



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 31, 2023
<b>SUBJECT/REPORT NO:</b>	Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (PED23046) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
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<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

This Report provides further information and analysis to Council regarding the December 16, 2022 decision by the Province of Ontario to remove lands within the City of Hamilton from the Greenbelt Plan and Greenbelt Plan Area Boundary Regulation. The location of the lands removed from the Greenbelt are shown in Appendix “A” attached to Report PED23046.

## INFORMATION

On November 4, 2022, the Province requested comments on proposed changes to the Greenbelt Plan through the Environmental Registry of Ontario (ERO) (ERO Postings 019-6216 and 019-6217). The proposals included the removal of 7,400 acres (2,995 ha) of land from the Greenbelt Plan Area in Ontario to be used to build housing in the near term.

Within the City of Hamilton, approximately 795 hectares of lands were identified for potential removal at the following locations:

- Lands located south of Garner Road West, west of Fiddlers Green Road, east of Shaver Road in the vicinity of Book Road (‘Book Road Lands’) (727 ha in size);

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- Lands located south of White Church Road East, west of Miles Road, north of Chippewa Road East, east of Upper James Street (“Whitechurch Lands”) (64 ha in size); and,
- Lands located at 331 and 339 Fifty road, at the north-west corner of Barton Street and Fifty Road (“Fifty Road Lands”) (4 ha in size).

Through the November 4, 2022 ERO postings, the Province indicated that the proposed removals support the goals of the Province to build 1.5 million homes over the next 10 years under the More Homes Built Faster Plan through the construction of housing in the very short term and that should these lands be removed from the Greenbelt Plan, significant progress on approvals and implementation is to be achieved by the end of 2023, with construction to begin no later than 2025. The Province also expects that proponents would fully fund necessary infrastructure upfront. If these conditions are not met, the ERO posting indicated that the government will begin the process to return the properties back to the Greenbelt Plan.

On November 30, 2022, City Council approved the following recommendations:

- “(a) That the City does not support the removal of lands from the Greenbelt Plan because removal of the lands contradicts the vision and goals of the Greenbelt Plan to provide permanent protection to the natural heritage and water resource systems that are crucial to sustain ecological and human health and build resilience to and mitigate climate change and the City has no requirement for additional lands to accommodate housing growth to 2051 given the recent expansions to the urban area approved through Official Plan Amendment No. 167, and further;
- (b) That Report PED22213 be forwarded to the Ministry of Municipal Affairs and Housing (MMAH) to be considered as part of the City of Hamilton’s comments on Environmental Registry of Ontario (ERO) Postings 019-6216 and 019-6217 respecting proposed amendments to the Greenbelt Plan.”

The Staff Report and Council-adopted recommendations were forwarded to the Province prior to the November 4, 2022 commenting deadline.

Through updates to ERO Postings 019-6216 and 019-6217 and confirmed through the December 16, 2022 letter from the Minister of Municipal Affairs and Housing, the Province issued its decision on proposed changes to the Greenbelt Plan. In the City of Hamilton, all lands proposed for removal through the ERO postings have been removed from the Greenbelt Plan.

Additional direction from the Province was not provided to clarify the expectations of progress towards approvals nor were details of the process to be undertaken to return lands to the Greenbelt Plan Area should there not be significant progress.

### **Implications of Existing Policy Framework on Greenbelt Removals**

Lands removed from the Greenbelt Plan area remain in the rural area of Hamilton and therefore are subject to the policies of the Rural Hamilton Official Plan (RHOP).

Guiding the RHOP are three of ten Directions to guide development decisions. The ten directions were established in 2006 and updated through the GRIDS2 process and endorsed by City Council. Revised Directions are incorporated in the Urban Hamilton Official Plan (UHOP) but speak to both the urban and rural areas. Direction #4 in the UHOP is the same of the existing Direction #3 in the RHOP and articulates the direction for development in the City's rural areas as follows:

“Direction #3 – Protect rural areas for a viable rural economy, agriculture resources, environmentally sensitive recreation and enjoyment of the rural landscape.”

Policies of the RHOP build on this direction, as well as on existing Provincial policy directions to ensure viable agricultural areas.

