




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
General Manager's Office

TO:	Mayor and Members Planning Committee
COMMITTEE DATE:	June 13, 2023
SUBJECT/REPORT NO:	Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (PED23046(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Steve Robichaud (905) 546-2424 Ext. 4281
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Planning and Economic Development Department staff, in conjunction with Legal Services staff, be directed to provide input to the Provincial Land and Development Facilitator with respect to any private development proposals and associated community benefits within the lands removed by the Province from the Greenbelt Plan Area;
- (b) That the Ten Directions to Guide Development attached as Appendix "D" to Report PED23046(a), which were previously approved by Council as part of the City's Municipal Comprehensive Review process, be utilized as the framework for the City's input to the Provincial Land and Development Facilitator with respect to any private development proposals within the lands removed by the Province from the Greenbelt Plan Areas;
- (c) That Planning and Economic Development Department staff be directed to schedule a public meeting of the Planning Committee for the purpose of obtaining public input as to the City's priorities and expectations with respect to any private development proposals within the lands removed by the Province from the Greenbelt Plan Area.

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

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

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

EXECUTIVE SUMMARY

On December 16, 2022, the Province removed approximately 795 ha of land in the City of Hamilton from the Greenbelt Plan.

Through Report PED23046, as well as through the following Council motion approved by Council on February 8, 2023, the City of Hamilton opposed the removal of these lands from the Greenbelt Plan Area (the full text of the motion is attached as Appendix “E” to Report PED23046(a)):

- “(a) That the Minister’s decision to expand Hamilton’s urban boundary to include 2,200 hectares of agricultural, rural and natural heritage lands for residential development is unnecessary and is not supported by the City of Hamilton; and,
- (b) That the Minister’s decision to remove 795 hectares of land from the Greenbelt Plan is unnecessary and is not supported by the City of Hamilton.”

Notwithstanding the City’s opposition, the effect of the Province’s decision is that the lands are no longer within the Greenbelt Plan Area. Furthermore, the Province has indicated that these lands are to be developed for residential uses to support the Province’s goal of facilitating the construction of 1.5 million homes over the next 10 years across Ontario.

Based on the initial Environmental Registry of Ontario (ERO) posting, it is staff’s understanding that it is the intent of the Province that significant progress on approvals and implementation is to be achieved by the end of 2023, and that development must be substantially underway by no later than 2025. It is staff’s expectation that the Province will use its powers to enact Minister’s Zoning Orders (MZO) as the means by which development rights on the former Greenbelt lands will be established.

The Province is also proposing amendments to the *Planning Act* through Bill 97 that will, amongst other changes, further facilitate the development of the Greenbelt Removal Lands. Bill 97 proposes amendments to the *Planning Act* to give the Minister of Municipal Affairs and Housing additional authorities to exempt certain subsequent approvals required to establish uses permitted by Minister’s Zoning Orders (MZO) from having to align with provincial plans or local Official Plan policies. These changes would allow the Minister to approve new urban developments through an MZO within rural areas including Greenbelt areas.

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A new section is proposed to be added to the *Planning Act* (proposed Section 49.2) that would provide the Minister of Municipal Affairs and Housing with the authority to make an order to require landowners to enter into development agreements with the Minister or municipality in matters where the Provincial Land and Development Facilitator or the Deputy Facilitator has been directed by the Minister to advise, make recommendations or perform any other functions with respect to the land.

Prior to the Minister making an MZO and/or an order establishing a development agreement for the former Greenbelt lands, the Province has indicated that municipalities will have the opportunity to provide input with respect to how the lands are developed, and also to negotiate and request certain “community benefits,” above and beyond standard *Planning Act* requirements (e.g. parkland dedication). It is the Province’s expectation that landowners work directly with municipalities and reach an agreement in advance of any MZO being issued by the Province; however, it is important to note that there is nothing in regulation or statute that would require the municipality’s agreement or approval, and it is staff’s understanding that the City would not be a signatory to the future development agreement.

Staff are therefore seeking authority from Council to provide input to the Provincial Land and Development Facilitator with respect to any private development proposals within the lands removed from the Greenbelt Plan Area. Staff are proposing that any input be based on the principles and priorities developed through the GRIDS2/MCR processes that resulted in the Council adoption of the Ten Directions to Guide Development, attached as Appendix “D” to Report PED23046(a). Lastly, as it is staff’s understanding that the Province does not intend to undertake or require any public consultation prior to issuing an MZO or development agreement for the former Greenbelt lands, staff are recommending that a public meeting of the Planning Committee be held for the purpose of obtaining public input as to the City’s priorities and expectations with respect to any private development proposals within the former Greenbelt lands.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications associated with this report’s recommendations. However, as part of the proposed discussions with the Provincial Land and Development Facilitator and the landowners, staff will be seeking to ensure that any funding gaps relating to infrastructure will be offset through additional developer financial contributions. Staff intend to ask that landowners be requested to submit a Financial Impact Statement as part of their proposed development.

