



Hamilton

# PLANNING COMMITTEE

## **Report PED23252 – Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans and Official Plan Amendments**

November 14, 2023

Presented by: Melanie Pham and Charlie Toman

## Presentation Overview

- Discuss recent Provincial announcement on the reversal of its Modifications to Official Plan Amendments and Official Plan Approvals
- Provide Background on the City's Municipal Comprehensive Review Process, including previous public and stakeholder engagement
- Summarize work undertaken to date to implement the Provincial modifications
- Present Staff's recommendations on the City's response to the Province
- Discuss next steps

## Minister of Municipal Affairs and Housing Announcement

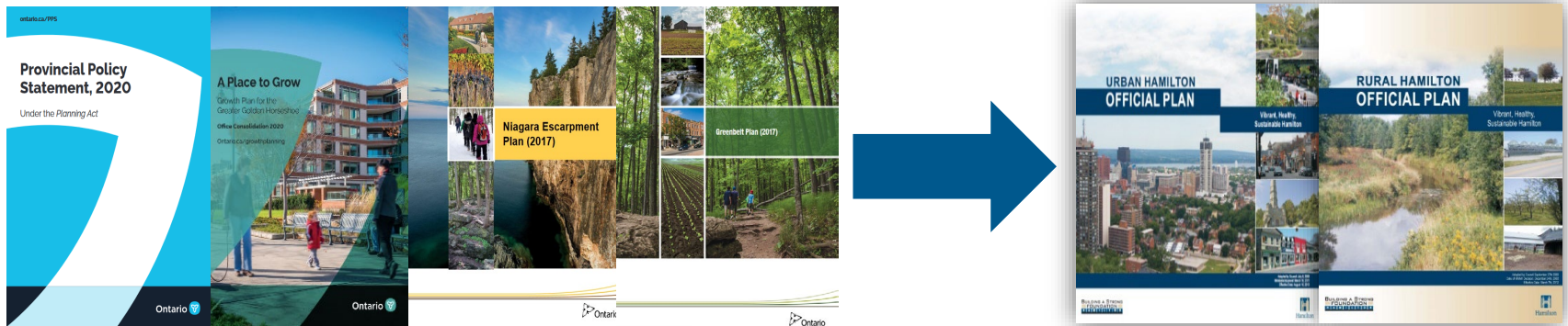
- October 23, 2023 Minister Announcement on the “wind back” of Provincial Official Plan Amendments.
- On November 2, 2023, the City received a letter from the Minister clarifying that:
  - Legislation will be introduced that has the effect of bringing Official Plan’s as adopted by Council without Provincial modifications with some exceptions.
  - Municipalities have 45 days from October 23<sup>rd</sup> (December 7, 2023) to:
    - submit information on projects where construction has already begun that are directly reliant on provincial modifications; and,
    - if there are modifications made by MMAH that the City supports.
  - The Province is requesting Municipal planning costs associated with reversing its modifications outside of the 45-day window.
  - MMAH is also looking for input on the effective date of the reversing its modifications.

## Minister of Municipal Affairs and Housing Announcement

- The Minister's announcement is unprecedented
- Staff considered the significant amount of technical work and public consultation from 2018 to 2022 which led to City Council's approval of OPA 167 and OPA 34 in June 2022.
- The Province has its own process to receive public input on the anticipated legislation.

