



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

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| <b>TO:</b>                | Chair and Members<br>Planning Committee  |
| <b>COMMITTEE DATE:</b>    | September 14, 2023   |
| <b>SUBJECT/REPORT NO:</b> | Provincial Amendments to the Greenbelt Plan – Interim Report on the Results of Public Engagement on Community Benefits (PED23046(b)) (City Wide) |
| <b>WARD(S) AFFECTED:</b>  | City Wide  |
| <b>PREPARED BY:</b>       | Charlie Toman (905) 546-2424 Ext. 5863   |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department  |
| <b>SIGNATURE:</b>         |  |

### RECOMMENDATION

- (a) That the interim Report on the Results of the Public Engagement on Community Benefits based on the online survey, written submissions, the public input received at the September 6, 2023 Open House and associated comment sheets be received;
- (b) That Planning Staff be directed to prepare a final report on the Results of the Public Engagement on Community Benefits based on the Interim Report and the additional public input provided at the Special Planning Committee meeting of September 14, 2023;
- (c) That City Clerk be directed to forward the final report on the Results of the Public Engagement to the Province of Ontario, the Provincial Land and Development Facilitator, the Association of Ontario Municipalities and all municipalities in the Greenbelt Plan area.

### EXECUTIVE SUMMARY

The purpose of this report is to provide an interim summary of all of the public input received to date on Community Benefits in response to City Council's direction to hold a

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Special Meeting of Planning Committee to receive feedback on the City's priorities and expectations respecting any private development of the lands removed from the Greenbelt Plan area in Hamilton.

Staff will be submitting an addendum to this report with a detailed summary of all public received as of September 8, 2023. Staff are recommending that a final report summarizing all of the feedback received be forwarded to the Province of Ontario, the Provincial Land and Development Facilitator, the Association of Municipalities of Ontario and all municipalities within the Greenbelt Plan area for their information.

A copy of the Final Report will be posted on the City of Hamilton webpage and notice of the posting will be provided to all individuals and parties on the City's project mailing list/

In June 2023 the Provincial Land and Development Facilitator contacted the City and advised that there will have an opportunity for the City to provide input on how the former greenbelt lands are developed and to negotiate "Community Benefits" that would be a condition of Provincial development approvals for the lands that have been removed from the Greenbelt Plan. "Community Benefits" have been defined by the Provincial Facilitators as those matters that would be secured that are above and beyond standard Planning Act requirements. The location of the areas removed from the Greenbelt Plan in the City of Hamilton is shown on Appendix "A" to Report PED23046(b).

On July 14, 2023, City Council directed staff to provide input to the Provincial Land and Development Facilitator under protest, to schedule a Special Meeting of Planning Committee to receive public input as to the City's priorities and expectations with respect to any private development proposals within the lands. In addition, a Public Meeting was held to inform participants about the Provincial "Community Benefits" framework and provide an opportunity for participants to provide feedback. As such, Planning staff:

- Held an Open House on September 6, 2023; and,
- Released an online survey which closed on September 8, 2023.

The Open House was attended by approximately 450 people. Due to Fire Code capacity constraints, staff estimate that over 100 people were unable to enter the building but were provided with the opportunity to sign the attendance sheets.

The September 6, 2023 meeting was recorded and a copy of the recording has been posted on the City's website.

Staff will be submitting an addendum to this report prior to the September 14, 2023 Special Planning Committee containing any and all public input received through the Open House and survey. The addendum report with highlighting key themes and messages received.

### **Alternatives for Consideration – See Page 9**

### **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. To assess the fiscal implications of any future development on these lands, staff will be requiring the landowners to submit a Financial Impact Statement as part of their proposed development.

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**

#### **1. Government of Ontario Decision to Remove Greenbelt Lands**

On November 4, 2022, the Province requested comments on proposed changes to the Greenbelt Plan through the Environmental Registry of Ontario (Environmental Registry of Ontario 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.

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On December 16, 2022, the Province removed approximately 795 hectares of land from the Greenbelt Plan, as per the November 4, 2022 Environmental Registry of Ontario proposal.

