions, with an upset limit of \$150,000 for a period of 12 months;

- (ii) Investigate and, if feasible, undertake a competitive Request for Proposal (RFP) to establish a roster of consultants for Financial Impact Assessments similar to the Professional and Consultant Services Roster 2019-2020 (C-12-06-18); and,
- (iii) Expand the scope of work in Category 25 – Land use Planning Services - Policy, Zoning and Urban Design from the Professional and Consultant Services Roster 2019-2020 to include agricultural related planning matters.

EXECUTIVE SUMMARY

The Growth Plan, 2019, has introduced new policies which permit a landowner to privately initiate certain Official Plan Amendment (OPA) applications (expansion of the urban boundary and conversion of employment land) in advance of the completion of the Municipal Comprehensive Review (MCR). With regard to an OPA application for urban boundary expansion, review of such an application requires a conformity test against several criteria identified in the Growth Plan and the City's Urban Hamilton Official Plan (UHOP), addressing key areas including servicing capacity, transportation, natural heritage, agricultural impact and planning principles. The review of such an application is complex, involves several City departments and divisions, requires significant technical review time by staff and peer reviewers, and must be completed within a limited timeframe to meet *Planning Act* requirements.

In response to Council's request, this Report identifies the potential studies that will be required in the review of Official Plan Amendment – Urban Boundary Expansion. The Report recommends a process for ensuring that required peer reviews of the studies will be completed in a timely manner, and further, recommends an increased application fee for this type of Official Plan Amendment.

With regard to an OPA application for employment land conversion, while still complex, this application requires fewer studies and staff resources than the urban boundary expansion OPA. Further, as part of the background work on the MCR, staff have completed a preliminary employment land review, including preliminary assessment of the requests for conversion. The review will be updated to reflect changes in the 2019 Growth Plan and taken forward to Committee / Council for consideration, with anticipated timing being in the fall of this year. Therefore, staff are not recommending increased fees for employment land conversion OPAs.

Alternatives for Consideration – See Page 20

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: OPA application fee: Staff are recommending an increase in the OPA fee for urban boundary expansion to \$67,875.

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Peer Reviews for Financial Impact assessments and Agricultural related matters:

Since the staff do not have the expertise and given the short timeline to process these applications, staff is requesting that:

1. Hire CN Watson and Associates to peer review Financial Impact Assessments submitted as part of Official Plan Amendment(s) for Urban Boundary Expansions, with an upset limit of \$150,000 for a period of 12 months;
2. Investigate and, if feasible, undertake a competitive Request for Proposal (RFP) to establish a roster of consultants for Financial Impact Assessments similar to the Professional and Consultant Services Roster 2019-2020 (C-12-06-18); and,
3. Expand the scope of work in Category 25 – Land Use Planning Services - Policy, Zoning and Urban Design from the Professional and Consultant Services Roster 2019-2020 to include agricultural related planning matters. There are three consultants on the current roster that could complete the assignments provided the firm has the necessary expertise. The cost of these peer reviews would be subject to the hourly rates and disbursements under the current roster contract (C--02-06-18))

Staffing: Dedicated staff resources from multiple Departments / Divisions will be required to review and respond to an OPA application for urban boundary expansion within the required timeframe. The required resources can be absorbed with the existing staff FTE complement, but responding to the application for urban boundary expansion or employment land conversion will require existing work to be re-prioritized which may cause other delays.

Legal: N/A

HISTORICAL BACKGROUND

On May 2, 2019, the Province released the new Growth Plan “A Place to Grow” (“Growth Plan, 2019”). The new Growth Plan introduces several new policy directions, including policies which permit a private landowner to submit an application to expand the urban boundary in advance of the completion of the City’s Municipal Comprehensive Review (MCR), and a policy which permits lands within certain employment areas to be

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converted to non-employment designation in advance of the MCR. These policies are in contrast to the previous Growth Plan which only permitted urban boundary expansion and employment land conversion to be considered as part of the MCR.

On June 7, 2019, Bill 108 received Royal Assent. Amongst many other changes, Bill 108 amended the *Planning Act* to reduce the timeframes for making decisions related to an Official Plan Amendment from 210 days to 120 days. This reduction in timeframe for decision making, combined with the Growth Plan changes noted above, will create challenges for the City in responding to an Official Plan Amendment – Urban Boundary Expansion application within the required timeframe.