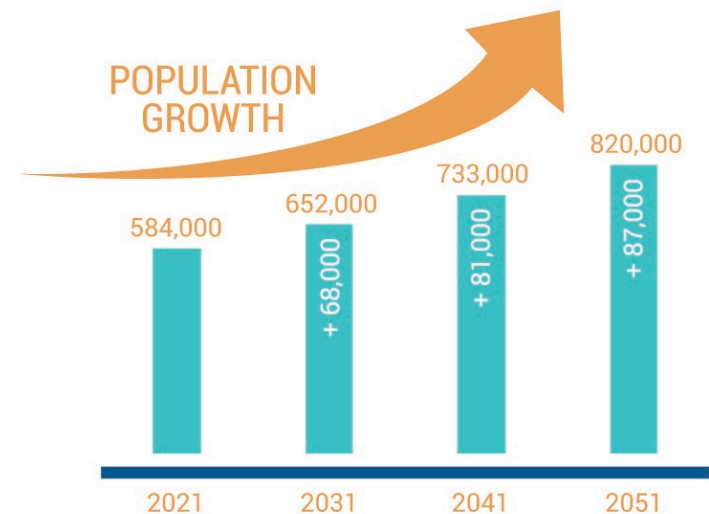
# Background

- Municipal Comprehensive Review (MCR)
  - Requirement of the Growth Plan for the Greater Golden Horseshoe.
  - Updates to Official Plans to ensure conformity with Provincial land use policies.
  - Ministerial Approval of Official Plan Amendments.



## Background

- Planning for Population and Employment growth to 2051 (820,000 people, 360,000 jobs)
- Growth options for accommodating increased population and jobs determined through a Land Needs Assessment



## Background - Municipal Comprehensive Review and GRIDS2 Engagement

- From May 2018 to December 2019, 14 public Open Houses held to inform residents of the MCR process and receive input on how Hamilton should grow
- In early 2021 two virtual public information sessions were held for input on potential growth scenarios
- In June 2021 a city wide survey was sent asking residents to choose their preferred growth strategy. 18,387 total responses received with 90.4% of residents selecting a No Urban Boundary Expansion growth strategy
- Engagement with 15 Indigenous community contacts



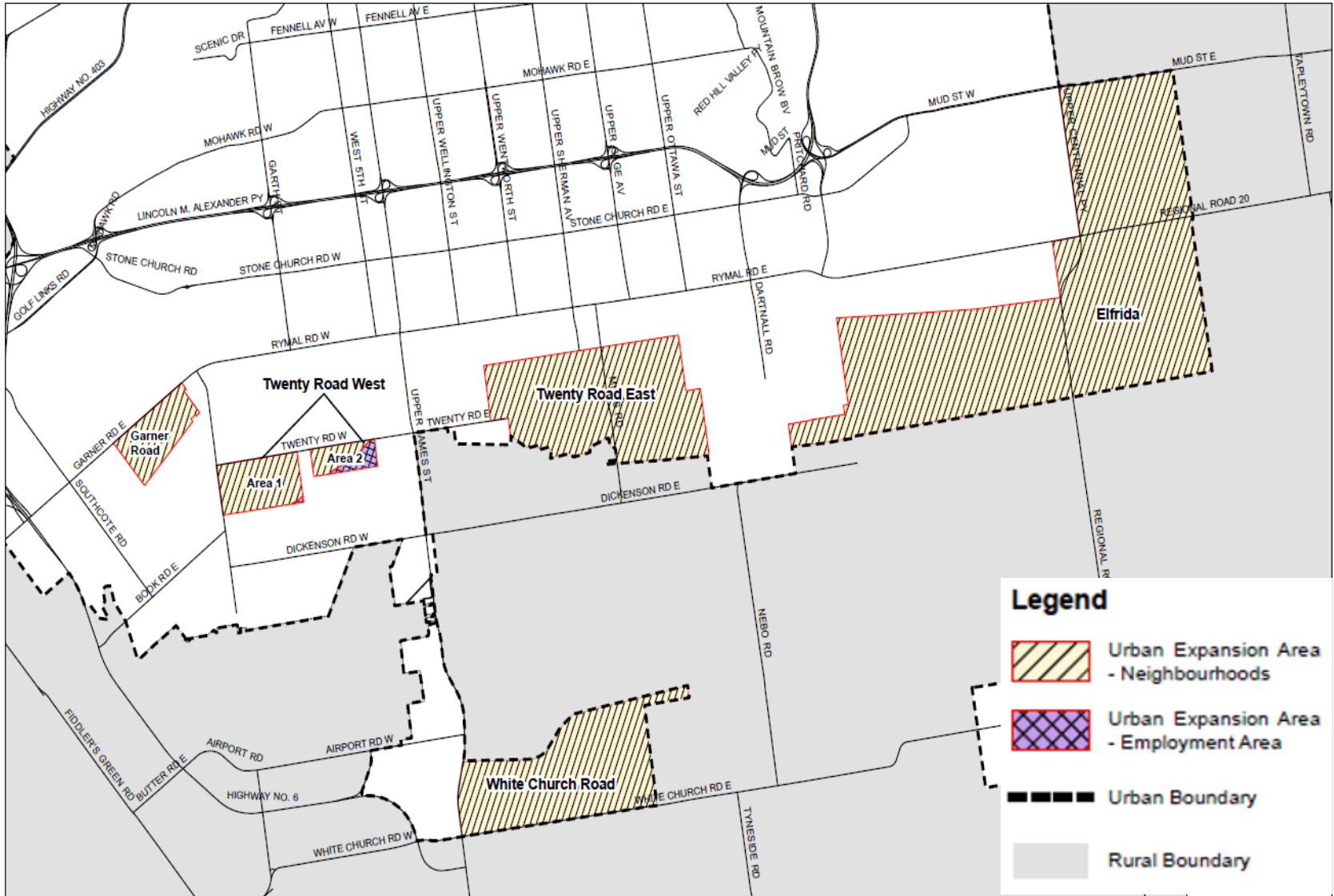
## Background – City Council and MMAH Decision on OPA 167 and OPA 34