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Based on the proposed Provincial timeframes, external consulting resources may be required to undertake peer reviews of any technical studies submitted by the landowners in support of their development concept. In accordance with the City's Tariff of Fees By-law for development approvals, the landowners will be responsible for 100% of the cost to administer the peer review and for the external consulting costs associated with the peer review.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

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 in the November 2022 ERO posting 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);
- 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).

There are approximately 141 properties, the majority of which are either farms or properties less than 1.0 ha in size as outline in Table 1 below:

Table 1

Greenbelt Removal Lands					
Sub Area	Gross Area (Ha)	Total Properties	Ag/Farm Properties	<1 ha	Ag Props Area (Ha)
Book Road	727	113	34	67	572

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Sub Area	Gross Area (Ha)	Total Properties	Ag/Farm Properties	<1 ha	Ag Props Area (Ha)
Whitechurch	64	26	8	13	47
Fifty Road	4	2	1	1	3.5
Total	795	141	43	81	622.5

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 to remove these lands from the Greenbelt Plan.

The lands removed from the Greenbelt Plan are shown on Appendix “A” to Report PED23046(a).

Based on information contained in the November 4, 2022 ERO postings, rationale for the removal of these lands was that the removals support the Province’s goal of facilitating the construction of 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.

In addition, the Province has indicated that significant progress on approvals and implementation of residential development of the Greenbelt removal lands is to be achieved by the end of 2023, and that development must be substantially underway by no later than the end of 2025. Furthermore, based on the ERO posting, it is staff’s understanding that the Province also expects that proponents would upfront the funding of any necessary infrastructure to service the subject lands, in accordance with local cost sharing policies. If progress on developing these lands is not proceeding by 2025, the ERO posting noted that the government may begin the process to put one or more of these lands back into the Greenbelt Plan.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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). The lands are zoned with the applicable rural zoning to implement the RHOP land use designations.

The current RHOP policy framework does not permit urban type development of the subject lands. The RHOP designations applicable to these lands are outlined in Table 2 below:

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Table 2

Area Removed from Greenbelt Plan	RHOP Designations
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 normally require amendments to the official plan and zoning by-laws.

The GBR lands are also subject to Natural Heritage, Servicing and Airport related policies in the RHOP. A summary of staff’s policy analysis that was undertaken at the time that the Province was proposing the Greenbelt land removals is presented below and a more detailed analysis is contained in Appendix “C” to Report PED23046(a).

Natural Heritage: Natural Heritage features are identified in the RHOP on the Book Road and Whitechurch GBR lands as per Table 3 below:

Table 3

Area Removed from Greenbelt Plan	RHOP Natural Heritage System
Book Road Lands	Core Areas and Linkages Features include: - Unevaluated wetlands; - Watercourses; - Significant Woodlands; and, - Duff’s Corners South Woodlot; - Environmentally Significant Area (ESA); - Potential Species at Risk (SAR) Habitat; - Potential Significant Wildlife Habitat (SWH); and, - Linkage (hydro corridor).

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Area Removed from Greenbelt Plan	RHOP Natural Heritage System
Whitechurch Lands	Core Areas Features: Key Hydrologic Features - Streams
Fifty Road Lands	No natural heritage features indicated by RHOP mapping

Servicing: 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.

As part of the City's response to the initial ERO posting, high level water, wastewater, and 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.

Airport: 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" to Report PED23046(a) 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.

Bill 97 Proposed Amendments to the *Planning Act*

The Province is proposing amendments to the *Planning Act* through Bill 97 that will, amongst other changes, further facilitate the development of the Greenbelt Removal Lands.

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Bill 97 proposes amendments to the *Planning Act* to give the Minister of Municipal Affairs and Housing authority to exempt certain subsequent approvals required to establish uses permitted by Minister's Zoning Orders (MZO) from having to align with provincial plans or local Official Plan policies. These changes would allow the Minister to approve new urban developments through an MZO within rural areas including Greenbelt areas.

A new section is also proposed to be added to the *Planning Act* (proposed Section 49.2) that would provide the Minister of Municipal Affairs and Housing with the authority to make an order to require landowners to enter into development agreements with the Minister or municipality in matters where the Provincial Land and Development Facilitator or the Deputy Facilitator has been directed by the Minister to advise, make recommendations or perform any other functions with respect to the land.

RELEVANT CONSULTATION

Planning and Economic Development staff (Growth Management, Transportation Planning) and Legal Services were consulted in the preparation of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. Based on information provided through the ERO posting on the Greenbelt Removal Lands (GBR), the proposed legislative changes to the Planning Act as part of Bill 97, and a preliminary meeting with the Provincial Land and Development Facilitator, it is staff's understanding that the Province has advised the GBR landowners that it is their responsibility, with the assistance of the Provincial Land and Development Facilitator, to prepare a development concept, cost-sharing agreement and community benefits for their proposed developments, in consultation with the applicable municipality.