In light of the above changes, at the Planning Committee of June 4, 2019, Committee provided the following direction to staff:

“That staff be directed to review the Planning Application fees for Private Urban Boundary Expansion applications and Private Employment Lands Conversion applications pursuant to changes in the Ontario Growth Plan; and,

- (a) That staff be directed to report back to the Planning Committee with requisite studies and a corresponding fee structure; and,
- (b) That staff be directed to report back to the Planning Committee with recommendations on June 18, 2019.”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Planning Act

The following subsections of Section 22 of the *Planning Act* provide that a council decision to refuse to adopt an Official Plan Amendment to expand the urban boundary or remove land from an area of employment cannot be appealed:

“Appeals restricted re certain amendments

(7.1) Despite subsection (7) and subsections 17 (36) and (40), there is no appeal in respect of,

- (a) a refusal or failure to adopt an amendment described in subsection (7.2); or
 - (b) a refusal or failure to approve an amendment described in subsection (7.2).
- 2006, c. 23, s. 11 (6).

Exception re Minister

(7.1.1) Subsection (7.1) does not apply to an appeal by the Minister in respect of an amendment described in clause (7.2) (d). 2018, c. 16, s. 8 (4).

Application of subs. (7.1)

(7.2) Subsection (7.1) applies in respect of amendments requested under subsection (1) or (2) that propose to,

- (a) alter all or any part of the boundary of an area of settlement in a municipality;
- (b) establish a new area of settlement in a municipality;
- (c) amend or revoke the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies; or
- (d) authorize a renewable energy undertaking. 2006, c. 23, s. 11 (6); 2011, c. 6, Sched. 2, s. 4; 2018, c. 16, s. 8 (5).

Same

(7.3) If the official plan contains policies dealing with the removal of land from areas of employment, subsection (7.1) also applies in respect of amendments requested under subsection (1) or (2) that propose to remove any land from an area of employment, even if other land is proposed to be added. 2006, c. 23, s. 11 (6)."

The Planning Act provides that a council decision to refuse an OPA application that would alter any part of a settlement area (urban area) boundary or to remove land from an employment area cannot be appealed. However, if a decision on the application is not made within the statutory timeframe (120 days), the application could be appealed to the Local Planning Appeal Tribunal (LPAT) for non-decision. It is therefore critical that any these types of OPA applications be brought forward to Council for a decision within the timeframe.

Provincial Policy Statement (PPS)

The PPS (2014) provides policy direction regarding settlement area boundary expansion and employment land conversion:

"1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

- a. sufficient opportunities for growth are not available through *intensification, redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
 - b. the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
 - c. in *prime agricultural areas*:
 - 1. the lands do not comprise *specialty crop areas*;
 - 2. alternative locations have been evaluated, and
 - i. there are no reasonable alternatives which avoid *prime agricultural areas*; and,
 - ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
 - d. the new or expanding *settlement area* is in compliance with the *minimum distance separation formulae*; and
 - e. impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.
- 1.3.2.1 Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.
- 1.3.2.2 Planning authorities may permit conversion of lands within *employment areas* to non-employment uses through a *comprehensive review*, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.”

The PPS (2014) is consistent with the previous version of the Growth Plan and only permits a settlement area boundary to be expanded by a municipality at the time of a comprehensive review. The same is true for employment land conversion. Staff understand that the Province is currently reviewing the PPS and policy changes may be forthcoming. Further, policy 5.2.1.2 of the Growth Plan indicates that a municipal comprehensive review that is undertaken in accordance with the Growth Plan is deemed to fulfil the requirements in the PPS to undertake a comprehensive review. The Growth Plan requirements are discussed below.

Growth Plan, 2019

“2.2.8 Settlement Area Boundary Expansions

2. A *settlement area* boundary expansion may only occur through a *municipal comprehensive review* where it is demonstrated that:

- a. based on the minimum intensification and density targets in this Plan and a land needs assessment undertaken in accordance with policy 2.2.1.5, sufficient opportunities to accommodate forecasted growth to the horizon of this Plan are not available through *intensification* and in the *designated greenfield area*:
 - i. within the upper- or single-tier municipality,
- b. the proposed expansion will make available sufficient lands not exceeding the horizon of this Plan, based on the analysis provided for in policy 2.2.8.2 a), while minimizing land consumption; and
- c. the timing of the proposed expansion and the phasing of development within the *designated greenfield area* will not adversely affect the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan.