- No Urban Boundary Expansion growth scenario approved by Council November 2021.
- UHOPA 167 and RHOPA 34 policy changes included conformity related updates
- Council approval on June 8, 2022
- Notice of MMAH Decision issued on November 4, 2022 with modifications
- Minister's decision was final and not subject to appeal
- Approved amendments and MMAH modifications are now in effect
- List of MMAH modifications found in Appendix A and B



## OPA 167 and OPA 34 MMAH Modifications

- Modification to Urban Boundary
  - Addition of 2,202 gross hectares of land to the City's Urban Boundary as "Urban Expansion Area – Neighbourhoods" and "Urban Expansion Area – Employment"
  - Expansion Area lands are along Twenty Road West, Twenty Road East, Garner Road East, the Elfrida area and the White Church Road area
  - Province removed City-Wide Intensification Target and Greenfield Density Target



## OPA 167 and OPA 34 MMAH Modifications

- Additional Modifications to:
  - Employment Lands
  - Community Node policies
  - Residential Built Form (Maximum Heights)
  - Neighbourhood Plan policies

## OPA 167 and OPA 34 Implementation To Date

- Establishment of a policy framework and Guideline document for Secondary Planning
- Work towards establishing a new Intensification Target, Designated Greenfield Area Density Target and Greenfield Phasing policy
- Updates to Development Charge Background Studies to reflect a 2031 Planning Horizon
- Provincially modified Official Plan policies directly applied to six Planning Applications
- Working with Private Landowner Groups on Secondary Planning matters
- Background work on sequencing for Secondary Planning and new fees

## Ontario Housing Pledge and Intensification Efforts

- In 2022 the Province called on Municipalities to make a pledge towards building 1.5 million new homes by 2031. Hamilton's housing target is 47,000 homes.
- Hamilton issued the pledge in March 2023, specifying that the City would seek to meet the challenge through intensification within the former Urban boundary
- The City is actively taking steps to increase housing supply through intensification, including:
  - An increased height and density land use framework through OPA 167
  - Increasing as of right zoning permissions
  - Major Transit Station Area Planning
  - Housing Sustainability and Investment Road Map

