




Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 9, 2024
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook (PED24142) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Melanie Pham
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with Subsection 22(7) of the *Planning Act*, including recent changes to Subsection 22 (7.2)(a) of the Act which took effect on June 6, 2024 upon Royal Assent of Bill 185, an Official Plan Amendment application to amend the boundary of an area of settlement outside of the Greenbelt Plan area may be appealed to the Ontario Land Tribunal after 120 days by the applicant if Council has not made a decision on the applications.

A motion to direct staff to advise the Planning Committee on matters relating to appeals of Council's non-decision, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the Ontario Land Tribunal.

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

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

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The following information is provided for Planning Committee’s information with regards to Urban Hamilton Official Plan Amendment applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024, which have been appealed for non-decision.

INFORMATION

The subject properties are represented by three separate applications which together are known municipally as 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook (refer to Appendix “A” and Appendix “B” attached to Report PED24142). The subject lands generally encompass the majority of the two areas south of Twenty Road which are in the rural area but are surrounded by urban lands being the Airport Employment Growth District to the west, east, and south. Adjacent lands north of Twenty Road West, within the urban area, contain primarily residential uses, including several large retirement communities.

Application	Address	Area	Location
UHOPA-20-018/RHOPA-20-022 – “East”	9285, 9445 and 9511 Twenty Road West	26.61 hectares	South of Twenty Road West and east of Garth Street
UHOPA-20-019/RHOPA-20-023 – “Central”	9625 and 9751 Twenty Road West	32.57 hectares	South of Twenty Road West and west of Garth Street
UHOPA-20-020/RHOPA-20-024 – “West”	555 Glancaster Road	27.38 hectares	South of Twenty Road West and east of Glancaster Road

Three separate applications were submitted because the settlement area boundary expansion policies in the Provincial Growth Plan for the Greater Golden Horseshoe do not permit individual applications for settlement area boundary expansion (urban boundary expansion) to be larger than 40 hectares in size.

The Urban Hamilton Official Plan Amendment applications were submitted by Corbett Land Strategies Inc. c/o Nick Wood on behalf of:

- Spallacci & Sons Limited;

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- Oxford Road Developments;
- Twenty Road Developments Inc.;
- Sullstar Twenty Limited (Starward Homes);
- Lynmount Developments Inc.;
- The Parente Group; and,
- LIV Developments Ltd.

The applications were received on August 17, 2020, and were deemed complete on September 15, 2020. A list of materials submitted with the applications is attached as Appendix “D” to Report PED24142. The purpose of the proposed Rural and Urban Hamilton Official Plan Amendments is to remove the lands from the rural area and add the lands to the urban area to facilitate the development of the lands for future residential uses.

While the applications were made in 2020 and deemed complete, there was no decision made as the City’s Growth Related Integrated Development Strategy GRIDS2 and Municipal Comprehensive Review process was in progress and no decision had been made by Council on the City’s preferred growth strategy at the time of the applications. The applicant had no legal ability to appeal the non-decision until Royal Assent of Bill 185 on June 6, 2024.

The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications, filed by Fogler, Rubinoff LLP representing the Upper West Side Landowners Group, was received by the City Clerk’s Office on June 27, 2024, 1,411 days after the applications were received and 21 days after Bill 185 received Royal Assent. The appeal letters are attached as Appendix “C” to Report PED24142.

PROPOSED DEVELOPMENT

The applications propose to revise the schedules and appendices of the Rural and Urban Hamilton Official Plans to remove the subject lands from the rural area and add the lands to the urban boundary, to permit the development of the lands for residential uses, natural heritage features, stormwater management, and a collector road network, including a total of approximately 2,450 residential units.

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A copy of the proposed concept plan for the development is attached as Appendix “B” to Report PED24142. The list of materials submitted with the applications is attached as Appendix “D” to Report PED24142.

Official Plan Amendment Applications

The subject properties are designated “Rural” and “Open Space” on Schedule D – Rural Land Use Designations in the Rural Hamilton Official Plan. The applications were received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167, however, as per Bill 150, any decision must conform to the Official Plan in effect on November 4, 2022.

