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VIA EMAIL

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Attention: Members of the City of Hamilton General Issues Committee

**Re: Input on behalf of the Twenty Road East Landowners' Group
GRIDS 2 and Municipal Comprehensive Review Planning for Growth to
2051: Draft Evaluation Framework and Phasing Criteria
March 29, 2021 Special General Issues Committee Meeting Agenda Item 8.2
(PED17010(j))**

Dear Madams and Sirs:

Together with my co-counsel, Davies Howe LLP, we are writing on behalf of our client, the Twenty Road East Landowners' Group (the "**TRE Group**") to provide comments on the GRIDS 2 and Municipal Comprehensive Review Planning for Growth to 2051: Draft Evaluation Framework and Phasing Criteria, (the "**Staff Report**"). The TRE Group has been actively involved in the Urban and Rural Hamilton Official Plan matters since GRIDS 1 and appreciates this opportunity to provide input to the City on the above-noted matter.

THE TRE GROUP LANDS

The TRE Group consists of approximately 25 landowners collectively owning approximately 480 hectares within the City, centred around the intersection of Twenty Road East and Miles Road (the "**TRE Lands**"). They are non-prime agricultural area lands within the White Belt and have been colloquially described as a "hole-in-the-donut", being immediately adjacent to the southern urban boundary of the City and located between two employment areas. They are also adjacent

to and proximate to many of the City's Community Infrastructure and Major Activity Centres like the Turner Park Sports Complex, Les Chater YMCA, Turner Park Public Library and Mountain Police Station and are one of the main access points to the Chippewa Rail Trail.

It is without dispute that the TRE Lands can be easily integrated into the urban area through the extension of existing major arterial roads to provide a variety of housing opportunities on non-prime agricultural areas in close proximity to the City's core, to the City's future employment areas, to the Airport Employment Growth District and to the Redhill South Business Park, and will optimize the use of existing or planned infrastructure, including transportation infrastructure, in a cost-efficient manner.

The TRE Lands are available and suitable for urban development, and it is appropriate to include these Lands within the next urban boundary expansion to accommodate the City's growth to 2051. Inclusion of TRE Lands in the urban boundary has been recognized as appropriate in the City's Land Needs Assessment analysis.

With respect to the Draft Evaluation Framework and Phasing Criteria as set out in the Staff Report, our comments are as follows:

THE EVALUATION CRITERIA (Appendix A)

We generally agree that a set of evaluation criteria such as those presented in Appendix A (the "Evaluation Framework") are necessary to determine which lands should be brought into the urban boundary to satisfy the City's growth requirements to 2051.

We are supportive of the Evaluation Framework themes and the general descriptions provided, with the exception of the characterization and description of the Agricultural System theme, and the comments on the availability of infrastructure.

With respect to the theme of the Agricultural System, Growth Plan policy 2.2.8(f) with respect to Settlement Area Boundary Expansions states that:

"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.... 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 (emphasis added);”

To be in conformity with the Growth Plan, the City must treat this Provincial policy requirement as a priority criterion relative to others given the language of the Growth Plan and the significant importance of the matter of preservation of prime agricultural areas.

We believe that the theme of the Agricultural System must be elevated within the Evaluation Framework, and that this criterion should recognize that lands which are not prime agricultural areas are to be given higher overall priority over lands which are prime agricultural areas. This direction and emphasis is evident in, and required by, the Growth Plan language.

With respect to the theme of Servicing Infrastructure, we agree that the noted “high level assessment of new infrastructure requirements” and “assessment of capacity in existing and planned” systems are the appropriate high level of study required at this point in order to ascertain the appropriateness of including particular lands into the urban boundary.

However, we believe that policies should be included in the Official Plan which require the undertaking of more detailed work for lands added to the urban boundary, including subwatershed studies, master environmental servicing plans and secondary plans immediately following their inclusion in the urban boundary.

THE PHASING CRITERIA (Appendix A and E)

We agree and acknowledge that phasing criteria are an important part of establishing and providing for the orderly and efficient implementation of new urban land use designations. However, we note, as per our comments on the Evaluation Criteria above, given the Province’s direction to prioritize non-prime agricultural areas, the Agricultural System criteria should be the priority consideration with respect to phasing.

In addition, we are very concerned that the City is considering using phasing criteria in a manner inconsistent with the Growth Plan by phasing the timing of the inclusion of lands into the urban

boundary over the next 30 years. To that end, it appears Staff are recommending that the phasing criteria should be used to phase the actual inclusion of lands into the urban boundary, suggesting bringing in the lands in ten-year increments to the planning period horizon of 2051 based on the phasing criteria.

However, such an approach is contrary to the Province's clear direction that all of the lands required to accommodate growth to 2051 are to be brought into the urban boundary as part of this Official Plan Amendment. They are not to be added to the City's urban boundary in phases.

The recommended approach in the Staff Report is an incorrect and inappropriate application of phasing criteria to phased urban boundary expansions. It is our experience being involved with urban growth policies in official plans across the Greater Golden Horseshoe, that phasing policies are used to inform the orderly and efficient progression of development of lands after such lands have been brought into the boundary, not to inform their inclusion in phases after the need for all the lands has been determined, in order to accommodate the forecasted growth in the planning period.

The Province's direction is reinforced in its letter to the City dated February 23, 2021 (Appendix "E" to the Staff Report). It reiterates its position that the Growth Plan policies require municipalities to designate all land required to accommodate the growth forecasts to the 2051 planning horizon. It does not suggest in any way that they be phased into the urban boundary based on phasing criteria. This Provincial direction has not been acknowledged in the Staff Report.

In our opinion, the Province's letter confirms what is required of the urban boundary expansion Official Plan Amendment by the Growth Plan: all land needs to 2051 must be brought into the urban boundary at this time.

MAP OF WHITEBELT GROWTH OPTIONS (Appendix C)

According to our calculations, the net land area of the TRE Lands is closer to 330 hectares rather than the 275 hectares indicated on Appendix "C". None of the TRE Lands are prime agricultural area.

Further, according to our calculations, the Elfrida area only contains approximately 125 to 170 hectares of land which are not prime agricultural area, with the balance (approximately 760 to 805 hectares) being prime agricultural area.

CONCLUSION

In summary, the Evaluation Framework provided is generally supportable, save and except for the need to acknowledge the importance of the Agricultural System theme relative to other themes.

While we agree that phasing criteria will be an important component of the official plan policies applicable to lands brought into the urban boundary in ensuring that the progression of development occurs in an orderly and efficient manner, it is contrary to provincial policy to apply these phasing criteria to bringing lands needed to 2051 incrementally into the urban boundary, as is recommended in the Staff Report. As confirmed by the Province in its letter, all lands needed to achieve the 2051 forecasts must be brought into the urban boundary at this time.

Finally, we believe that the City should include policies in each land use designation for new urban areas which require the initiation of the studies necessary for the planning and development of the areas, including subwatershed studies, master environmental servicing plans and various secondary plan level studies.

We thank the City for the opportunity to provide our comments on the Staff Report. Should you have any questions, please do not hesitate to contact the undersigned or Ms. Susan Rosenthal.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "DBaker", with a stylized flourish at the end.

Denise Baker
Partner

DB
cc. Ms. Heather Travis, Senior Project Manager
Mr. Steve Robichaud, Director, Planning and Chief Planner