3. Where the need for a *settlement area* boundary expansion has been justified in accordance with policy 2.2.8.2, the feasibility of the proposed expansion will be determined and the most appropriate location for the proposed expansion will be identified based on the comprehensive application of all of the policies in this Plan, including the following:

- a. there is sufficient capacity in existing or planned *infrastructure* and *public service facilities*;
- b. the *infrastructure* and *public service facilities* needed would be financially viable over the full life cycle of these assets;
- c. the proposed expansion would be informed by applicable water and wastewater master plans or equivalent and *stormwater master plans* or equivalent, as appropriate;
- d. the proposed expansion, including the associated water, wastewater and stormwater servicing, would be planned and demonstrated to avoid, or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the *water resource system*, including the *quality and quantity of water*;

- e. *key hydrologic areas* and the *Natural Heritage System for the Growth Plan* should be avoided where possible;
 - f. *prime agricultural areas* should be avoided where possible. To support the *Agricultural System*, alternative locations across the upper- or single-tier municipality will be evaluated, prioritized and determined based on avoiding, minimizing and mitigating the impact on the *Agricultural System* and in accordance with the following:
 - i. expansion into *specialty crop areas* is prohibited;
 - ii. reasonable alternatives that avoid *prime agricultural areas* are evaluated; and
 - iii. where *prime agricultural areas* cannot be avoided, lower priority agricultural lands are used;
 - g. the *settlement area* to be expanded is in compliance with the *minimum distance separation formulae*;
 - h. any adverse impacts on the *agri-food network*, including agricultural operations, from expanding *settlement areas* would be avoided, or if avoidance is not possible, minimized and mitigated as determined through an *agricultural impact assessment*;
 - i. the policies of Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied;
 - j. the proposed expansion would meet any applicable requirements of the Greenbelt, Oak Ridges Moraine Conservation, Niagara Escarpment, and Lake Simcoe Protection Plans and any applicable source protection plan; and
4. Notwithstanding policy 2.2.8.2, municipalities may adjust *settlement area* boundaries outside of a *municipal comprehensive review*, provided:
- a. there would be no net increase in land within *settlement areas*;
 - b. the adjustment would support the municipality's ability to meet the intensification and density targets established pursuant to this Plan;
 - c. the location of any lands added to a *settlement area* will satisfy the applicable requirements of policy 2.2.8.3;
 - d. the affected *settlement areas* are not *rural settlements* or in the *Greenbelt Area*; and,
 - e. the *settlement area* to which lands would be added is serviced by *municipal water and wastewater systems* and there is sufficient reserve *infrastructure* capacity to service the lands.

5. Notwithstanding policies 2.2.8.2 and 5.2.4.3, a *settlement area* boundary expansion may occur in advance of a *municipal comprehensive review*, provided:
- a. the lands that are added will be planned to achieve at least the minimum density target in policy 2.2.7.2 or 2.2.5.13, as appropriate;
 - b. the location of any lands added to a *settlement area* will satisfy the applicable requirements of policy 2.2.8.3;
 - c. the affected *settlement area* is not a *rural settlement* or in the *Greenbelt Area*;
 - d. the *settlement area* is serviced by *municipal water and wastewater systems* and there is sufficient reserve *infrastructure* capacity to service the lands; and,
 - e. the additional lands and associated forecasted growth will be fully accounted for in the land needs assessment associated with the next *municipal comprehensive review*.
6. For a *settlement area* boundary expansion undertaken in accordance with policy 2.2.8.5, the amount of land to be added to the *settlement area* will be no larger than 40 hectares.”

Policy 2.2.8.5 permits settlement area boundary expansion to occur in advance of the MCR, provided that certain criteria are met, including the extensive criteria identified in policy 2.2.8.3 (including consideration of servicing, infrastructure natural heritage, and agricultural impacts). Policy 2.2.8.6 identifies that the maximum expansion are permitted under policy 2.2.8.5 is 40 ha.

“2.2.5 Employment

9. The conversion of lands within *employment areas* to non-employment uses may be permitted only through a *municipal comprehensive review* where it is demonstrated that:
- a. there is a need for the conversion;
 - b. the lands are not required over the horizon of this Plan for the employment purposes for which they are designated;
 - c. the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;
 - d. the proposed uses would not adversely affect the overall viability of the *employment area* or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and

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- e. there are existing or planned *infrastructure* and *public service facilities* to accommodate the proposed uses.
- 10. Notwithstanding policy 2.2.5.9, until the next *municipal comprehensive review*, lands within existing *employment areas* may be converted to a designation that permits non-employment uses, provided the conversion would:
 - a. satisfy the requirements of policy 2.2.5.9 a), d) and e);
 - b. maintain a significant number of jobs on those lands through the establishment of development criteria; and
 - c. not include any part of an *employment area* identified as a *provincially significant employment zone*.”