The amendments propose to remove lands from the Rural Hamilton Official Plan and add the lands into the Urban Hamilton Official Plan to be within the urban area. A proposed designation was not identified in the Official Plan Amendments prepared by the applicant, but the proposed residential uses would be classified “Neighbourhoods” in the Urban Hamilton Official Plan, with “Open Space” designations applied to natural heritage features.

Specifically, the applications propose the following amendments:

- Revise schedules and appendices of the Rural Hamilton Official Plan to remove the subject lands;
- Revise schedules and appendices of the Urban Hamilton Official Plan to add the subject lands to the urban area and revise the Natural Heritage System in accordance with studies;
- Revise the mapping of the Airport Employment Growth District Secondary Plan to identify the lands as urban;
- Revise policies of section C.4.8 of the Urban Hamilton Official Plan relating to the Airport Noise Exposure Forecast Contours to permit the development of new sensitive land uses below the 30 NEF contour, whereas the Urban Hamilton Official Plan currently permits new sensitive land uses below the 28 NEF contour;
- Add policies related to cost-sharing; and,
- Add a special policy area for the ‘central whitebelt’ lands which permits a maximum density of 70 units per hectare.

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Key issues identified include:

- The applications proposed to amend policies of the Urban Hamilton Official Plan relating to the noise exposure forecast contours to permit sensitive land uses below the 30 Noise Exposure Forecast contour and closer to the Hamilton International Airport, which is not consistent with the intent of the Urban Hamilton Official Plan and Rural Hamilton Official Plan to protect the 24 hour operations of the airport from the further encroachment of sensitive land uses; and,
- The applications do not conform to the City's approved comprehensive and integrated Growth Related Integrated Development Strategy (GRIDS2) and the implementing Official Plan Amendment which was approved through Official Plan Amendment No. 167, and the subsequent Royal Assent for Bill 150 which unwound provincial modifications relative to urban area boundary expansions. Current policies recognize the current urban boundary as firm and only permit adjustments through a Municipal Comprehensive Review.

It is noted that the applications were submitted prior to the above policy directions being incorporated into the Urban Hamilton Official Plan via Official Plan Amendment No. 167. At the time of application, the relevant Urban Hamilton Official Plan policies for urban boundary expansion were under appeal and were Council direction only.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the applications were sent to 387 property owners within 120 metres of the subject lands on September 25, 2020. The application submission notes that an informal public consultation meeting occurred on January 16, 2018, prior to the formal application submission. No records of this meeting were submitted with the applications.

A total of 14 written submissions were received in response to the preliminary circulation, which raised concerns regarding stormwater management and drainage, traffic, natural heritage protection, open space/parkland, inclusion of other lands in the vicinity, expectations for orderly development/preservation of agricultural lands, and preference for lower density.

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Other Related Applications

An Official Plan Amendment to create the Upper West Side Secondary Plan was submitted by Corbett Land Strategies Inc. on November 21, 2023. The application includes the lands identified in this report, as well as additional lands within the Airport Employment Growth District, which are proposed to be redesignated from “Employment” lands to the “Neighbourhoods” designation for residential purposes. The application was deemed incomplete by the City on December 19, 2023. The City’s position was appealed to the Ontario Land Tribunal on January 16, 2024.

Twenty Road West also submitted a separate Official Plan Amendment on March 21, 2024, proposing in part to re-establish the Provincial Minister’s original approval of Official Plan Amendment 167, prior to Bill 150 receiving Royal Assent. The application includes changing intensification policies to reflect the ambitious density scenario considered in the updated Growth Related Integrated Development Strategy (GRIDS2) work. The application also proposes to establish policies allowing Urban Boundary Expansions outside of a Municipal Comprehensive Review process, and to allow residential development near the airport to occur up to the 30 Noise Exposure Forecast level instead of the current 28 Noise Exposure Forecast level. This application was deemed incomplete by the City on April 9, 2024, as there was not an up-to-date Formal Consultation process followed. Staff also note that currently the establishment of intensification targets can only occur through a Municipal Comprehensive Review. The City’s position was appealed to the Ontario Land Tribunal on May 8, 2024.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” to Report PED24142 - Location Map
- Appendix “B” to Report PED24142 - Concept Plan
- Appendix “C” to Report PED24142 - Letter of Appeal
- Appendix “D” to Report PED24142 - List of Materials Submitted with Application

MP/sd