### **Land Use Designations**

Land use designations in the RHOP are based on the principle that agricultural uses are the primary long-term land use in the rural area and the purpose of the designation in the RHOP is to provide a secure land base for agricultural activity. The RHOP designates the areas removed from the Greenbelt Plan as follows:

Table 1

<b>Area Removed from Greenbelt Plan</b>	<b>RHOP Designations</b>
Book Road Lands	Agriculture Rural Open Space Mineral Aggregate Resource Extraction Area
Whitechurch Lands	Agriculture
Fifty Road Lands	Specialty Crop

Agriculture, Rural and Specialty Crop designations permit agricultural uses and agricultural-related uses and on-farm secondary uses. In addition, lands designated Rural permit resource-based rural uses and institutional uses serving the rural community. To develop these lands for residential uses would require amendments to the official plan and zoning by-laws. However, the following policies of the RHOP were

approved and modified by the Province in the November 4, 2022 decision on RHOPA 34:

- “D.2.2.1 Lands designated Agriculture shall not be redesignated for non-agricultural uses, except for expansions to the urban boundary through a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe. (OPA 34, Mod. 2)”
- “D.3.2.1 Lands Designated Specialty Crop shall not be redesignated for non-agricultural uses, except for expansions to the urban boundary thorough a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe. (OPA 34, Mod. 3)”
- “D.4.2.1 Lands designated Rural shall not be redesignated for uses not permitted by the policies of this Plan, except for expansions to the urban boundary through a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe. (OPA 34, Mod. 4)”.

Expansion areas are within Hamilton’s urban area and the lands removed from the Greenbelt Plan Area are not within the expansion areas, therefore amendments to the RHOP are not to be permitted outside a municipal comprehensive review (MCR) process where lands would be redesignated from Rural to Urban. Hamilton’s first phase of its MCR addressed land needs for growth and has concluded with the Minister’s approval and modification of OPA 167 and 34 resulting in the expansion of the urban boundary. The next two phases of the MCR address RHOP policy conformity and local-level policy conformity and do not address the urban boundary and growth.

The Book Road Lands, in addition to Rural and Agricultural designations, includes a Mineral Aggregate Resource Extraction. Designation on a property on which there is an existing licence issued under the Aggregate Resources and is therefore a mineral aggregate operation. There is also an area designated Open Space which recognizes the existing cemetery use.

It should be noted that under Section 9(1) of the *Greenbelt Act, 2005*, municipalities located within areas designated as Protected Countryside of the Greenbelt Plan are required to amend official plans to conform to the Greenbelt Plan through official plan update processes and conformity exercises under Section 26 of the *Planning Act*. The RHOP designates lands with both Greenbelt Plan designations on Schedule A as well as local Rural designations and policies on Schedule D. Greenbelt designations are found on Schedule B – Natural Heritage System, and Schedules B-1 through B-8 which show the different natural heritage features. The Greenbelt Natural Heritage System designation is found on Book Road Lands only.

Amendments to the RHOP must be made to bring the RHOP into conformity with the revised Greenbelt Plan Area. Those amendments will occur as part of the Phase 2 of the MCR which is reviewing and updating the RHOP policies and schedule. Until an amendment to the RHOP addressing provincial plan conformity can be brought forward for approval, the RHOP framework, which incorporates the Greenbelt Plan policies and designations will remain.

It should be noted that the Book Road lands only show Protected Countryside and Greenbelt Natural Heritage System on a 'finger' of land across the area as shown on Appendix "B" attached to Report PED23046. The remainder of the lands were added to the Greenbelt Plan Area in 2017 as part of the Province's coordinated provincial plan review initiative. Updates to RHOP policies and mapping were planned to occur during the current RHOP update and conformity process. With the recent Greenbelt Plan removals, only the Greenbelt Natural Heritage System and underlying Protected Countryside designation will need to be removed on Book Road Lands.

### **Natural Heritage**

Within the RHOP, Whitechurch and Book Road lands are shown as part of the Natural Heritage System on RHOP Schedule B and part of the Book Road Lands continue to be shown as part of the Greenbelt Natural Heritage System designation. The Fifty Road Lands and Whitechurch Lands are not part of the Greenbelt Natural Heritage System and review of the natural heritage mapping within the RHOP.

The RHOP policies of Section C.2.0 set out the policies for the Natural Heritage System in the rural area and direct the protection, restoration and enhancement of the natural heritage system to ensure a healthy, functional ecosystem. Core Areas form the foundation of the Natural Heritage System are made up of key natural heritage features and key hydrologic features and their vegetation protection zones as well as provincially significant and local natural areas. The RHOP also contains policies for Core Areas within the Greenbelt Natural Heritage System of the Protected Countryside which apply to the Book Road and Whitechurch Lands, although these lands are now no longer part of the Greenbelt Plan Area. As discussed above, the current mapping is now out of date and amendments are required to resolve this conflict.