Policy 2.2.5.10 allows lands within employment areas to be converted to a non-employment designation, provided certain criteria are met, including a demonstrated need for the conversion, identification that the conversion would not adversely impact the employment area, and maintenance of a significant number of jobs. Further, lands within a Provincially Significant Employment Zone (within Hamilton this is the Bayfront Industrial Area, Stoney Creek Business Park, AEGD and Red Hill North and South) cannot be converted in advance of the MCR.

Urban Hamilton Official Plan (UHOP)

The following policies regarding urban boundary expansion in the UHOP are under appeal, but are provided for reference purposes (note these policies are the Ministry modified policies which remain under appeal and are therefore informative but not determinative when assessing applications to alter the urban boundary):

- “B.2.2.1 The exact limits of the lands to be included as part of the *urban boundary* expansion shall be determined as part of a *municipally initiated comprehensive review* and secondary plan.
- B.2.2.2 No *urban boundary* expansion shall occur until a *municipally initiated comprehensive review* and secondary plan have been completed.
- B.2.2.3 Prior to the initiation of an *urban boundary* expansion, the City shall undertake a *municipally initiated comprehensive review* and secondary plan, in accordance with the policies of the Growth Plan for the Greater Golden Horseshoe. As part of these processes, the City shall complete background studies and conduct community planning and public consultation events including the establishment of a community liaison committee. The background studies and consultation processes shall

assist in identifying the layout of future land uses, determining more precise needs, land supply and infrastructure requirements, and development of community growth management policies and designations. More specifically, a *municipally initiated comprehensive review* and secondary plan shall include the following elements:

- a) a comprehensive review and land budget analysis is required to determine the need for an *urban boundary* expansion, which includes an assessment of occupied and vacant urban land, brownfield availability, greenfield densities, and *intensification* targets to determine if sufficient opportunities to accommodate forecasted growth contained in Policy A.2.3.1 and Policy A.2.3.2 are not available [Mod 4(b)];
- b) a *sub-watershed plan* to address storm water infrastructure and natural heritage system impacts, in accordance with Section F.3.1.6 – Watershed and Sub-watershed Plans;
- c) Environmental Impact Statement(s) pertaining to the natural heritage system, as required by applicable Official Plan and provincial policies;
- d) in prime agricultural areas, the lands do not comprise specialty crop areas, there are no reasonable alternatives that avoid prime agricultural areas and there are no reasonable alternatives on lower priority agricultural lands [Mod 4(c)];
- e) demonstrating that impacts from new or expanding *urban areas* on agricultural operations which are adjacent or close to the *urban areas* are mitigated to the extent feasible; and,
 - i) the designation of appropriate land uses and policies pertaining to the design and density of such uses;
 - ii) completion of Class Environmental Assessments for major urban servicing infrastructure deemed to be essential for commencement or completion of *development* of all or part of the lands; and,
 - iii) an urban *development* staging, phasing or implementation strategy in keeping with City-wide master plan priorities and secondary plan objectives.
 - iv) the timing of the urban boundary expansion and the phasing of development within the greenfield areas shall not adversely affect the achievement of the *residential intensification* target and Greenfield density targets [Mod 4(d)].

- f) completion of a financing policy for urban services and other community infrastructure; and,
- g) other studies and policies which the City deems necessary for the development of the future urban growth district as a sustainable transit oriented urban community.
- h) the *urban boundary* expansion makes available sufficient lands for a time horizon not exceeding 20 years, based on the analysis provided for in Policy ~~B.2.2.4 a)~~ B.2.2.3 a) [Mod 4 (e)]

The under appeal policies of the UHOP identify that an urban boundary expansion may only occur through a municipally-initiated comprehensive review, and further identify criteria for evaluation of such an expansion.

"F.1.1.6 In the absence of a Municipal Comprehensive Review as defined by Growth Plan for the Greater Golden Horseshoe, there shall be no appeal with respect to the refusal or failure of the City to adopt an Official Plan amendment for:

- a) the redesignation, conversion or addition of non-employment land uses for lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Business Park, or Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations; and,
- b) the expansion of all or part of the urban boundary."

Policy F.1.1.6 identifies the requirement that conversion of employment lands and urban boundary expansion be considered only through a Municipal Comprehensive Review and, in the absence of that review, there shall be no appeal in the refusal of such an application.