In addition, it is staff's understanding that the development of the GBR lands is to be substantially underway by the end of 2025, and that "substantially underway" refers to a continuum which is still to be determined, but that may mean engineering approvals, commencement of servicing (which may include extension of municipal sewers), site preparation (e.g. pre-grading) and/or actual construction of dwelling units.

Municipalities and landowners may also negotiate enhanced public benefits that go beyond the standard Development Charge payment, Community Benefit Charge payment and parkland dedication payment.

Notwithstanding the above, there are no regulatory or statutory requirements for landowners or the Province to obtain the municipality's approval, consent or input prior to proceeding with an MZO and a development agreement.

2. As part of the GRIDS2/MCR process, the City of Hamilton adopted the Ten Directions to Guide Development attached as Appendix "D" to Report PED23046(a). These directions are the foundational elements of the City's growth management strategy which includes the Official Plans, the infrastructure master plans as well as other strategies including but not limited to the City's Climate Change strategy and planning for the full continuum of community needs including housing and economic development opportunities.

Typically, upon receipt of a development application, staff review the application based on Official Plan and Secondary Plan policies and designations, infrastructure master plans, Council adopted reports and/or guidelines (e.g. Development Engineering Guidelines, Urban Design Guidelines, sub-watershed studies), in addition to community feedback and comments from technical agencies. However, given that the Greenbelt Removal Lands are outside of the urban area and that a formal development application may not be required to permit the land use (at this point in time), it is proposed that that the Ten Directions to Guide Development be utilized as a framework for the City's input to the Provincial Land and Development Facilitator with respect to any private development proposals, including potential community benefits (which would be above and beyond the City's base development standards).

Areas for consideration with respect to community benefits would include:

- provision of affordable housing;
- "re-wilding" and enhancements to the Natural Heritage System above and beyond the City's natural heritage standards;
- protection of heritage resources;
- implementation of green development standards;
- payment of full Development Charges and Parkland Dedication, above and beyond the post-Bill 23 requirements; and,
- requirement for the establishment of Landowner Groups to address matters relating to compensation amongst property owners for perceived lost development opportunities on lands designated for parks, storm water management facilities, institutional, etc.

The above potential areas for consideration would be in addition to good planning principles of sustainable, inclusive complete communities that are transit supportive and that represent areas that provide residents opportunities to live, work and play within their community.

3. It is staff's understanding that the Province does not intend to undertake or require any public consultation prior to issuing an MZO or development agreement for the Greenbelt removal lands. Therefore, staff are recommending that the City host a public meeting of the Planning Committee for the purpose of obtaining public input as to the City's priorities and expectations with respect to any private development proposals within the Greenbelt removal lands.

As part of the City's public consultation and engagement on GRIDS2/MCR, extensive community engagement was undertaken, including a household survey. A total of 213,606 surveys were distributed to households across the City by neighbourhood walk mail. In addition, 2,216 surveys were delivered via addressed (enveloped) mail to certain rural addresses on or near the municipal border which would otherwise not have been included in the neighbourhood walk mail distribution. Altogether, 215,822 surveys were delivered to households across the City. In total, the City received 18,387 survey responses back through both mail and email.

The GRIDS2/MCR process did not contemplate any urban type development occurring on lands within the Greenbelt Plan area. As the proposed development of former Greenbelt Plan Area lands now represents a fundamental shift in how and where the City of Hamilton grows to 2051, staff are recommending that the City obtain public input on what the City's priorities should be for how these lands develop. Specifically, staff are proposing to schedule a public meeting of the Planning Committee with the intent to hear from the public on this matter.

It is important to note, however, that the decision on how these lands develop rests with the Minister, and it is expected to be made through a Minister's Zoning Order and a development agreement. There is no requirement or assurance that the City's input, or that of the public, will have a bearing on the Province's decision.

ALTERNATIVES FOR CONSIDERATION

Council could direct staff not to meet with the Provincial Land and Development Facilitator, or with the landowners within the Greenbelt Removal Lands, and not to provide any input with respect to any proposed developments or any proposed community benefits. Staff do not recommend this approach as it is likely that the Province would still proceed with the issuance of a Minister's Zoning Order, and the signing of a development agreement, to allow for the development to proceed, without having received any input from the municipality.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and 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.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

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.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23046(a) - Location Map – Lands Removed from the Greenbelt and Urban Boundary Expansion Areas

Appendix “B” to Report PED23046(a) - Lands Removed from the Greenbelt – Rural Hamilton Official Plan Schedule Illustrations

Appendix “C” to Report PED23046(a) - Policy Analysis of Greenbelt Removed Lands

Appendix “D” to Report PED23046(a) - Ten Directions to Guide Development

Appendix “E” to Report PED23046(a) - Council Adopted Motion regarding Urban Boundary Expansion and Greenbelt Plan