Table 2

<b>Area Removed from Greenbelt Plan</b>	<b>RHOP Natural Heritage System</b>
Book Road Lands	Core Areas and Linkages Features include: <ul style="list-style-type: none"><li>- Unevaluated wetlands;</li><li>- Watercourses;</li><li>- Significant Woodlands; and,</li><li>- Duff's Corners South Woodlot.</li></ul>

<b>Area Removed from Greenbelt Plan</b>	<b>RHOP Natural Heritage System</b>
Book Road Lands <b>Continued</b>	<ul style="list-style-type: none"><li>- Environmentally Significant Area (ESA);</li><li>- Potential Species at Risk (SAR) Habitat;</li><li>- Potential Significant Wildlife Habitat (SWH);</li></ul> and, <ul style="list-style-type: none"><li>- Linkage (hydro corridor)</li></ul>
Whitechurch Lands	Core Areas Features: Key Hydrologic Features - Streams
Fifty Road Lands	No natural heritage features indicated by RHOP mapping

Table 2 identifies the natural heritage features on the land removed from the Greenbelt Plan Area. The Book Road Lands contain Core Areas comprised of different natural heritage features. Permitted uses within Core Area are limited to existing agriculture; forest, fish and wildlife management; conservation and flood or erosion control projects existing uses; passive recreation, and infrastructure projects. Policies within the RHOP specify that any development within or adjacent to Core Area features will not be permitted unless ecologic function has been evaluated through the preparation of an Environmental Impact Statement (EIS) demonstrating that the proposal has no negative impacts on the natural features and its ecological function and appropriate vegetation protection zones are identified.

When considering larger tracts of land for development, analysis of Natural Heritage Features usually occurs in stages. Sub-watershed studies provide an appropriate level of analysis to inform planning for stormwater management and the development of land use concepts for secondary plan development. Detailed review and preparation of EIS occur at the development stage through subdivision approval processes and any further OPA or rezoning processes required to implement approved Secondary Plans. However, the development of large tracts of land for housing in the rural area is not contemplated in the policies of the RHOP as indicated in the land use designation policies described above.

### **Airport Policies**

Policies in the RHOP support the continued development of the John C. Munro International Airport as a major economic node and transportation facility. The City maintains Noise Exposure Forecasts (NEF) which are shown on RHOP Appendix D – Noise Exposure Forecast Contours and Primary Zoning Regulation Area and restricts development that is noise- or land use-sensitive to airport operations. Development of new residential and sensitive uses in areas that exceed the 28 NEF are prohibited. For development proposals for residential or sensitive uses within a 25 and 28 NEF, noise

studies are required, and noise mitigation measures are to be implemented. Appendix “B” attached to Report PED23046 shows that a large portion of the Book Road Lands are encumbered by the NEF contours with the 25, 28, 30 and 35 NEF contours traversing the lands.

### **Servicing Policies**

The servicing policies of both the RHOP and the UHOP work together to direct the provision of services within the rural area. First, the objective of the RHOP with respect to servicing is that all rural development is to occur on sustainable private services. Both the UHOP and RHOP prohibit the extension of lake-based municipal water and wastewater systems outside the urban area boundary except in response to public health emergencies.

Notwithstanding the RHOP and UHOP policies that prevent extension of municipal services, Appendix “C” attached to Report PED22213 – Proposed Amendments to the Greenbelt Plan – ERO Posting 019-626 and 019627 – City of Hamilton Comments (November 29, 2022) provided high level staff comments on servicing potential for each of the areas removed from the Greenbelt and is attached to as Appendix “C” to Report PED23046.

Table 3

<b>Area Removed from Greenbelt Plan</b>	<b>Staff Servicing Comments</b>
Book Road Lands	<ul style="list-style-type: none"><li>- Water and wastewater servicing and capacity needs to be determined through Master Plan process;</li><li>- Timing in relation to other projects is of concern should these lands proceed to development by 2025. Temporary solutions to overflow may be needed; and,</li><li>- Development requires urbanization and expansion of Garner Road West and Fiddler’s Green (EA process is initiated only for Garner Road West)</li></ul>
Whitechurch Lands	<ul style="list-style-type: none"><li>- Land have not been assessed for water and wastewater capacity but should be done through Master Plans;</li><li>- Routing options for sanitary need analysis and should be done in conjunction with adjacent boundary expansion area; and,</li><li>- lands are not well connected to existing transportation systems for transit and active transportation.</li></ul>

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<b>Area Removed from Greenbelt Plan</b>	<b>Staff Servicing Comments</b>
Whitechurch Lands <b>Continued</b>	- Lands are outside Transit Service Area.
Fifty Road Lands	Concerns with Transportation system - Development will exacerbate transportation challenges on Fifty Road; and, - Additional lanes and active transportation facilities will be required.

High level Water/wastewater/stormwater servicing comments were provided to assess the potential for servicing of the lands through the extension of municipal services in order to meet the development timeframes indicated by the province, i.e. construction to begin by 2025. The comments indicate that the Book Road and Whitechurch lands are unlikely to be serviced in time to permit housing construction by 2025. Table 3, above, provides a short summary of the material in Appendix “C” attached to Report PED23046.

## **Summary**

At the time of the proposal for the removal of lands from the Greenbelt Area, it was unclear how the Province would manage the removals from the Greenbelt Area to implement housing development on the lands. The lands remain in the rural area and therefore subject to the policies of the RHOP leaving these lands unable to be developed in the very near term for housing as the RHOP does not allow extension of municipal services outside the urban area, nor does it allow designations on lands designated Agriculture, Rural or Specialty Crop outside of the municipal comprehensive review process. In addition, the current conflict within the local RHOP policies will not be reconciled until an amendment is approved to bring the RHOP into conformity with the provincial planning framework.

## **Implications of Greenbelt Removals on Growth Area Planning**

On November 4, 2022, the Province issued the Notice of Decision on the City of Hamilton’s Official Plan Amendments (Amendment No. 167 to the UHOP and No. 34 to the RHOP) as part of the City’s Municipal Comprehensive Review.

The Provincial decision including amendments to the City’s urban boundary to add approximately 2200 gross ha of land to the urban area to accommodate residential growth, and very small area of employment growth. The expansion areas are also shown on Appendix “A” attached to Report PED23046.

The amendments to the UHOP approved through OPA 167 (including the Provincial modifications) provide direction for accommodating the City’s forecasted growth of



people and jobs to 2051 through a combination of intensification, increased densities in both the built-up area and existing greenfield areas, as well as growth within the Urban Expansion Areas. There is sufficient land supply to accommodate forecasted housing growth to 2051 and possibly beyond.

With the addition of former Greenbelt Area lands now identified for housing by the Province, the City now needs to consider these lands in the context of City-wide urban growth and servicing although the policy frameworks do not support or recognize these lands as urban lands. Provincial commentary on the timing of development expected in the former Greenbelt areas would indicate that these areas are near term growth areas and therefore priority areas for growth and needs to be reflected in city-wide master planning processes. This confounds efforts to establish phasing and servicing plans for lands within the urban boundary where there is the direction and policy basis for growth. The uncertainty of development timing on the former Greenbelt lands or the possibility of a return of lands back to the Greenbelt Plan Area as indicated by the Province, creates a conundrum on moving forward on planning for growth within the urban area. The land base for which the City must plan is uncertain.

Staff are in the process of finalizing the future growth area population and housing allocations and determining density targets for development in the new greenfield areas of the urban expansion boundaries. City-wide master planning projects (Transportation, Water-wastewater and Stormwater) require the population allocations to complete modelling and analysis to determining servicing strategies for the entire city, including the new growth areas. Secondary Planning approaches are also being considered to move forward on planning for new growth areas.

It is likely that parallel streams of analysis in the Master Plan projects will need to occur due the uncertainty of development on the lands that have been removed from the Greenbelt Plan Area. There are likely to be additional costs and delays to running parallel streams of analysis however those costs or timing implications have not been estimated.

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” to Report PED23046 - Location Map – Lands Removed from the Greenbelt and Urban Boundary Expansion Areas
- Appendix “B” to Report PED23046 - Lands Removed from the Greenbelt – Rural Hamilton Official Plan Schedule Illustrations
- Appendix “C” to Report PED23046 - Appendix “C” to Report PED22213 – Summary Staff Comments on Greenbelt Plan Removals

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