



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	August 23, 2024
SUBJECT:	Provincial Approval of the Provincial Planning Statement (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

The purpose of this communication update is to provide Council with an update on the Provincial Planning Statement, which was approved by an Order in Council on August 20, 2024, and will come into effect on October 20, 2024. The Provincial Planning Statement will replace both the Provincial Policy Statement, 2020 and A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan). Under Section 3 of the *Planning Act* all decisions affecting planning matters must be consistent with the Provincial Planning Statement.

Background

On April 6, 2023, the first draft of the proposed Provincial Planning Statement was introduced at the Ontario Legislature. City Council ratified the submissions made by staff to the Province on June 21, 2023, through Report PED23145 and subsequent Natural Heritage Systems Report PED23185 which identified several areas of concerns including:

- Reducing the required justification and direction for settlement area expansion;
- Reducing emphasis on residential intensification and development in locations that support transit;
- Increasing opportunities for residential lot creation in rural and agricultural areas;
- Weakening restrictions on conversion of Employment Lands and making it more challenging to designate Employment Lands;

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- Reducing land use compatibility criteria for sensitive land uses near Major Facilities;
- Weakening Climate Change policies; and,
- Allowing Minister Zoning Orders to be exempt from Provincial plans and policies.

On April 10, 2024, a second draft of the proposed Provincial Planning Statement was released together with Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*. Through Report PED23145(a), the city commented that while the second draft responded to some of the concerns raised in the first draft (most notably related to residential lot creation in agricultural and rural areas), overall, it maintains the concerns previously raised.

A significant new concern raised by the City on the second was that combined with changes in Bill 185 allowing landowners to appeal urban boundary expansion applications to the Ontario Land Tribunal would mean that all whitebelt lands in Hamilton could be subject to urban boundary expansion applications and appeals. Staff noted that this could reverse the City's urban boundary expansion growth strategy which was solidified in December 2023.

In addition, the City raised concerns with requiring municipalities to establish their own population and employment forecasts based on Ministry of Finance projections which fluctuate year to year and do not consider infrastructure capacity, housing affordability, land supply or other matters that influence the pattern of growth in southern Ontario.

In response to the second draft, Council directed staff to report back with recommendations on processing and evaluating urban boundary expansion applications under the new Provincial Planning Statement. Through Report PED24109, City Council approved a draft framework for processing and evaluating urban boundary expansion applications on August 16, 2024, and provided direction to undertake engagement before finalizing the framework into Official Plan policy.

Modifications from Previous Draft

The final Provincial Planning Statement is mostly unchanged from the second draft released in April 2024. Beyond minor revisions to correct and clarify policies, notable changes in the final Provincial Planning Statement include:

- requiring (instead of encouraging) municipalities to establish minimum intensification targets in its Official Plans;
- encouraging municipalities to establish designated growth areas with density targets, and requiring municipalities to identify major transit station areas and apply provincially specified minimum density targets;

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- strengthening the policy requirement for municipalities to consider the impact of development on the long-term economic viability of employment uses;
- reintroducing the definition of significant for cultural heritage resources and archaeology (reverting to the Provincial Policy Statement, 2020 definition); and,
- Updating the definition of on-farm diversified uses to include energy generation, transmission, and energy storage systems.

Environmental Registry of Ontario Posting 019-9065 (Transition of Land Use Planning matters to the Provincial Planning Statement)

At the same time the province approved the Provincial Planning Statement, Environmental Registry of Ontario Posting 019-9065 was released requesting feedback as to whether there are any specific planning matters in process that should be addressed through a transition regulation (under the *Planning Act*). The posting closes on October 4, 2024, providing the City with 45 days to comment.

Given the short timeline, Planning Division staff have begun to review and prepare comments to submit before it closes. A report will be submitted to Planning Committee for endorsement in October 2024. The Province can be advised of any changes or additions Council might have from the staff submitted comments.

NEXT STEPS

Once the Provincial Planning Statement is in effect, staff will begin assessing the policies when reviewing and providing recommendations on *Planning Act* applications. This assessment will be impacted to an extent by what transitional policies are put in place. As discussed in Report PED24109, staff also anticipate that the city will begin to receive Official Plan Amendment applications to expand the urban boundary. As well, staff have initiated a review of the final Provincial Planning Statement to determine any necessary conformity based Official Plan Amendments that may need to be expedited.

Please contact Anita Fabac, Acting Director of Planning and Chief Planner with any questions at Anita.Fabac@hamilton.ca or by phone at (905) 546-2424 Ext. 1258 or Dave Heyworth, Manager of Sustainable Communities at Dave.Heyworth@hamilton.ca or by phone at (905) 546-2424 Ext. 1279.

SCHEDULES AND APPENDICES ATTACHED

Not applicable.