




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 18, 2024
SUBJECT/REPORT NO:	Draft Framework for Processing and Evaluating Urban Boundary Expansions - Consultation and Engagement Plan (PED24109a) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Planning and Economic Development Department staff be directed and authorized to commence public and stakeholder consultation and engage with Indigenous and Métis communities on the Draft Framework for Processing and Evaluating Urban Boundary Expansions in accordance the Consultation and Engagement Plan, attached as Appendix “A” to Report PED24109a.

EXECUTIVE SUMMARY

At the August 13, 2024, Planning Committee meeting, staff were directed to prepare a public consultation and engagement report for a future Planning Committee meeting on the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications (Draft Framework).

The Consultation and Engagement Plan (see Appendix “A” attached to Report PED24109a) has been prepared in collaboration with the City’s Public Engagement team. A separate Indigenous engagement plan developed with the support of the City’s Indigenous Relations team is provided in the body of this report. Hamilton’s Public Engagement Policy provided the framework to develop the Consultation and Engagement Plan.

OUR Vision: To be the best place to raise a child and age successfully.

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 purpose of the Consultation and Engagement Plan is to outline the City's strategy for soliciting community input on the Draft Framework to process and evaluate urban boundary expansion applications. Using Hamilton's public engagement levels established under the City's approved Engagement Policy, the plan's two primary goals are:

- To inform the community about recent provincial changes that open the door for urban boundary expansions to be made outside of a Municipal Comprehensive Review and the denial of or non-decisions on these applications to be appealed to the Ontario Land Tribunal;
- To consult with the community on specific aspects of the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications, including:
 - How and when the community wants to be notified when an application for urban boundary expansion is made;
 - How and when the community will provide their input, within the mandated decision timelines for Official Plan Amendments under the *Planning Act* on urban boundary expansion applications once received; and,
 - The information or additional studies that should be required as part of the urban boundary expansion applications.

With respect to Indigenous and Métis communities, the Consultation and Engagement Plan is focused on asking exactly how they want to participate in the City's processing of privately initiated urban boundary expansion applications.

Once approved, staff will begin to implement the Consultation and Engagement Plan. The input received through the implementation of the Consultation and Engagement Plan will be presented back to Planning Committee as part of the City initiated Urban Official Plan Amendment in Q1, 2025 to enshrine the City's final urban boundary expansion application framework into policy.

It is important to note that the Provincial Planning Statement was approved by the Province on August 20, 2024, and is scheduled to come into effect on October 20, 2024, meaning that the city may receive urban boundary expansion applications as early as October 21, 2024. Council provided direction to staff to apply the Draft Framework to any urban boundary expansion applications as an interim measure.

Alternatives for Consideration – See Page 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Staff estimate that the cost of implementing the engagement plan will be approximately \$98,500. This includes retention of an external consultant to facilitate the open houses and provide engagement materials, facility rentals, notifications/advertising, refreshments for attendees as well as staff overtime and security to support the planned open houses. The existing Hamilton Growth Management Review capital budget (8141555600) will be used to cover the cost of implementing the plan.

Staffing: N/A

Legal: N/A

Historical Background

On August 16, 2024, Council approved the following motions:

- “(b) That Council direct Planning and Economic Development staff to:
 - (i) That city Planning staff be directed to prepare a public consultation and engagement report for a future Planning Committee meeting;
 - (ii) consult on the Draft Framework for Processing and Evaluating Urban Boundary Expansions, attached in Appendix “A” to Report PED24109; and,
 - (iii) prepare for Council’s consideration Official Plan Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan to establish the Official Plan Amendment Submission Requirements, Evaluation and Locational Considerations, and Application Submission and Review Process for urban boundary expansions.

- (f) That city Planning staff work with the City’s Indigenous Relations team to report on the method of engagement with Indigenous and First Nations Peoples to guide consultation on urban boundary expansion applications.”

Hamilton’s Public Engagement Policy (approved by Council in January 2024) was used to provide the framework for the public Consultation and Engagement Plan, implementing the core principles for meaningful engagement with the community.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Statement (2024)

The Provincial Planning Statement 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.

Applicable policies of the Provincial Planning Statement with respect engagement with the public and Indigenous and Métis communities include:

“6.2.2 Planning authorities shall undertake early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.

6.2.3 Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement the Provincial Planning Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.”

Urban Hamilton Official Plan

Volume 1, Chapter F of the Urban Hamilton Official Plan provides policy direction with respect to both consultation with the public and First Nations, Indigenous and Métis communities. The following policies, amongst others, were considered by staff in the preparation of this report.

“F.17 Public Participation and Notification Policies

One of the principles of sustainability is transparent and participatory government. In recognition of this principle, the City shall involve the various people and organizations throughout the City, including residents, business, special interest groups, non-governmental organizations, and other levels of government.

F.1.17.1 The City may use a variety of communication methods to seek input on planning matters or to provide information to the general public.