Within the City of Hamilton, the following lands were removed from the Greenbelt Plan, as shown on Appendix “A” attached to Report PED23046(b):

- 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 outlined in Table 1 below:

**Table 1**

| <b>Greenbelt Removal Lands</b> |                 |                  |                    |           |                    |
|--------------------------------|-----------------|------------------|--------------------|-----------|--------------------|
| Sub Area                       | Gross Area (Ha) | Total Properties | Ag/Farm Properties | <1 ha     | Ag Props Area (Ha) |
| Book Road                      | 727             | 113              | 34                 | 67        | 572                |
| 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                |
| <b>Total</b>                   | <b>795</b>      | <b>141</b>       | <b>43</b>          | <b>81</b> | <b>622.5</b>       |

Based on information contained in the November 4, 2022 Environmental Registry of Ontario postings in addition to statements made by the Premier of Ontario and the Minister of Housing:

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- The 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;
- 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;
- 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.

On September 6, 2023 the Province requested comments on their proposal to return 53.8 hectares (133 acres) of lands located at 765 and 775 Kingston Road East in Ajax to the Greenbelt Plan through Environmental Registry of Ontario posting 019-7561. The rationale for the return of these lands to the Greenbelt is that they were listed for sale which run counter to the Government of Ontario’s objective of building homes quickly. The Province submitted a letter to local municipalities (see Appendix “E” attached to Report PED23046(b)) seeking comments on the proposed Greenbelt amendment by October 20, 2023.

## **2. Changes to the *Planning Act* and Role of Provincial Land and Development Facilitator**

The Province amended the *Planning Act* through Bill 97 in June 2018 which, amongst other changes, further facilitates the development of the Greenbelt Removal Lands. Bill 97 gives the Minister of Municipal Affairs and Housing additional authorities to exempt certain subsequent approvals required to establish uses permitted by Minister’s Zoning Orders from having to align with provincial plans or local Official Plan policies. These changes allow the Minister to approve new urban developments through an Ministry Zoning Order within rural areas including Greenbelt areas.

A new section has been added to the *Planning Act* (Section 49.2) that provides 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.

**3. Council Direction to Provide Input to Provincial Land and Development Coordinator and Undertake Public Engagement**

Prior to the Minister making a Ministry Zoning Order 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, affordable housing etc).

It is the Province’s expectation that landowners work directly with municipalities and reach an agreement in advance of any Ministry Zoning Order 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.

On July 14, 2023, Hamilton City Council adopted the following motions respecting the former Greenbelt Plan lands:

- “(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 under protest 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;

Direction #11 The City of Hamilton considers agricultural use to be of prime consideration, along with the protection of wetlands and natural heritage features;

- (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; and, that staff consult with City of Hamilton Public

Engagement staff to ensure: the statutory meeting meets best engagement practice as much as possible; that the statutory meeting be held in the evening, be live streamed, and be held at a publicly accessible facility that is in close proximity to the Book Road lands; and, that all MPP and MP's be extended an invitation to attend;

- (d) That Planning and Economic Development Department staff be directed to request public discussion except where excluded under the provisions of the *Municipal Act*, including public agendas, a list of participants and minutes;
- (e) That the Mayor send a letter regarding these recommendations to the Association of Municipalities of Ontario, Federation of Canadian Municipalities, Rural Ontario Municipal Association and all Ontario Municipalities.”

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### ***The Planning Act***

The Minister of Municipal Affairs and Housing has the authority to exempt certain land use approvals through a Minister's Zoning Order from having to comply to Provincial Plans (e.g., Greenbelt Plan) or conform to local Official Plans. This new authority may directly impact the Book Road Lands by enabling a Minister to issue a Minister's Zoning Order to allow residential land uses that do not conform with the City's Urban Hamilton Official Plan policies and the Government of Ontario's Provincial Policy Statement policies prohibiting sensitive land uses in areas adversely impacted by airport noise.

The *Planning Act* only requires consultation prior to issuing a Minister's Zoning Order where there has been a request for an Order by a municipality, not when the Minister deems an Order to be advisable. Since the City has not requested the Minister's Zoning Order, the Province does not have to consult prior to issuance for the Greenbelt removal lands.

## **RELEVANT CONSULTATION**

In accordance with Council's direction to receive public input on 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, additional public and stakeholder engagement has occurred through:

- An open house which was held on September 6, 2023 at the Ancaster Memorial Arts Centre for the public to have an additional opportunity to be informed of the Provincial decisions that led to the removal of the lands from the Greenbelt and

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provide input on the City's priorities and expectations with respect to any private development proposals. The open house included a staff presentation, moderated Question and Answer session and was attended by approximately 450 people with approximately 100 people having to be turned away due to venue capacity; and,

- An online survey on Engage Hamilton that launched on August 21, 2023 and closed on September 8, 2023.

Promotion and notification of the open house, online survey and Special Meeting of Planning Committee occurred through:

- Establishing a dedicated website containing notices of upcoming meetings, staff Reports and Communications and a Frequently Asked Question page related to the Greenbelt removal lands ([www.Hamilton.ca/greenbelt](http://www.Hamilton.ca/greenbelt));
- Sending letters to all property owners within the lands removed from the Greenbelt Plan Area as well as property owners within 240 metres of these lands on August 3, 2023 and August 22, 2023 to inform them of Council's direction respecting these lands and the scheduled open house and Special Meeting of Planning Committee;
- Newspaper notices posted on August 25, 2023 and September 1, 2023 in the Hamilton Spectator and all community newspapers on August 31, 2023; and,
- Social media posts on August 25, 2023, and at several points during the commenting period.

## **Public Input**

Staff will be submitting an addendum to this report summarizing the public input received at the Open House and online survey.

Staff have received written e-mails from Hamilton residents, the majority of which are opposed to the removal of these lands from the Greenbelt and any urban development. 61 submission received as of end of day on September 6, 2023 are provided in Appendix "D" attached to Report PED23046(b).

## **Indigenous Communities**

During recent discussions with members of Indigenous Communities on other City led initiatives, Planning staff have heard concerns related to the removal of the Greenbelt lands and potential development.

Planning staff have contacted the Minister of Municipal Affairs and Housing to confirm what the Province's expectations is for either the Province, as the planning authority for



these lands, or landowners of these lands to consult with Indigenous Communities prior to advancing any development agreements or Minister's Zoning Order and to date have not received a response.

### **Invitation to Elected Officials & Provincial Land and Development Facilitator**

As directed by Council, invitations to the September 14, 2023 Planning Committee as well as the September 6, 2023 Open House were sent to all Hamilton Members of Provincial Parliament and Members of Parliament as well as the Provincial Land and Development Facilitator.

Invitations were also extended for the September 6, 2023 Open House which was attended by MPP Sandy Shaw. MP's Lisa Hepfner and Dan Muys sent their regrets. As of the date of this letter staff have not received confirmation that local elected officials or the Provincial Land and Development Facilitator will be attending the Special Meeting of Planning Committee.

### **External Review Agencies**

Staff circulated external agencies (e.g., Conservation Authorities, School Boards etc.) that typically comment on development applications to:

- To advise external review agencies that with a Minister's Zoning Order, the City is not the approval authority for determining and approving development plans for these lands and the City's role is limited to providing input through the Provincial Land and Development Facilitation; and,
- To request any information and input from the external review agencies who have interest in these lands that may assist the City in determining its priorities as well as any specific constraints to development the City should be aware of.

At the time of writing this report the City has received written comments from the Hamilton Wentworth Catholic District School Board, Grand River Conservation Authority and TransCanada Pipelines Limited which are summarized in Appendix "D" attached to Report PED23046(b).

### **ALTERNATIVES FOR CONSIDERATION**

Staff are not directed to submit the public input received on the former greenbelt lands to City Council and the Provincial Land and Development Facilitator. This alternative is not recommended, as the public feedback helps inform the City's negotiations with the Provincial Land and Development Facilitator and ensures that Hamilton residents' input is included as part of the Province's Minister's Zoning Order process.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” to Report PED23046(b) - Location Map – Lands Removed from the Greenbelt and Urban Boundary Expansion Areas
- Appendix “B” to Report PED23046(b) - Policy Analysis of Greenbelt Removal Lands
- Appendix “C” to Report PED23046(b) - Individual E-mail Submissions
- Appendix “D” to Report PED23046(b) - External Agency Comments
- Appendix “E” to Report PED23046(b) - September 6, 2023 Letter from Minister of Municipal Affairs and Housing

CT:sd