## Responding to Minister on Reversal Announcement

- Request that 26 provincial modifications identified in Appendix “A” be maintained.
- That Council reconfirm its position on Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34, as adopted by Council on June 8, 2022. This would have the effect of:
  - Instituting a No Urban Boundary Expansion Growth Strategy
  - Reversing Employment Land Conversions
  - Instituting City Wide 30-Storey and Niagara Escarpment Height Limitations
  - Maintaining Neighbourhood Plan policies
  - Maintaining Secondary Plan Height and Density policies within Community Nodes

## Additional Recommendations on Anticipated Provincial Legislation

- Request that legislation bar legal proceedings and remedies from being brought against municipalities in relation to the reversal
- Request clear language on transitional matters
- Request that the Province remove the requirement to phase in Development Charge rates (Section 5(8) of the *Development Charges Act, 1997*) for Development Charge By-law based on reversed modifications.

## Additional Recommendations on Anticipated Provincial Legislation – Transition Policies

Effective date retroactive to November 4, 2022.

Between Nov 4, 2022 and date legislation takes effect:

- Development applications assessed based on reverted Official Plan policies.
- Where zoning approval is final, by-law is deemed to be in conformity with Official Plan.
- That fee refund requirements be paused and refund requirements be extended 120 days to allow time to reprocess applications if needed.
- That right of appeal be paused and timeline to make a decision be extended 120 days to allow time to re-process applications as needed.

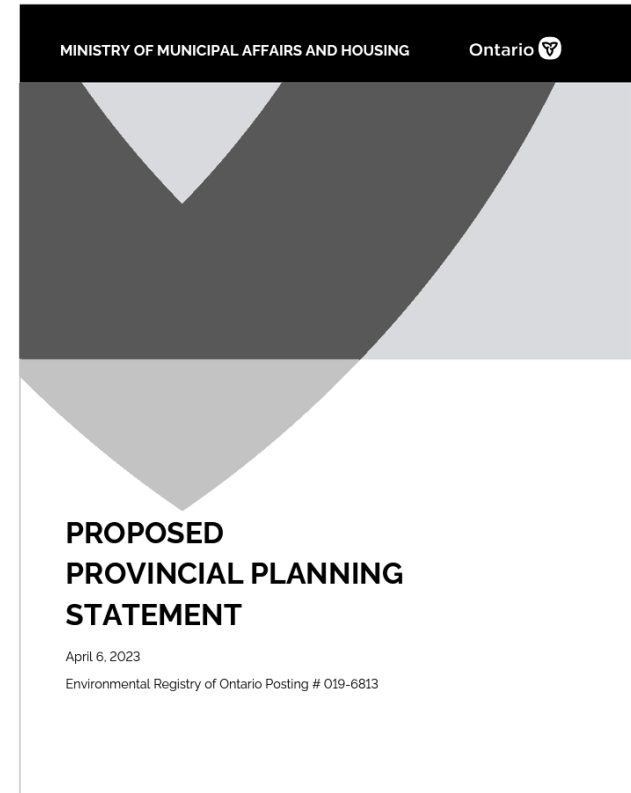
Between Oct 23 announcement and date legislation takes effect:

- Development applications received are frozen from municipal processing and exempt from statutory timelines.



# Potential for Privately Initiated Urban Boundary Expansions

- Under the Growth Plan, Landowners can submit requests for Urban Boundary Expansions less than 40 hectares outside of a Municipal Comprehensive Review
- In April 2023 the Province introduced a Draft Provincial Planning Statement to replace both the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe
- If enacted as currently drafted, the new Provincial Planning Statement would enable landowners to submit applications for urban boundary expansions greater than 40 hectares.
- Province has given no timetable on the Provincial Planning Statement.



## Next Steps

- Recommend that Staff be directed to prepare and provide to the Province a detailed estimate of costs incurred by the City resulting from Provincial modifications to OPA 167 and 34.
- Staff to review and provide comments on legislation introduced by the Province.



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THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE