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VIA EMAIL

November 21, 2023

Mayor and Members of Council
Hamilton City Hall
71 Main Street West
Hamilton ON L8P 4Y5

Attention: City Clerk

Council Meeting
November 22, 2023

Planning and Development Committee Report

PROVINCIAL ANNOUNCEMENT IMPACTING PROVINCIAL DECISIONS ON MUNICIPAL OFFICIAL PLANS AND
OFFICIAL PLAN AMENDMENTS

THE ELFRIDA LANDS

I write on behalf of the Elfrida Community Builders Group (“**Elfrida Group**”). The Elfrida Group are local residents, businesspeople, and homebuilders. They are long-standing members of the Hamilton community. In fact, as a group, they have constructed a significant portion of Hamilton’s existing housing. The Elfrida Group owns land in Hamilton’s Elfrida area (“**Elfrida Lands**”).

I spoke at the Planning and Development Committee (“**Committee**”) meeting on November 14, 2023. I submitted a letter, attached here for ease of reference. I asked the Committee to:

1. Support the Expansion Lands remaining within the City’s urban boundary as reflected in the Minister’s 2022 Approval; and
2. In the alternative, support the Ambitious Density Scenario and the Ambitious Density Lands (the Elfrida Lands, the Twenty Road East area (“**TRE**”) and the Twenty Road West area (“**TRW**”)) remaining within the City’s urban boundary.

The Committee declined my request. Instead, it resolved to support Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34 as adopted by Council on June 8, 2022 (“**No Urban Boundary Expansion**”).

NANCY SMITH PROFESSIONAL CORPORATION
TURKSTRA MAZZA ASSOCIATES, LAWYERS

I write again, Mme. Mayor and Members of Council, to ask you to reject the Committee's recommendation. The consequences to the City and the Province if you accept it are serious. Your decision will impact the City of Hamilton's housing supply for generations to come. Now, in the midst of a provincial housing crisis, it is not the time to reject the non-partisan professional views of your Chief Planner, your retained consultants, your peer reviewers and Ministry staff, for a No Urban Boundary Expansion approach that is not supported by any technical analysis and does not conform to the Growth Plan and Provincial Policy Statement.

Council should advise the Minister that it:

1. Supports the Expansion Lands remaining within the City's urban boundary as reflected in the Minister's 2022 Approval;
2. In the alternative, supports the Ambitious Density Scenario and the Ambitious Density Lands remaining within the City's urban boundary; and
3. In the further alternative, supports the Minister referring the determination of an appropriate and evidence-based urban boundary expansion for Hamilton to the Ontario Land Tribunal ("**OLT**").

Attached to this letter please find:

1. Map;
2. Letter from Turkstra Mazza dated November 13, 2023; and
3. Planning Memo dated November 20, 2023 prepared by Bousfields Inc. entitled Growth Strategy Must Align with Provincial Legislation ("**Planning Memo**").

DECADES LONG PLANNING FOR GROWTH IN HAMILTON

GRIDS – Planning to 2031

In 2006, City Council endorsed the first Growth Related Integrated Development Strategy ("GRIDS"). It concluded that an urban boundary expansion was required to accommodate population and employment growth targets to 2031. The Elfrida Lands were identified as the preferred growth area. GRIDS was implemented in the City's official plans, master plans (stormwater, transportation, water and wastewater) development charges by-law.

GRIDS (2) – Planning to 2051

In 2017, to respond to provincial directives in the Growth Plan (2019), Amendment 1 to the Growth Plan (2020) and the Land Needs Methodology (2020), the City initiated GRIDS (2). Non-partisan City staff, City retained consultants and peer reviewers considered four (4) growth strategies, all requiring urban boundary expansion:

1. Current Trends: a growth forecast based on a 40 % minimum intensification target and a 3,440 ha boundary expansion
2. Growth Plan Minimum: a growth forecast based on a 50 % minimum intensification target (Growth Plan minimum) and a 2,200 ha boundary expansion
3. Increased Targets: a growth forecast based on a 50 % minimum intensification target (1st 10 years), 55 % (2nd 10 years) and 60 % (final 10 years) and a 1,640 ha boundary expansion
4. Ambitious Density: a growth forecast based on a 50 % minimum intensification target (1st 10 years), 60 % (2nd 10 years) and 70% (final 10 years) and a 1,340 ha boundary expansion

All options studied require additional land to meet growth needs as required by the Province. The City's Chief Planner recommended the Ambitious Density Scenario. It represents the growth option with the least amount of boundary expansion lands required.

MINISTER'S 2022 APPROVAL ALIGNS WITH PROVINCIAL LEGISLATION

The Minister's 2022 Approval aligns with provincial legislation. It is the culmination of the decades long transparent, public planning process led by non-partisan Hamilton staff and supported by non-partisan Ministry staff.

The Minister's 2022 Approval adopts the Growth Plan Minimum growth strategy. While requiring more boundary expansion lands than the Ambitious Density scenario, his decision recognizes that Hamilton has historically fallen short of meeting its Growth Plan targets as required by the Province.

CHIEF PLANNER'S AMBITIOUS DENSITY SCENARIO ALIGNS WITH PROVINCIAL LEGISLATION

City staff and City consultants advised Council, repeatedly, that the Ambitious Density Scenario aligns with Provincial Legislation:

The Ambitious Density scenario represents an aggressive and forward-thinking approach to growth management. [It] represents an achievable, albeit challenging, growth management objective. [It] conforms to the Provincial Growth Plan and the Provincial Land Needs Methodology.

Ministry staff agree:

[We] wish to acknowledge the strong growth management principles that underpin the City's Ambitious Density scenario. The Ambitious Density scenario appears to balance the market-demand for different housing types while also implementing an intensification target (60 %) and a designated greenfield area density target (77 [RJHA] which exceeds the targets set out in... A Place to Grow.

CITY'S NO URBAN BOUNDARY EXPANSION DOES NOT ALIGN WITH PROVINCIAL LEGISLATION

The City's No Urban Boundary Expansion is based on the following assumptions:

- Density of 60 residents and jobs/ha ("**RJHA**") for certain areas and 150 RJHA, 200 RJHA and 500 RJHA for others
- 80 % minimum intensification target

The approach was fueled by the results of a survey of Hamilton residents conducted in the spring of 2021. Council deferred approval of the draft Land Needs Assessment ("**LNA**") and Chief Planner recommended Ambitious Density Scenario. Rather, Council directed staff to undertake a mail-out survey to all households and to include an additional no urban boundary expansion option.

The City's No Urban Boundary Expansion approach is not a growth strategy as required by the Province. There is no research to support its feasibility in Hamilton. Required existing infrastructure upgrades have not been examined nor their costs quantified. Its assumptions are unrealistic and not achievable:

Planning to achieve a density of 60 RJHA is a challenge and an optimistic view of the future (LNA)

The 80 % minimum intensification target is higher than the target recommended by the City's Chief Planner in the Ambitious Density Scenario. It is unrealistic. The City of Hamilton's average intensification rate achieved between 2008 and 2019 was 35%. It never exceeded 50 % in any year. (LNA)

City staff and City consultants advised Council, repeatedly, that the City's No Urban Boundary Expansion does not align with Provincial Legislation:

It is staff's opinion that achieving the intensification levels as required under the no UBE scenario...are not realistic considering the conclusions of the Residential Intensification market Demand report and recent intensification trends.

[A No Boundary Expansion] Option does not conform to the Province's Land Needs Methodology and is unlikely to produce an outcome where the City is able to achieve its growth forecast allocated under the Growth Plan.

Ministry staff agree:

Based on our review..., it appears that the No Urban Boundary Expansion scenario posed a risk that the City would not conform with Provincial requirements.

PUBLIC INFRASTRUCTURE INVESTMENTS

Since 2006, the City has allocated and invested significant public funds to implement its Elfrida Lands growth strategy, including:

- \$1 Million + for Subwatershed Study;
- Growth Area Study (Phase I and 2 complete) including multiple studies, a secondary plan and significant public consultation;
- \$84.2 Million budgeted for the Upper Centennial Parkway Sanitary Trunk Sewer under construction;
- \$31.2 budgeted for the Dickenson Trunk Sanitary Sewer;
- Overall \$229 Million allocated towards various infrastructure projects; and
- Staff time and municipal resources.

The City's 10-year Capital Budget and Development Charges program has committed to fund growth on the Elfrida Lands including the on-going collection of development charges since 2019.

If, at a minimum, the Ambitious Density Lands are not carved out of the urban boundary decision-making reset, these significant public investments will be lost.

REALISTIC RESPONSE REQUIRED

A realistic response to meet housing targets and deliver more affordable housing to people and families in Hamilton is required to address the serious need to get more homes built quickly in Hamilton. A June 2021 research paper by Smart Prosperity Institute addressed Hamilton's housing supply shortage as follows:

Our rough estimate is that Hamilton CMA saw 13,000-15,000 people, on net, leave the community between 2015 and 2020 due to a lack of housing. This exodus, primarily of young families, represents a multi-million-dollar loss of annual municipal revenue and economic activity.

In its July 12, 2021 Technical Update memorandum to the City, Lorus and Associates, the City's Land Needs consultant, commented:

In our view, the No Urban Boundary Expansion scenario would likely have the effect of redirecting growth away from the City of Hamilton which is not in accordance with the *Growth Plan* and is not considered to be good planning. The City of Hamilton is very well-suited to accommodate growth because of its urban structure, strategic location and well-developed multi-modal transportation connections within the broader metropolitan region.

The Committee recommendation supports a growth management strategy that has not been studied. For the many that have studied growth management in Hamilton, it is unrealistic. A No Urban Boundary Expansion approach will not result in more affordable housing to people and families in Hamilton.

CITY LEADERSHIP REQUIRED

City leadership is deciding now what is the best for Hamilton. I have seen no evidence in this case, from 2006 to present, to support the No Urban Boundary Expansion approach. To the contrary, all evidence (City staff, City consultants, peer reviewers, Ministry staff, Bousfields) supports either the Minister's 2022 Approval or the Ambitious Density Scenario. The midst of a Provincial and City housing crisis is not the time to ignore your Chief Planner and your consultants. You should accept their advice and the results of your Municipal Comprehensive Review process: urban boundary expansion is required in addition to, not as a substitute for, ambitious intensification within your downtown and built-up areas.

On behalf of the Elfrida Group, I request that you reject the Committee recommendation. Reject the No Urban Boundary Expansion approach and support the Minister's 2022 Approval. In the alternative, support the Ambitious Density Scenario and the retention of the Elfrida Lands, TRE and TRW in the urban boundary. Both outcomes are the result of a lengthy, transparent, public planning process led by non-partisan Hamilton staff and supported by non-partisan Ministry staff.

NANCY SMITH PROFESSIONAL CORPORATION
TURKSTRA MAZZA ASSOCIATES, LAWYERS

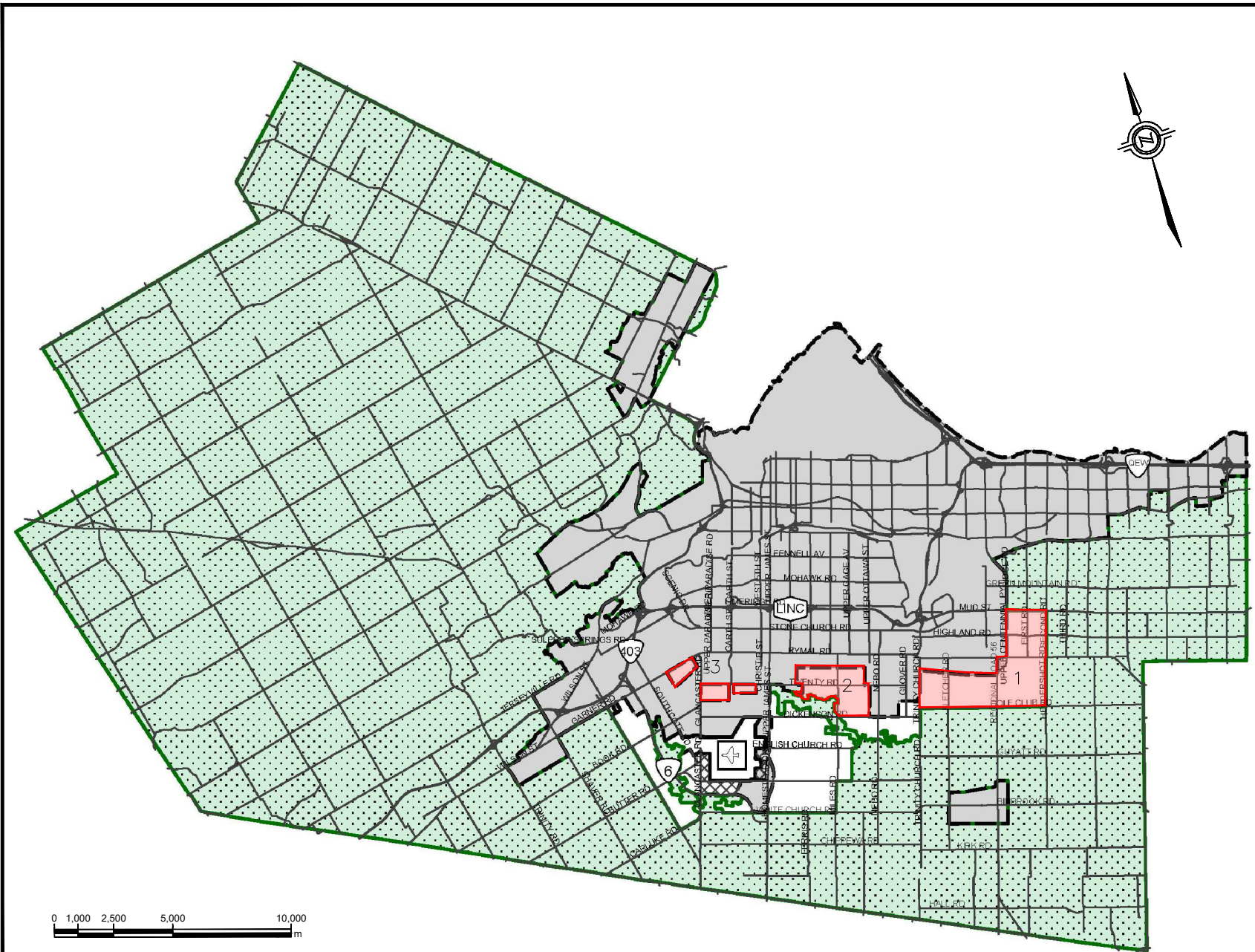
The consequences are serious. If the No Urban Boundary Expansion scenario is implemented, your Official Plan will not align with Provincial Legislation, you will not contribute meaningfully to the Minister's goal of building homes and the exodus of young families leaving Hamilton for housing in neighbouring communities will continue. At a bare minimum, if you continue to reject our requests, you should advise the Minister that you support a referral to the OLT to determine an evidence-based urban boundary expansion that appropriately addresses Hamilton's housing crisis.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy Smith', written in a cursive style.

Nancy Smith

cc: Minister of Municipal Affairs and Housing



LEGEND:

- Greenbelt
- Existing Urban Boundary
- Ambitious Density Lands

| | Gross Area (+/-ha) | Net Area (+/-ha) |
|--------------------------|-----------------------|---------------------|
| 1 Elfrida | 1,200.0 | 930.0 |
| 2 Twenty Road East (TRE) | 440.0 | 275.0 |
| 3 Twenty Road West (TRW) | 175.0 | 125.0 |
| Total | 1915.0 | 1330.0 |

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VIA EMAIL

November 13, 2023

Mayor and Members of Council
Hamilton City Hall
71 Main Street West
Hamilton ON L8P 4Y5

Attention: City Clerk

**RE: Planning and Development Committee Meeting
November 14, 2023
Agenda Item 11.3
THE ELFRIDA LANDS**

I write on behalf of the Elfrida Community Builders Group (“**Elfrida Group**”). The Elfrida Group are local residents, businesspeople, and homebuilders. They are long-standing members of the Hamilton community. In fact, as a group, they have constructed a significant portion of Hamilton’s existing housing. The Elfrida Group owns land in Hamilton’s Elfrida area (“**Elfrida Lands**”).

URBAN BOUNDARY EXPANSION

Between November 2021 and March 2022, through a series of comprehensive planning reports, the City’s Chief Planner recommended that Hamilton expand its urban boundary. After carefully considering a number of growth management scenarios, he recommended the Ambitious Density Scenario. The Ambitious Density Scenario requires a rate of intensification significantly greater than current trends. It also expands the urban boundary to include the Elfrida Lands, and areas known as Twenty Road East (“**TRE**”), Twenty Road West (“**TRW**”) (collectively, “**Ambitious Density Lands**”).

Despite the Chief Planner’s recommendation, City Council approved a no urban boundary expansion scenario (“**No UBE**”). In response, in November 2022, the Minister of Municipal Affairs and Housing (“**Minister**”) approved an urban boundary expansion (“**Minister’s 2022 Approval**”) that includes the Ambitious Density Lands and Whitechurch Lands (collectively, the “**Expansion Lands**”).

THE ELFRIDA LANDS

In 2006, almost 20 years ago, the City of Hamilton (“City”) identified the Elfrida Lands as the City’s preferred growth area for needed housing. The Elfrida Lands are contiguous to Hamilton’s built-up area, are along a planned higher-order transit corridor, are not in the Greenbelt and do not contain any significant environmental features. They are ideally located and suited to help the City meet its housing needs, while making housing more affordable for people in Hamilton.

Since the Minister’s 2022 Approval, the City adopted OPA 185 to implement the urban expansion areas and secondary planning policy framework. As required by OPA 185, the Elfrida Group has been collaborating with City staff to advance the secondary planning for the area. The City is our partner.

The Elfrida Group has been meeting regularly with City staff for the last 12 months. We agreed to hire top consultants while leaving the City in control of process, including public engagement. We have been updating the extensive studies required by the secondary planning process, many started years ago and paid for by the City. The Elfrida Group is on the verge of submitting the secondary plan *Planning Act* application. This application is one of the last steps in the decades long City-led process to deliver housing on the Elfrida Lands.

[See Appendix 1 – 2006-Present: Elfrida Lands Needed for Housing]

A PLAN FOR IMPROVING HOUSING AFFORDABILITY IN HAMILTON

On October 23, 2023, the Minister announced his decision to reverse changes to urban boundaries due to province-wide process concerns. In response to the Minister’s request for the City’s position on its urban boundary, the Elfrida Group requests that the City advise the Province that:

1. The City supports the Expansion Lands remaining within City’s urban boundary as reflected in the Minister’s 2002 Approval; or
2. In the alternative, the City supports the Ambitious Density Scenario and the Ambitious Density Lands remaining within the City’s urban boundary.

ALIGNS WITH LEGISLATION AND REGULATIONS

The Minister’s 2022 Approval conformed to the Growth Plan. It was premised on applying Growth Plan minimum density and intensification targets. The Minister added more land to the urban boundary than the Ambitious Density Lands recommended by City’s Chief Planner. This decision recognizes that Hamilton has historically fallen short of meeting its Growth Plan targets.

At a minimum, carving out the Ambitious Density Lands from any wind back of Hamilton's urban boundary expansion is required to align with legislation and regulations. The November 2021 Land Needs Assessment ("**LNA**"), prepared by the City's land needs consultant (Lorius and Associates), supported by the City's Chief Planner and peer-reviewed by Watson and Associates Economists Ltd., concluded that an urban boundary expansion of approximately 1300 ha was needed to accommodate growth to 2051 as part of the Ambitious Density Scenario. Both the Chief Planner and land needs consultant also concluded that this 1300 ha urban boundary expansion was needed in addition to, not as a substitute for the significant intensification targets recommended.

In short, carving out the Ambitious Density Lands is required to align with the with the Growth Plan. Conversely, the City's No UBE decision does not align with the Growth Plan, nor does it represent good planning. The LNA states at page 20:

As discussed at the December 2020 and March 2021 GIC meetings, the NUBE scenario [no urban boundary expansion] was not modelled in the LNA because it did not meet Provincial planning policy requirements and was not considered to be good planning. We remain of this view for the reasons summarized below...

Including the Ambitious Density Lands in the urban boundary is required to align with legislation and regulations.

CITY STAFF SUPPORT

City Staff say:

The Ambitious Density option represents an aggressive and forward-thinking approach to growth management, provides reasonable and achievable targets for planning purposes, and is in conformity with Provincial requirements.

It is staff's opinion that achieving the intensification levels as required under the No UBE scenario... are not realistic.

MINISTRY STAFF SUPPORT

Ministry staff say:

[We] wish to acknowledge the strong growth management principles that underpin the City's *Ambitious Density* scenario. The *Ambitious Density* scenario appears to balance market-demand for different housing types while also implementing an intensification target (60%) and a designated greenfield area density target (77 [rjha]) which exceeds the targets set out in... A Place to Grow. Based on [our] review..., it appears that the *No Urban Boundary Expansion* scenario poses a risk that the City would not conform with Provincial requirements.

SIGNIFICANT PUBLIC INVESTMENTS

Since 2006, the City has allocated and invested significant public funds to implement its Elfrida Lands growth strategy, including:

- \$1 Million + for Subwatershed Study;
- Growth Area Study (Phase I and 2 complete) including multiple studies, a secondary plan and significant public consultation;
- \$84.2 Million budgeted for the Upper Centennial Parkway Sanitary Trunk Sewer under construction;
- \$31.2 budgeted for the Dickenson Trunk Sanitary Sewer;
- Overall \$229 Million allocated towards various infrastructure projects; and
- Staff time and municipal resources.

The City's 10-year Capital Budget and Development Charges program has committed to fund growth on the Elfrida Lands including the on-going collection of development charges since 2019.

If, at a minimum, the Ambitious Density Lands are not carved out of the urban boundary decision-making reset, these significant public investments will be lost.

REALISTIC RESPONSE REQUIRED

A realistic response to meet housing targets and deliver more affordable housing to people and families in Hamilton is required to address the serious need to get more homes built quickly in Hamilton. A June 2021 research paper by Smart Prosperity Institute addressed Hamilton's housing supply shortage as follows:

Our rough estimate is that Hamilton CMA saw 13,000-15,000 people, on net, leave the community between 2015 and 2020 due to a lack of housing. This exodus, primarily of young families, represents a multi-million-dollar loss of annual municipal revenue and economic activity.

In its July 12, 2021 Technical Update memorandum to the City, Lorus and Associates commented:

In our view, the No Urban Boundary Expansion scenario would likely have the effect of redirecting growth away from the City of Hamilton which is not in accordance with the *Growth Plan* and is not considered to be good planning. The City of Hamilton is very well-suited to accommodate growth because of its urban structure, strategic location and well-developed multi-modal transportation connections within the broader metropolitan region.

Keeping the Expansion Lands or, at a minimum, the Ambitious Density Lands in the urban boundary is required as part of a realistic response to meet housing targets to address the serious need to deliver housing in Hamilton.

MAINTAIN THE COURSE AND FOLLOW STAFF ADVICE

We request that the City maintain the course it started back in 2006 when it identified and since invested in the Elfrida Lands to accommodate growth. The Ambitious Density Lands should remain in the urban boundary so that the Elfrida Lands secondary planning process can be completed to lay the groundwork for building a smart, well-planned, complete community to serve Hamilton.

The Elfrida Lands secondary planning process is the culmination of a lengthy, transparent, public planning process led by non-partisan Hamilton staff and supported by non-partisan Ministry staff. If it is not carved out of the reset, the Elfrida Group's contribution to achieving the Minister's goal of building homes will be lost, the City's Official Plan will not be in conformity with the Growth Plan, will not represent good planning and thus will not align with Provincial legislation. The exodus of young families leaving Hamilton for housing in neighbouring communities will continue.

City leadership is needed. The Elfrida Group requests that the City advise the Province that it supports the Expansion Lands remaining in the City's urban boundary as reflected in the Minister's 2002 Approval. In the alternative, we request that the City advise the Province that it supports the Ambitious Density Scenario and the Ambitious Density Lands remaining within the City's urban boundary.

Sincerely,



Nancy Smith

cc: Minister of Municipal Affairs and Housing

APPENDIX 1

2006-Present: Elfrida Lands Needed for Housing

1. September 27, 2006: City Council identified the Elfrida Lands as the City's preferred growth area for needed housing. Elfrida Study Area included in the Official Plan.
2. July 9, 2009: City Council adopts Official Plan with the Elfrida Lands identified as the City's preferred growth area for needed housing.
3. December 2013: City Council approved \$500,000 to initiate studies for the Elfrida Urban Boundary Expansion.
4. February 19, 2014: City Council approved a Capital Budget submission adding an additional \$500,000.
5. 2016: City Council initiated the Elfrida Growth Area Study.
6. June 21, 2017: Community Focus Group Meeting.
7. June 22, 2017: Two Workshops.
8. June 22, 2017: Open House.
9. November 21, 2017: Community Focus Group Meeting.
10. December 6, 2017: Public Information Centre.
11. May 30, 2018: Community Focus Group Meeting.
12. June 12, 2018: Public Information Centre.
13. September – November 2018: Pop up events and alternative consultation events.
14. 2020: GRIDS 2 Land Needs Assessment reconfirms the need for the Elfrida Lands to accommodate growth to 2051. City Planner recommends Urban Boundary Expansion.
15. 2022: Minister approves Urban Boundary Expansion.
16. 2022: City Council adopts Official Plan to implement secondary planning process for Urban Boundary Expansion.



BOUSFIELDS INC.

MEMORANDUM

Project No.: 20135

From: David Falletta, MCIP, RPP
Emma West, MCIP, RPP

Date: November 20, 2023

**Re: Growth Strategy Must Align With Provincial Legislation
Modifications Required in Hamilton**

On October 23, 2023, the Minister of Municipal Affairs and Housing (the “Minister” or the “Ministry”) announced his intent to introduce legislation that would reverse the Ministry’s changes to several Official Plans including Hamilton’s OPA’s 167 and 34. More specifically, as stated in a letter from the Minister dated November 2, 2023, the proposed legislation would bring into effect the official plans or official plan amendments as adopted by municipal council without provincial modifications, **except for any modifications that are necessary to protect matters of public health and safety, or which are required to align with legislation or regulations** (emphasis added).

We have concerns with this approach with respect to OPA’s 167 and 34 because these official plan amendments that were adopted by Council did not align with the City staff’s recommendations. Further, this Council decision that did not integrate staff’s recommendations does not conform with provincial policies and plans. In our opinion and as concluded by the City’s Municipal Comprehensive Review (the “MCR”), Land Needs Assessment (the “LNA”), including peer review, and City Staff’s analysis, **modifications to OPA’s 167 and 34 as adopted by City Council are necessary to align with and comply with provincial legislation and regulations** (emphasis added). In this regard, staff’s professional opinion was not addressed and more specifically, OPA’s 167 and 34 as adopted by Council do not align with provincial legislation.

For the reasons outlined herein, it is our opinion that the Minister should either:

- 1. maintain the Growth Plan Minimum growth scenario as approved by the Minister in 2022, including the addition of all of the City’s whitebelt lands;**
or,

- 2. further modify Hamilton’s OPAs 167 and 34 to implement Staff’s recommended Ambitious Density growth scenario and only add Elfrida, Twenty Road East (the “TRE”) and Twenty Road West (the “TRW”) to the City’s urban boundary to accommodate growth to 2051.**

In our opinion, one of the two actions above is necessary because the No Urban Boundary Expansion growth scenario reflected in OPA’s 167 and 34 as adopted by Hamilton City Council is inappropriate, is not consistent with and does not conform to provincial policy, and does not represent good planning.

In this regard, the following provides a summary of the applicable policy and regulatory context, analysis of the Council adopted official plan amendments’ conformity with provincial policy and a conclusion including our planning opinion on this matter.

1.0 SUMMARY OF PROVINCIAL POLICY & REGULATORY CONTEXT

The following is a summary of key provincial legislation and policies that apply to OPA’s 167 and 34.

1.1 *Provincial Policy Statement, 2020*

The Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) is provincial legislation that applies to OPA’s 167 and 34. It states, in Section 3(5), that a decision of a municipality and a ministry of the government, in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision. In this regard, any decision on OPA’s 167 and 34 are to be consistent with the Provincial Policy Statement (the “PPS”), including the following policies:

Policy 1.1.1(b) of the PPS states that healthy, liveable and safe communities are sustained by, among other elements, accommodating an appropriate affordable and market-based range and mix of housing types and other uses to meet long-term needs.

Section 1.1.3 of the Provincial Policy Statement (“PPS”) provides settlement area policies and the necessity for development and growth to be focused within such areas. This policy provides that land use patterns within settlement areas should support a mix of land uses and densities that efficiently utilize land, resources and infrastructure, promote energy efficiency and support active transportation.

Policy 1.1.3.5 states that planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, **based on local conditions** (*emphasis added*). It continues to state that where provincial plans establish a target, it shall represent the minimum target for affected areas.

Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Provincial policies to permit the expansion of settlement areas are subject to a set of criteria. PPS Policy 1.1.3.8 provides that a planning authority may allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon. In particular, Policy 1.1.3.8 of the PPS states that a planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated, among other criteria, that sufficient opportunities to accommodate growth and **satisfy market demand** (*emphasis added*) are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon.

Policy 1.4.1 of the PPS requires municipalities to provide an appropriate range and mix of housing options and densities required to meet projected growth requirements. Furthermore, this policy states that planning authorities shall always maintain the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development. Planning authorities must also maintain land with servicing capacity to provide at least a three-year supply of residential units.

The above noted policies of the PPS require an appropriate mix of housing types to meet the City's long-term needs; minimum intensification and redevelopment based on local conditions; new development areas, including urban boundary expansion areas to be adjacent to the existing built-up area and be in a compact mixed use form;

settlement area expansions that are needed to accommodate growth and satisfy market demand over the planning horizon; the City is to maintain at all times a minimum of 15 years of residential growth through intensification and redevelopment; and, land with servicing capacity to provide at least a three-year supply of residential units.

1.2 Growth Plan for the Greater Golden Horseshoe, 2019, as amended

The Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the “Growth Plan”) was prepared and approved under the Places to Grow Act, 2005 and requires, in subsection 12(1), the council of a municipality that has jurisdiction in an area to which a growth plan applies to amend its official plan to conform with the growth plan. Accordingly, any decision on OPA’s 167 and 34 are to conform with the Growth Plan, including the following policies:

Policy 2.2.1.5 states that the Minister will establish a methodology for assessing land needs to implement this Plan, including relevant assumptions and other direction as required. This methodology will be used by upper- and single-tier municipalities to assess the quantity of land required to accommodate forecasted growth to the horizon of this Plan.

Policy 2.2.2.1 states that by the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is a minimum of 50 per cent of all residential development occurring annually within the City of Hamilton will be within the delineated built-up area.

Policy 2.2.2.4 states that Councils of upper- and single-tier municipalities may request an alternative to the target established in policy 2.2.2.1 where it is demonstrated that this target cannot be achieved and that the alternative target will be appropriate given the size, location and capacity of the delineated built-up area.

Policy 2.2.2.5 states that the Minister may permit an alternative to the target established in policy 2.2.2.1. If council does not make a request or the Minister does not permit an alternative target, the target established in policy 2.2.2.1 will apply.

Policy 2.2.7.1 states that new development taking place in designated greenfield areas (the “DGA”) will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services.

Policy 2.2.7.2 states that the minimum density target applicable to the designated greenfield area for the City of Hamilton will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare.

Policy 2.2.7.4 states that Councils of upper- and single-tier municipalities may request an alternative to the target established in policy 2.2.7.2 where it is demonstrated that the target cannot be achieved and that the alternative target will support the diversification of the total range and mix of housing options and the achievement of a more compact built form in designated greenfield areas to the horizon of this Plan in a manner that is appropriate given the characteristics of the municipality and adjacent communities.

Policy 2.2.7.5 states that the Minister may permit an alternative to the target established in policy 2.2.7.2. If council does not make a request or the Minister does not permit an alternative target, the target established in policy 2.2.7.2 will apply.

Growth Plan Policy 2.2.8 provides that municipalities may adjust settlement area boundaries outside of a municipal comprehensive review provided that there would be no net increase in land within the settlement areas, that the adjustment would support the municipalities ability to meet the intensification and density targets, that the location of any lands added to a settlement area will satisfy the requirements of policy 2.2.8.3, the affected settlement areas are not rural settlements or in the Greenbelt Area and the settlement area to which the land would be added is serviced by municipal water and wastewater systems and there is sufficient capacity (2.2.8.4). Further, a settlement area boundary expansion may occur in advance of a municipal comprehensive review if the lands that are added and associated forecasted growth will be accounted for in the land needs assessment in the next municipal comprehensive review and that these additions are limited to 40 hectares of land to be added to the settlement area (2.2.8.5).

In particular, Policy 2.2.8.2 states that a settlement area boundary expansion may only occur through a municipal comprehensive review where it is demonstrated that:

- a) based on the minimum intensification and density targets in this Plan and a land needs assessment undertaken in accordance with policy 2.2.1.5, sufficient opportunities to accommodate forecasted growth to the horizon of

this Plan are not available through intensification and in the designated greenfield area:

- i. within the upper- or single-tier municipality, and
 - ii. within the applicable lower-tier municipality;
- b) the proposed expansion will make available sufficient lands not exceeding the horizon of this Plan, based on the analysis provided for in policy 2.2.8.2 a), while minimizing land consumption; and
- c) the timing of the proposed expansion and the phasing of development within the designated greenfield area will not adversely affect the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan.

The above noted policies of the Growth Plan state that the Minister will establish a methodology for assessing land needs to implement and conform to the Growth Plan. It also requires a minimum 50 percent intensification target for the City; new development in DGA's to be designated zoned and designed in a manner that supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services; and a minimum density target of 50 residents and jobs combined per hectare for DGA's in Hamilton. Furthermore, the Growth Plan states that a settlement area boundary expansion may only occur through a MCR where it is demonstrated through a required LNA that additional land is needed and necessary to accommodate growth to 2051, while minimizing land consumption.

2.0 LAND NEEDS EVIDENCE & BACKGROUND

As is outlined in Section 1.0 of this memorandum, provincial legislation requires the City of Hamilton to analyze how much growth there will be and where it will accommodate this forecasted growth to 2051. The amount and location of growth is to be identified in the Official Plan in accordance with provincial legislation and policy. Provincial policies and plans include requirements for how to evaluate where that growth should be located, including how to balance intensification within the built-up area with new greenfield growth and how to make decisions about expansions to settlement area boundaries.

The following is a summary of how the City has analyzed and reported on how it will accommodate its forecasted growth to 2051, including analysis on consistency and conformity with provincial policy. This section is followed by a summary and analysis regarding how the growth strategy addresses direction on settlement area boundary expansions.

2.1 GRIDS – Planning to 2031

In 2006, Hamilton City Council approved the first Growth Related Integrated Development Strategy (the “GRIDS”), which planned for the City’s growth and development to 2031. Among other elements, GRIDS identified a Preferred Growth Option as outlined in Figure 1 below:

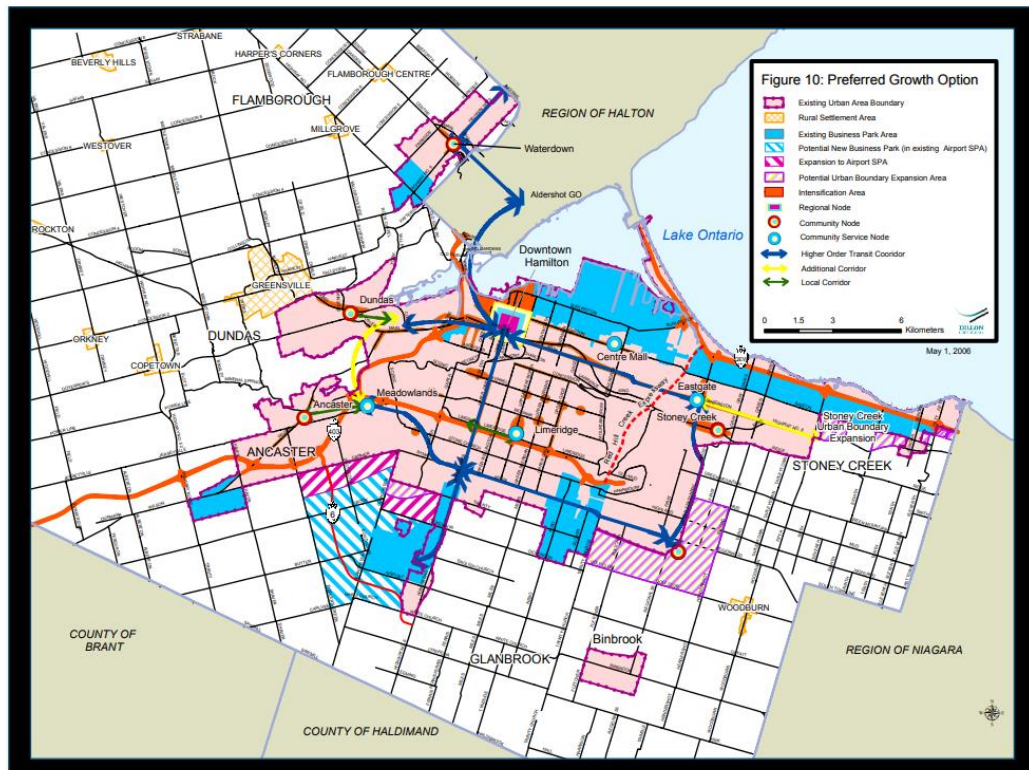


Figure 1 – GRIDS Preferred Growth Option, 2006

The GRIDS Final Report and Staff Report, including the above noted figure can be found at: <https://www.hamilton.ca/sites/default/files/2022-05/grids-grids-strategy-2006.pdf>

GRIDS also culminated in the creation of the Rural Hamilton Official Plan (the “RHOP”) and the Urban Hamilton Official Plan (the “UHOP”), which were first adopted by City Council in 2006 and 2009, respectively. In this regard, the RHOP implemented the GRIDS Preferred Growth Option by, among other elements, designating Elfrida as “SPA B – Future Urban Growth District”. Similarly, the UHOP identified the Elfrida Area as a future urban growth area including policies that outlined that the Elfrida urban boundary expansion area is to accommodate population and employment growth targets to 2031. The policies and mapping related to the urban boundary expansions in the RHOP and UHOP were appealed and continue to be before the Ontario Land Tribunal (the “OLT”).

In 2006, City Council endorsed GRIDS as its growth management strategy and incorporated its findings through the RHOP, UHOP, stormwater master plan, transportation master plan, water and wastewater masterplan, and the preparation of new development charges by-law.

GRIDS and its supporting studies served as the City’s MCR, which concluded that an urban boundary expansion that included all of Elfrida was required to accommodate the City’s growth projections to 2031.

2.2 GRIDS 2 – Planning to 2051

The City initiated its GRIDS 2 and Municipal Comprehensive Review in 2017, which was informed by, among other elements, the Growth Plan (2019) and Amendment 1 to the Growth Plan (2020) as well as the Land Needs Assessment Methodology (2020). In this regard, the City must plan to achieve the minimum provincial forecast of 820,000 persons and 360,000 jobs by 2051. This is an increase of 236,000 people and 122,000 jobs between 2021 and 2051.

On December 14, 2020, City Staff prepared Report PED17010(h) related to GRIDS 2/MCR and presented the following studies:

- LNA, prepared by Lorus and Associates
- Residential Intensification Market Demand Study, prepared by Lorus and Associates
- Residential Intensification Supply Updated, prepared by City Staff
- Designated Greenfield Area Density Analysis, prepared by City Staff

The staff report and supporting studies can be found here: <https://pub-hamilton.escribemeetings.com/Meeting.aspx?Id=62b56268-2fd4-41dd-86a6-086771a3d99f&Agenda=Merged&lang=English&Item=16&Tab=attachments>

The studies were utilized to confirm the policy and legislative requirements of the PPS and Growth Plan. The LNA was prepared in accordance with the provincial Land Needs Assessment Methodology (2020), as outlined in Section 1.0 of this memorandum. A summary of the LNA and Staff recommendations are provided in the following sections of this memorandum.

2.2.1 LNA, Lorius & Associates, December 2020 (the “2020 LNA”)

Technical background reports were completed to support inputs and assumptions on the 2020 LNA. The 2020 LNA reviewed four (4) growth scenarios to determine how to accommodate the City’s forecasted growth, which included:

- **Current Trends** – a forecasted growth that is based on the current balance of growth, which includes an intensification target of 40 percent over the plan horizon to 2051.
- **Growth Plan Minimum** – a growth forecast that is based on the minimum intensification targets of 50 percent, as established in the Growth Plan, over the entire horizon of the plan to 2051.
- **Increased Target** - the increased target would establish an increasing intensification target of 50% for the first ten years, 55% for the second ten years, and 60% for the final ten years of the plan’s horizon.
- **Ambitious Density** – The ambitious density target would establish an even more increasing intensification target of 50% for the first ten years, 60% for the second ten years, and 70% for the final ten years of the plan’s horizon.

The LNA concluded that all four growth scenarios would require additional community area land to accommodate the City’s growth forecast over the horizon of the plan. The following is a summary of the additional community area land (urban boundary expansion) needed to address the provincial legislative requirements:

- Current Trends – 3,440 ha
- Growth Plan Minimum – 2,200 ha
- Increased Target – 1,640 ha
- Ambitious Density – 1,340 ha

The 2020 LNA was completed in accordance with provincial legislation, namely the Growth Plan and mandated provincial method for completing the analysis.

2.2.2 LNA Addendum, Lorius & Associates, March 2021 (the “2021 LNA”)

City Staff Report PED17010(o) presented the 2021 LNA, which is an addendum to the 2020 LNA. **The 2021 LNA again concluded that additional community area land (urban boundary expansion) is needed to address the provincial legislative requirements.** (emphasis added)

More specifically, the 2021 LNA concluded that the following additional net community area land is required based on the same four growth scenarios:

- Current Trends – 3,440 ha
- Growth Plan Minimum – 2,190 ha
- Increased Target – 1,630 ha
- Ambitious Density – 1,310 ha

The 2021 LNA also cautions that the Increased Target and Ambitious Density scenarios are based on elevated intensification targets and *“from a market perspective, both scenarios may be a challenge to achieve towards the end of the period to 2051 as the supply of greenfield lands become increasingly constrained”*.

In addition to the 2021 LNA, Staff Report PED17010(o) also presented a report entitled “How Should Hamilton Grow? Evaluation of Growth Options”, prepared by Dillon Consulting Limited (the “Appendix A Report”) and attached as Appendix A to Report PED17010(o). The Appendix A Report reviewed two growth options, being the Option 1 - Ambitious Density Scenario, as detailed in the 2020 and 2021 LNA, and Option 2 – No Urban Boundary Expansion, which reflects an approach to growth management that takes a firm stance on maintaining the existing urban boundary.

The Appendix A Report concludes:

*“The fundamental difference between the two Growth Options is that Growth Option 2 **does not conform to the Province’s Land Needs Methodology and is unlikely to produce an outcome where the City is able to achieve its growth forecast allocated under the Growth Plan.** Conformity with the*

Province's Growth Plan policies is a fundamental aspect of the Municipal Comprehensive Review process. Given the above, it would not be appropriate to carry Growth Option 2 forward and it is recommended that the City proceed with Growth Option 1 as the basis for long range planning.

Finally, Staff Report PED17010(o) recommended that the General Issues Committee and Council adopt the "Ambitious Density" growth scenario and update the UHOP and RHOP accordingly. Staff's recommendations are based on the following three key reasons, which are discussed and further analyzed in the Staff report:

1. *The Ambitious Density scenario represents an aggressive and forward-thinking approach to growth management;*
2. *The Ambitious Density scenario represents an achievable, albeit challenging, growth management objective; and,*
3. **The Ambitious Density scenario conforms to the Provincial Growth Plan and the Provincial Land Needs Assessment Methodology.**

Furthermore, City Planning Staff state (on Page 34 of 37 of Staff Report PED17010(o)):

"It is staff's opinion that achieving the intensification levels as required under the No UBE scenario (81% intensification over the entirety of the planning period) are not realistic considering the conclusions of the Residential Intensification Market Demand report and recent intensification trends."

Staff Report PED17010(o) and its appendices can be found at: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=295582>

2.2.3 Final LNA and Peer Review, Watson & Associates (the "Peer Review")

Staff Report PED17010(n) recommended that the General Issues Committee and Council approve the 2021 LNA and presented a peer review of the 2021 LNA.

Watson & Associates was retained by the City to peer review the 2021 LNA and Residential Intensification Market Demand Analysis, prepared by Lorus & Associates. The peer review concluded that the approach and methodology utilized in 2021 LNA "is generally an appropriate application of the Growth Plan and the Provincial LNA Methodology".

Staff Report PED17010(n) again confirmed that the 2021 LNA conforms to provincial legislation and should be approved by City Council.

Notwithstanding the Staff recommendation and supporting analyses and studies in support of the Ambitious Density growth scenario, the City's General Issues Committee and Council approved the following resolution at its November 19, 2021, meeting:

*“That staff be directed to report back to the General Issues Committee no later than January 2022 **with a draft Official Plan Amendment (OPA)**, as part of the Municipal Comprehensive Review, that implements the following growth directions, and to seek approval to present the draft OPA to the Province for review, and to the public for consultation, as part of the City's Growth Plan conformity exercise: ...*

(e) That the draft Official Plan Amendment Include no expansion to the urban boundary.”

As is outlined in all the Staff reports and supporting studies related to GRIDS 2 and the MCR, **the direction by City Council to maintain a firm urban boundary was not supported by any evidence that demonstrated conformity with provincial legislation.**

2.3 OPA's 167 and 34

OPA's 167 and 34 were presented to the City's Planning Committee of Council via Staff Report PED21067(b). Staff Report PED21067(b) was clear and stated that the draft UHOP and RHOP amendments were prepared to “implement Council's direction regarding No Urban Boundary Expansion growth scenario” and warned that this scenario “**poses a risk that the City will not conform with provincial requirements as provided in Staff Report PED17010(n)**”.

Unlike previous staff reports related to GRIDS 2/MCR, Staff Report PED21067(b) does not include a review and analysis of the applicable provincial policy and legislation, nor does it rationalize how the proposed amendments conform to provincial legislation.

On June 8, 2022, despite the clear and consistent advice from the City’s planning staff and land needs consultant that the No urban boundary expansion scenario would not conform with the Growth Plan, Hamilton City Council approved OPA 167 via By-law 22-145 and OPA 34 via By-law 22-146, which implemented the No urban boundary expansion growth scenario.

2.4 Minister’s Approval of OPA’s 167 & 34

On November 4, 2022, the Minister issued its decision on OPA’s 167 and 34. As it relates to the City’s land needs to 2051, the Minister in reviewing all of the evidence, including the LNA, modified OPA’s 167 and 34 to adopt the Growth Plan Minimum growth scenario and add 2,200 gross hectares (1,600 net hectares) of new community areas to the City’s urban area. These areas are illustrated on the following map:



Figure 2 – Minister’s Decision on OPA 167, November 2022

In this regard, the Minister’s decision added the whitebelt lands in Elfrida, TRE, TRW and Whitechurch Road. These new community areas/”urban expansion area – neighbourhoods” whitebelt lands are illustrated on the following map:

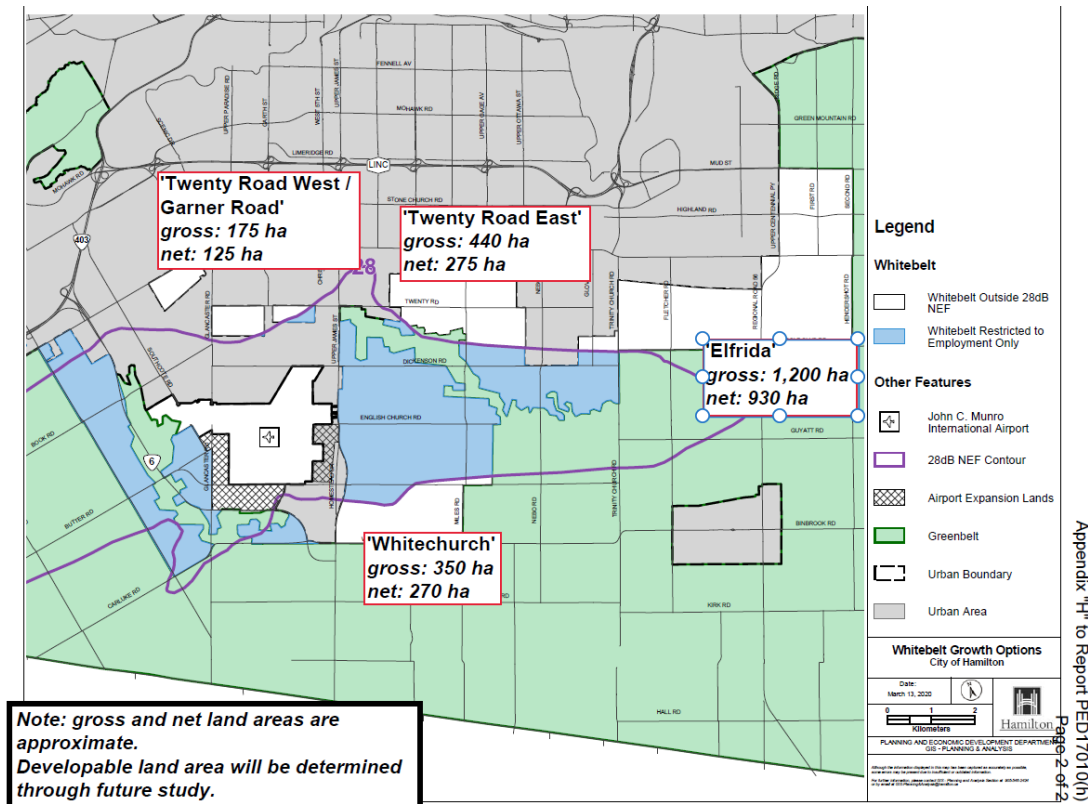


Figure 3 – Appendix “H” to Report PED17010(h), the Whitebelt Lands

In summary, the evidence provided as part of the GRIDS 2/MCR process demonstrates that Staff recommended Ambitious Density and Minister approved Growth Plan minimum growth scenarios are consistent with and conform to provincial policy and legislation. The Minister approved Growth Plan Minimum growth scenario delineated the expansion lands, which included all of the City’s whitebelt lands outside of the 28 NEF (noise) contour line associated with the airport where sensitive and residential land uses are not permitted as per the UHOP. However, the Staff recommended Ambitious Density growth scenario has not been delineated. The following sections provides our opinion regarding what whitebelt lands should be brought into the urban boundary if the Ambitious Density growth scenario is adopted.

3.0 ANALYSIS REGARDING SETTLEMENT AREA BOUNDARY EXPANSIONS

As summarized in Section 2, City staff concluded through the LNA (2021) for the municipal comprehensive review and through earlier growth management studies that additional land would need to be added to the City’s existing urban area through a settlement area boundary expansion to accommodate future growth. This is consistent

with PPS Policy 1.1.3.8 which provides that a planning authority may allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon. Further, where the Growth Plan applies, settlement areas are only permitted to be expanded and does not permit the creation of new settlement areas.

3.1 Where to Grow?

Further, provincial policies and plans direct that after determining that there is a need for additional land, an evaluation of where the settlement area boundary expansion will be located is to be based on the set of criteria outlined in Section 1.1.3.8 of the PPS and in section 2.2.8 of the Growth Plan. Growth Plan Policy 2.2.8.3 provides that the appropriate location for the settlement area boundary expansion be determined based on:

- sufficient capacity and the financial viability of existing and planned infrastructure and public service facilities;
- that the expansion be informed by water, wastewater and stormwater servicing, minimizing negative impacts on watersheds, avoiding key hydrologic areas, natural heritage systems and agricultural areas;
- the expansion is in compliance with minimum separation distance formulae, minimization and mitigation of adverse impacts on the agri-food network, protecting public health and safety;
- the wise use and management of resources and meeting the requirements of the Greenbelt Plan, Niagara Escarpment Plan and Oak Ridges Moraine Conservation Plan.

In addition to these criteria specific to determining the location of settlement area boundary expansions, the PPS and the Growth Plan provide additional direction on where and how to grow, including the provision of the long-term supply of residential uses in an efficient and cost-effective pattern of development that will promote the efficient expansion of settlement areas to minimize servicing costs and to avoid areas of environmental concern. Further, the policies speak to the need for complete communities that provide a range of uses and services.

Given that the City's growth analysis concluded that there is a need for additional land and there was no justification provided for not expanding the urban area, an evaluation of the most appropriate location for this expansion is required and must conform to and be consistent with the direction on settlement area expansion, as well as other policies of the Growth Plan and PPS including complete communities, the efficient use of infrastructure and resources.

The Ambitious Density scenario, as recommended by City planning staff in 2021, had the most conservative or lowest estimate of the total land area needed to be added to the urban boundary (1,310 hectares), whereas the minimum intensification and density requirements through the Growth Plan required that all the whitebelt lands (2,200 hectares) be included in an expansion.

To test where an expansion would be located, the City identified areas outside of the Greenbelt that were in the City's boundary but not within the urban boundary, referred to as "whitebelt lands". As shown on **Figure 3**, these community area whitebelt lands include:

- Elfrida (gross area: 1,200 ha, net area: 930 ha)
- TRE (gross area: 440 ha, net area: 275 ha)
- TRW (gross area: 175 ha, net area: 125 ha)
- Whitechurch (gross area: 350 ha, net area: 270 ha)
- Total (gross area: +/-2,200 ha, net area: +/-1,600 ha)

3.2 Elfrida, TRE & TRW

If the assessment regarding the amount of land that is needed is based on the Ambitious Density scenario, and if it was just a mathematical exercise to allocate the 1,310 ha, all or part of Elfrida would be needed because the other three areas do not add up to 1,310 ha. However, the decision on which lands are brought into the settlement area boundary is not just a mathematical exercise.

As discussed, it needs to conform to and be consistent with the criteria and policies set out in the PPS and Growth Plan. In this regard, if the Ambitious Density scenario is implemented (rather than the Growth Plan minimum scenario reflected in the previous Minister's 2022 approval), it is our opinion that Elfrida, TRW, and TRE should be the lands included in the urban boundary expansion to provide additional community area for the following reasons:

3.2.1 Transit Support

Appendix B of the UHOP provides the City’s Major Transportation Facilities and Routes plan (see **Figure 4 below**), which includes existing and planned major transit areas (the “MTSA”), priority transit corridors, planned higher order transit routes and planned multi modal hubs. In this regard, only Elfrida and a small portion of the TRW lands have frontage on a planned major transportation facility and more specifically, a planned higher order transit route. Similarly, only Elfrida and a small portion of TRW have existing bus transit service. In this regard, Elfrida includes approximately 2 kilometer of Upper Centennial Parkway frontage that has existing bus transit service, which travels west across the City via Rymal Road and north including a direct connection to the Confederation GO station.

In our opinion, Elfrida, TRE and TRW are on or in close proximity to existing bus transit and planned higher order transit. The Whitechurch lands are located beyond the terminus of existing and planned bus transit and higher order transit, which would require a further extension and expansion of such services.

The policies of the PPS and Growth Plan require municipalities to make efficient use of land and infrastructure and support transit viability. In this regard, adding development to areas that are served by existing and planned transit infrastructure is consistent with and conforms to provincial policies.



Figure 4 – Appendix B of the UHOP

3.2.2 Complete Communities

The PPS and Growth Plan have been progressively strengthened to require municipalities to develop “complete communities”, which are defined as:

“Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.”

In our opinion, Elfrida, TRE and TRW are located adjacent to larger existing neighbourhoods. These three whitebelt lands areas would be connected to existing community areas that already provide a broad range of uses and public services facilities, meaning that the new lands would contribute to and be supported by the benefits of a complete community. In contrast, the Whitechurch lands are more isolated from the rest of the community areas given that they abut only a small community area, they are surrounded by Greenbelt on three sides, and are separated from most of the rest of the City’s neighbourhoods by the airport and future whitebelt lands that are reserved for employment areas.

3.2.3 Growth Plan Policy 2.2.8.3 Criteria

The following is a summary of how Elfrida, TRE and TRW better address the urban boundary expansion criteria in Policy 2.2.8.3 of the Growth Plan.

- a) there is sufficient capacity in existing or planned infrastructure and public service facilities;***
- b) the infrastructure and public service facilities needed would be financially viable over the full life cycle of these assets;***
- c) the proposed expansion would be informed by applicable water and wastewater master plans or equivalent and stormwater master plans or equivalent, as appropriate;***

As outlined herein, the whitebelt lands areas in Elfrida, TRE and TRW have been planned for future growth since GRIDS in 2006. This includes infrastructure planning as part of the City's Development Charges background studies. Furthermore, Elfrida, TRE, and TRW are adjacent to larger existing neighbourhoods where existing infrastructure and public service facilities exist. The Whitechurch lands have not been planned for growth and are separated from existing neighbourhoods.

The UHOP includes the need for new greenfield areas to have an approved secondary plan, which would include a policy framework that addresses criteria b) and c).

d) the proposed expansion, including the associated water, wastewater and stormwater servicing, would be planned and demonstrated to avoid, or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water;

e) key hydrologic areas and the Natural Heritage System for the Growth Plan should be avoided where possible;

Provincial planning policy and the UHOP include a framework that requires the City to minimize and mitigate any potential negative impacts and avoid where possible key hydrologic areas and the NHS. In this regard, the requirement for a secondary plan will ensure that these criteria are addressed as part of any urban boundary expansion.

f) 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. expansion into specialty crop areas is prohibited; 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;

City Staff confirmed in Report PED17010(l) that the Ambitious Density scenario would require 1,310 hectares of land and, as such, there is no option to avoid prime agricultural lands. We agree with this conclusion. Accordingly, there is "no reasonable alternatives that avoids prime agricultural areas".

g) the settlement area to be expanded is in compliance with the minimum distance separation formulae;

h) any adverse impacts on the agri-food network, including agricultural operations, from expanding settlement areas would be avoided, or if avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment;

i) the policies of Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied;

As part of the requirement to prepare a secondary plan, criteria g), h) and i) will be addressed. Furthermore, it is our experience that these criteria can be addressed through the development of the secondary plan area. This includes a community design and land use structure that is designed and planned to address these criteria. Furthermore, none of the whitebelt lands areas (Elfrida, TRE, TRW, and Whitechurch) include any mapped non-renewable resources.

j) the proposed expansion would meet any applicable requirements of the Greenbelt, Oak Ridges Moraine Conservation, Niagara Escarpment, and Lake Simcoe Protection Plans and any applicable source protection plan; and

The fact that all of the whitebelt lands are outside of the Greenbelt, Niagara Escarpment, and other provincially regulated lands is a significant reason why they should be considered for urban boundary expansion.

3.2.4 Urban Boundary Expansion

For the reasons outlined herein, it is our opinion that under the Growth Plan Minimum growth scenario all of the whitebelt lands, including Elfrida, TRE, TRW and Whitechurch lands would need to be added to the urban boundary to accommodate the City's growth to 2051. In the alternative, should the Minister elect to apply the City's Ambitious Density growth scenario, which has been rationalized in accordance with the applicable provincial planning policy and legislation, it should add Elfrida, TRE and TRW to the urban boundary in order to accommodate the City's planned growth to 2051. In this alternative, the Whitechurch lands would continue to be whitebelt lands that would be reserved for potential future growth beyond 2051.

4.0 CONCLUDING THOUGHTS AND PLANNING OPINION

Based on our review of all the information and studies associated with GRIDS 2 and the MCR, it has been demonstrated that three of the four growth scenarios considered by City planning staff (Growth Plan Minimum, Increased Target, and Ambitious Density) are consistent with the PPS and conform to the Growth Plan and accordingly align with provincial legislation and regulations. The one growth scenario that does not conform with and is not consistent with provincial plans and policies is the current trends growth scenario that would require an alternative intensification rate, which was not recommended by City Staff and not rationalized.

The no urban boundary growth scenario, which was ultimately incorporated into OPA's 167 and 34 as adopted by City Council, was not rationalized and it has not been demonstrated that it is consistent with the PPS and conforms to the Growth Plan. Accordingly, this scenario **does not align with provincial legislation and regulation**.

Based on the foregoing, it is our opinion that the Minister should **not** reverse the Ministry changes to Hamilton's OPA's 167 and 34 as they relate to the community area land (urban boundary expansion) needed to accommodate the City's growth forecast to 2051. Instead, it is our opinion that the Minister should either:

1. **maintain the Growth Plan Minimum growth scenario as approved by the Minister in 2022; or,**
2. **further modify Hamilton's OPA's 167 and 34 to implement Staff's recommended Ambitious Density growth scenario and only add Elfrida, TRE and TRW to the City's urban boundary to accommodate growth to 2051.**

Our opinion in this regard is based on the information and analysis completed by the City as well as our opinions. More specifically:

- The no urban boundary expansion growth scenario has not been demonstrated to be consistent with the PPS and conform to the Growth Plan. On the contrary, we concur with the conclusions of the Appendix A report, which states that it "does not conform to the Province's Land Needs Methodology and is unlikely to produce an outcome where the City is able to achieve its growth forecast allocated under the

Growth Plan”. We also agree with Staff’s opinion (as outlined in Report PED21067) in this regard, that this growth scenario “poses a risk that the City will not conform with provincial policy requirements”.

- All the information and studies prepared as part of the GRIDS 2/MCR were prepared in accordance with the applicable provincial planning policies and legislation and demonstrated how the Ambitious Density growth scenario is consistent with the PPS and conforms to the Growth Plan.
- Even though City Planning Staff recommended the Ambitious Density growth scenario, it did not delineate where the additional 1,310 hectares of required new community area (urban boundary expansion) would be deployed. Based on our review and analysis, it is our opinion that Elfrida, TRE and TRW should be utilized to implement the Ambitious Density growth scenario.