RELEVANT CONSULTATION

The following Departments / Divisions were consulted in the preparation of this Report to determine what studies / requirements would be requested in the review of an Official Plan Amendment – Urban Boundary Expansion application, and further, if a peer review of the required studies would be recommended:

- Transportation Planning, Planning and Economic Development Department;
- Growth Management, Planning and Economic Development Department;
- Hamilton Water, Public Works Department;
- Financial Planning and Policy, Corporate Services; and,
- Procurement, Corporate Services.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. Planning staff were directed to report back to Planning Committee on the required studies and a potential fee increase for the processing of Official Plan Amendment applications for urban boundary expansions and employment land conversions. The anticipated requirements and complexity of these two types of applications will not be the same, and therefore this report considers them separately.

With regard to both types of application, it is imperative that the review of the OPA application be completed in a timely manner and a decision is made on the application within the legislated *Planning Act* timeframe (120 days). As noted, a decision by Council to refuse to adopt an application for urban boundary expansion or removal of employment lands cannot be appealed. However, if a decision is not made within the timeframe, the application can be appealed for non-decision.

It is staff's opinion that such an appeal must be avoided. The requirement for staff to respond to privately-initiated urban boundary expansion or employment land conversion requests will already slow down the overall MCR project timeline. If such an application is appealed to the LPAT, the project timeline could be impacted further. This further delay would be due to staff time being required to respond to the appeal, but also due to a potential impact on the City's ability to finalize the required Land Needs Assessment and review of growth options in light of an ongoing appeal.

The shortened timeframe for decision making on Official Plan Amendments under Bill 108 will add pressure and difficulty to the review of these applications. Within the 120 day timeframe, the application will need to be deemed complete, circulated internally and externally, studies reviewed (including peer reviews), report written and reviewed, notice provided, and considered at Planning Committee and Council. The recommendations contained in this report are intended to assist staff with expediting the review of these applications.

2. Official Plan Amendment Applications for Urban Boundary Expansion

2.1 Required Studies

A request to expand the urban boundary, as per Growth Plan policy 2.2.8.4, has to satisfy the requirements of the Settlement Area Boundary Expansion policies of the Growth Plan (policies 2.2.8.2 and 2.2.8.3). Further, the UHOP policy B.2.2.3 (Council approved but under appeal) outlines criteria that must be considered in the review of an urban boundary expansion area. Based on these requirements, staff have identified the following studies that are required in the review of a privately initiated urban boundary expansion request:

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- Sub-watershed Study / Neighbourhood-scale Stormwater Management Study, addressing:
 - Surface water resources
 - Groundwater
 - Source protection planning study (Significant Groundwater Recharge Aquifers, Highly Vulnerable Areas)
 - Aquatic resources
 - Species at risk
 - Water quality
 - Terrestrial ecology
 - Fluvial geomorphology
 - Sourcewater protection implications
- Water and Wastewater Servicing Study (network level capacity study including existing trunk mains and sewers)
- Functional Servicing Report, addressing:
 - Water and wastewater needs and servicing concepts, including required municipal infrastructure internal and external to the development
 - Watermain hydraulic modelling of applicable pressure zone
 - Transportation
 - Grading and drainage
 - Stormwater management
 - Geotechnical and hydrogeology
- Environmental Impact Statement and Linkage Assessment
- Karst Assessment
- Tree Protection Plan
- Hydrogeological study
- Financial Impact Analysis
- Agricultural Impact Assessment
- Minimum Distance Separation (MDS) calculation
- Transportation Impact Study
- Planning Justification Report
- Parks Issues Assessment
- Staging, implementation plan

In addition to the above, the following are additional documents required as part of the review of an OPA application:

- Draft Official Plan Amendment
- Concept plan (high level secondary plan)
- Public consultation strategy
- Cultural Heritage Impact Assessment
- Noise Impact Study

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- Energy and Environmental Assessment Report
- Cycling Route Analysis
- Parking Analysis / Study
- Pedestrian Route and Sidewalk Analysis
- Roadway / Development Safety Audit
- Modern Roundabout and Neighbourhood Roundabout Analysis
- Neighbourhood Traffic Calming Options Report
- Transit Assessment
- Transportation Demand Management Report
- Other information and materials

The requirement to undertake and submit the studies is based on site specific circumstances, and not all of the above studies would be required for each application. Additional studies could be required (see UHOP Table F.1.19.1) and would be identified on a site specific basis. Staff are also contemplating the creation of guidelines for a Climate Change Assessment report and adding that report to the list of studies in UHOP Table F.1.19.1 through a future amendment. Once that process is completed, a Climate Change Assessment could be added to the list of required studies for an Official Plan Amendment – Urban Boundary Expansion application.

Prior to submitting an application for an Official Plan Amendment – Urban Boundary Expansion, all applicants are required to submit an application for Formal Consultation which will identify all of the studies and other materials required to accompany the application.

At the Formal Consultation stage, staff will encourage the submission of an integrated Municipal Class Environmental Assessment and *Planning Act* application to comprehensively review the impacts of the proposal.

2.2 Peer reviews

Staff do not have the capacity to review all of the above noted studies. In some cases, this is due to a lack of in-house expertise (eg. the review of Agricultural Impact Assessments). In the majority of circumstances, the short review time provided under the *Planning Act* requirements combined with limited staff resources will not allow for a fulsome review. Peer reviews will therefore be required to assist in the review of the submitted studies and provide feedback and technical expertise to assist staff.

UHOP policy F.1.19.7 allows the City to undertake a peer review of submitted studies and materials, and this peer review is to be completed by a consultant retained by the City, at the applicant's expense. This is the normal course of action when a peer review is required in the review of a planning application. The City acts as the 'client' on the review, but the fees are paid by the applicant.

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Based on staff resources, workload and expertise, it is anticipated that the following studies, at a minimum, may require a peer review to allow for evaluation within the required timeframe:

| Study | Roster consultant available? |
|---|-------------------------------------|
| Functional Servicing Report / Sub-watershed / SWM Study | Yes |
| Hydrogeological Study | Yes |
| Transportation Impact Study | Yes |
| Environmental Impact Study | Yes |
| Linkage Assessment | Yes |
| Financial Impact Assessment | No – see recommendation (c) |
| Agricultural Impact Assessment | No – see recommendation (c) |

This list is preliminary and further studies may also require review depending on the nature of the application and complexity of review required.

There are no rosters of consultants to undertake a peer review of financial impact assessments or agriculture related matters (minimum distance calculations and agricultural impact assessments). As a result, staff is requesting permission to:

1. Hire CN Watson (the firm completing the City's Development Charges By-law) as a sole source to the review of financial impact assessments for a period of 12 months and not to exceed \$150,000;
2. Investigate and, if feasible, undertake a competitive Request for Proposal (RFP) to establish a roster of consultants for Financial Impact Assessments similar to the Professional and Consultant Services Roster 2019-2020 (C-12-06-18); and,
3. Expand the scope of work in Category 25 – Land Use Planning Services - Policy, Zoning and Urban Design from the Professional and Consultant Services Roster 2019-2020 to include agricultural related planning matters. Agricultural assessments are a common part of a land use planning review when lands are in the Rural area. The three qualified roster consultants currently on the 2019-2020 Roster will be eligible for agricultural assignments provided the firm has the necessary expertise. The consultants will be subject to the hourly rates and disbursements in Contract C-12-06-18

To expedite the peer review process, staff recommend the creation of a Peer Review Protocol including a Peer Review Cost Acknowledgement Agreement. This agreement

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will require the applicant to acknowledge and agree to the costs of the peer reviews. The agreement will also outline the process for the return of unused fees, or conversely, the requirement for the applicant to provide additional fees if needed. A standardized template will be created for this agreement for ease of use. Once created, this agreement will be reviewed by Legal. The signed agreement will form part of the complete application requirement.

2.3 Fee structure

Due to the complexity of the application and the numerous studies and other materials which will need to be reviewed, staff recommend that the fee for an Official Plan Amendment – Urban Boundary Expansion be increased above the normal Official Plan Amendment fee. The Planning and Economic Development Fee Structure already recognizes that certain types of applications may require increased fees based on the complex nature of the review, as is currently the case with applications for new or expanded mineral aggregate operations which have increased Official Plan and Zoning Amendment fees. It is recommended that a similar approach be taken with Urban Boundary Expansion applications. The chart below summarizes the proposed change:

| | Standard Official Plan Amendment | Official Plan Amendment – Urban Boundary Expansion |
|--------------|----------------------------------|--|
| Phase 1 | \$16,833 | \$56,204 |
| Phase 2 | \$11,671 | \$11,671 |
| Total | \$28,504 | \$67,875 |

The rationale for the increase in the application fee is that:

- Extra studies are required above and beyond studies that are required for a standard Official Plan Amendment application. These extra studies include Financial Impact Analysis, Agricultural Impact Assessment, Hydrogeological Study.
- Review of a high level secondary plan / concept plan submitted by the applicant. This is a key difference between review of an Urban Boundary expansion OPA vs a standard OPA. The expansion will be proposed on lands with no secondary plan or applicable zoning to act as a guide in the review process.
- The servicing / infrastructure / transportation studies must be at the network level to address network impacts related to capacity issues from the increased growth. The required technical review of such studies is significant.
- Consideration of additional factors in the review process which are not normally contemplated such as the integration of the new expansion area with surrounding lands in terms of contribution to complete communities and proposed transportation and infrastructure access; implications on the City's overall land needs and land supply; contribution to the City's overall density targets; etc.

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

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Based on the above, it is anticipated that additional staff hours, across several departments and divisions, will be required in the review of these applications. The recommended fee increase reflects these requirements.

The application fee for the standard OPA is broken down into two phases. Phase 1 is services up to the Council report, and Phase 2 is services subsequent to the council resolution. It is proposed that the Urban Boundary Expansion OPA fee be broken down into two phases consistent with the standard OPA. Should an application for an Official Plan Amendment – Urban Boundary Expansion be denied by Council, the Phase 2 (post-Council decision) portion of the application fee will be refunded to the applicant.

The fees above do not include the fees for the completion of peer reviews, which as noted, are separate and subject to the peer review cost agreement.

2.4 Summary of Recommendations – Urban Boundary Expansion OPA

In summary, the following are key recommendations to facilitate an expedited review of Official Plan Amendment – Urban Boundary Expansion applications:

- Requirement for applicant to sign a Peer Review Cost Acknowledgement Agreement as part of the complete application requirements. The agreement will outline the terms and conditions of the peer review process.
- Identify CN Watson as a peer reviewer of Financial Impact Assessments submitted as part of the OPA – urban boundary expansion application because the City does not have a consultant roster for this type of study. Further, expand the scope of the land use planning roster category to include review of Agricultural Impact Assessments and MDS calculations.
- Increase the application fee from \$28,504 to \$67,875 for an Official Plan Amendment – Urban Boundary Expansion. This is reflective of the additional review time required by staff across multiple divisions to respond to the application in a timely manner. It is noted that the Phase 2 portion of this fee (\$11,671) could be refunded if Council denies the application.

See summary in Appendix “A” to Report PED19146.

3. Official Plan Amendment Applications for Employment Land Conversion

3.1 Employment Land Review - MCR

Through the background work on the MCR completed to date, staff have completed a review of the City’s employment lands against established conversion criteria, and have identified parcels which meet the criteria for potential conversion. This work has been completed in draft form. Further, the City initiated a public call for requests for employment land conversion in 2017, in which property owners could submit a request

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for conversion as part of the MCR for consideration by staff. A total of 19 requests were received. An initial screening of the requests identified several parcels which would require additional studies to support the proposal, including a Planning Justification Report and Noise Impact Study. Staff have completed the review of these requests in draft form.

As a result of this work already completed, the City has considerable knowledge about potential conversion sites within the City's employment areas. Should a privately initiated OPA be submitted for conversion of one of the sites already submitted through the MCR process, there would not be a significant amount of additional review required by staff above what has already been completed.

3.2 Pre-MCR Conversion Only Permitted Outside of PSEZs

As noted in the Policy section of this Report, the Growth Plan only permits the conversion of employment land in advance of the MCR within employment areas that are not Provincially Significant Employment Zones (PSEZs). Within Hamilton, the following employment areas are not PSEZs:

- Flamborough Business Park
- Ancaster Business Park
- Dundas Industrial Area
- West Hamilton Innovation District

This restriction means that the number of potential OPA applications for employment land conversion is limited. Of note, of the 19 requests for conversion received through the public call for requests, only one was in an employment area that was not a PSEZ.

3.3 Studies and Review of Employment Land Conversion OPA Application

Unlike the application for urban boundary expansion, the list of special studies required in the review of an employment land conversion application is more limited. It is anticipated that the list of studies would include a Planning Justification Report, Noise Impact Study, Servicing Study (to review system capacity based on proposed use), Transportation Impact Study, and other studies which may be needed on a site specific basis such as cultural or natural heritage studies. These studies are generally typical of an OPA application. It is not anticipated that these studies would require peer review, though the City reserves the right to request a peer review based on specific circumstances if required.

3.4 Recommendation Regarding Employment Land Conversion OPA Fees

Staff are not recommending a fee increase above the standard OPA application fee for an employment land conversion OPA application, based on the following:

- Staff have already completed significant work on employment land review through the MCR, and therefore already have significant information resources as a starting point for any additional requests;
- The expected number of such applications is limited based on Growth Plan restriction on conversion within PSEZs; and,
- The number and complexity of studies required for review is less than that of an urban boundary expansion application and additional fees are not warranted. The City reserves the right to request peer reviews of individual studies if required, at the cost of the applicant, as is standard practice.

ALTERNATIVES FOR CONSIDERATION

The following alternatives could be considered:

1. Council could choose not to establish a separate fee for an Official Plan Amendment – Urban Boundary Expansion; or,
2. Council could recommend a different fee for an Official Plan Amendment – Urban Boundary Expansion; and / or,
3. Council could recommend a new fee for an Official Plan Amendment – Employment Land Conversion.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Summary of Fees and Studies: Urban Boundary Expansion OPA

Official Plan Amendment - Urban Boundary Expansion

1. Required Studies

Staff have identified the following studies that would be required in the review of a privately initiated urban boundary expansion request:

- Sub-watershed Study / Neighbourhood-scale Stormwater Management Study, addressing:
 - Surface water resources
 - Groundwater
 - Source protection planning study (Significant Groundwater Recharge Aquifers, Highly Vulnerable Areas)
 - Aquatic resources
 - Species at risk
 - Water quality
 - Terrestrial ecology
 - Fluvial geomorphology
 - Sourcewater protection implications
- Water and Wastewater Servicing Study (network level capacity study including existing trunk mains and sewers)
- Functional Servicing Report, addressing:
 - Water and wastewater needs and servicing concepts, including required municipal infrastructure internal and external to the development
 - Watermain hydraulic modelling of applicable pressure zone
 - Transportation
 - Grading and drainage
 - Stormwater management
 - Geotechnical and hydrogeology
- Environmental Impact Statement and Linkage Assessment
- Karst Assessment
- Tree Protection Plan
- Hydrogeological study
- Financial Impact Analysis
- Agricultural Impact Assessment
- Minimum Distance Separation (MDS) calculation
- Transportation Impact Study
- Planning Justification Report
- Parks Issues Assessment
- Staging, implementation plan
- Draft Official Plan Amendment
- Concept plan (high level secondary plan)
- Public consultation strategy
- Cultural Heritage Impact Assessment
- Noise Impact Study

- Energy and Environmental Assessment Report
- Cycling Route Analysis
- Parking Analysis / Study
- Pedestrian Route and Sidewalk Analysis
- Roadway / Development Safety Audit
- Modern Roundabout and Neighbourhood Roundabout Analysis
- Neighbourhood Traffic Calming Options Report
- Transit Assessment
- Transportation Demand Management Report
- Additional transportation-related studies
- Other information and materials

The requirement for the studies above would be based on site specific circumstances, and not all of the above studies would be required for each application. Further, additional studies could be required (see UHOP Table F.1.19.1) and would be identified on a site specific basis.

Prior to submitting an application for an Official Plan Amendment – Urban Boundary Expansion, all applicants would be required to submit an application for Formal Consultation which will identify all of the studies and other materials required to support the application.

2. Peer reviews

Based on staff resources, workload and expertise, it is anticipated that the following studies may require a peer review in order to allow for evaluation within the required timeframe:

- Functional Servicing Report / Sub-watershed Study / SWM Study
- Hydrogeological Study
- Transportation Impact Study
- Environmental Impact Study
- Linkage Assessment
- Financial Impact Assessment
- Agricultural Impact Assessment

This is a preliminary list and further studies may also require review depending on the nature of the application and complexity of review required.

The applicant will be required to enter into a Peer Review Cost Acknowledgement Agreement. This agreement will require the applicant to acknowledge and agree to the costs of the peer reviews. The agreement will also outline the process for the return of unused fees, or conversely, the requirement for the applicant to provide additional fees if needed. A standardized template will be created for this agreement for ease of use. The signed agreement will form part of the complete application requirement.

3. Fee structure

Due to the complexity of the application and the numerous studies and other materials which will need to be reviewed, the fee for an Official Plan Amendment – Urban Boundary Expansion will be increased above the normal Official Plan Amendment fee. The chart below summarizes the proposed change:

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