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Depending on the issues and in accordance with the Planning Act, R.S.O., 1990 c. P.13, the City shall choose the most appropriate method of communication. Communication may be in the form of:

- a) direct mail outs;
- b) public notice signs;
- c) surveys, electronic or mail out;
- d) public information open houses held virtually or in person;
- e) public meetings held virtually or in person;
- f) City web site; and/or,
- g) workshops. (OPA 155)

F.17.2 Notification of public meeting(s) for the adoption of the Official Plan and amendments, changes to the Zoning By-law, plans of subdivision, draft plan of condominium as required by the Planning Act, and Community Improvement Plans shall be given to the public at least 7 days prior to the date of the meeting(s) and the notice shall be given in accordance with the applicable requirements of the Planning Act, R.S.O., 1990 c. P.13 regulations. (OPA 155) (OPA 175)

F.1.17.8 The City will inform, consult, and collaborate with local Indigenous communities and First Nations to empower their role in local land use planning matters. (OPA 167)

F.1.17.8.1 The City will respect the consultation protocols of Indigenous communities and First Nations whose traditional territories are located within the City of Hamilton municipal boundary when engaging on land use planning matters. (OPA 167)

F.1.17.8.2 To ensure meaningful engagement is realized with local Indigenous communities and First Nations, the City will initiate development of an Indigenous Engagement protocol for Land Use Planning. (OPA 167)”

Staff note that the Rural Hamilton Official Plan also contains similar public participation and notification policies and that the recommended The Consultation and Engagement Plan described below is consistent with the Provincial Planning Statement and complies with the Rural and Urban Hamilton Official Plan.

Public Engagement Policy

Hamilton’s first Public Engagement Policy was approved by Council in January 2024. Its purpose is to guide consistent, effective, and meaningful public engagement processes

between the City of Hamilton, the public, and interested community partners to support decision-making of City Council and Administration. In it, three levels of public engagement are identified: Consult, Involve, and Collaborate. Each level outlines the City's responsibility within the engagement process and identifies the extent of the public's influence in shaping the final decision. The policy also describes the importance of informing the public (regardless of the selected level) throughout the process to ensure the public is:

- Aware of and knowledgeable about the application;
- Able to provide informed input; and,
- Aware that a decision on the application has been made by Council and/or the Ontario Land Tribunal.

The policy also outlines the requirement for public engagement plans to be developed for all projects and initiatives that will consult, involve, or collaborate with the community.

RELEVANT CONSULTATION

The Public Engagement Team from the Government Relations and Community Engagement Division developed the Consultation and Engagement Plan (attached as Appendix "A" to Report PED24109a), in collaboration with Planning staff.

Planning staff worked with the Indigenous Relations staff who provided input on the planned engagement steps with Indigenous and Métis communities provided in this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Step 1 (Educate and Inform)

The role of public engagement is to inform a decision. In doing so, it also requires that participants have the necessary information required to provide meaningful input into a decision. With significant changes to provincial planning directions, it is vitally important that a significant focus of the public engagement involve informing the community of these approved provincial changes and their role in affecting local planning directions. The Consultation and Engagement Plan identifies this as a primary goal and the first step in the Plan. In addition, the public will be provided information to clearly outline decision making powers and authority at the municipal and provincial level as well as process steps for an application including timelines.

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This goal is critical for the public to understand the request for input on Step 2 below. It is important for the public to understand that Planning staff are required to review and process urban boundary expansion applications. A non-decision of Council within 120 days of an application deemed complete, can be appealed directly to the Ontario Land Tribunal.

Step 2 (Gather Input)

The second step of the Plan is to gather input into the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications. The engagement is scoped to consider three primary areas:

- How and when the community wants to be notified when an application for urban boundary expansion is made and deemed complete;
- How and when the community will provide their input on urban boundary expansion applications once received and deemed complete; and,
- Identify what information or additional studies should be required as part of the urban boundary expansion applications.

Staff note that there are challenges in obtaining public and Indigenous feedback on what should be included as part of a Framework for processing and evaluating urban boundary expansion applications when there is significant interest and debate associated with the Provincial decisions that have led up to this point. Specifically, the proposed Provincial Planning Statement and adoption of Bill 185 enables urban boundary expansions to be decided on by the Ontario Land Tribunal once appealed, despite Council's approval of a no urban boundary expansion growth strategy.

In response, emphasis in the Consultation and Engagement Plan is on informing the public of these decisions; what the City's position has been with respect to urban boundary expansions; and what the city can and cannot control. At the conclusion of this step an engagement report summarizing what we heard will be shared back with consultation participants and submitted to Planning Committee as part of staff's recommendation report on the implementation of the framework into Official Plan policy.

Engagement Plan with Indigenous and Métis Communities

City staff will undertake separate engagement with First Nations, Indigenous and Métis communities that have traditional territories within Hamilton. The goals and objectives of this engagement will be similar to the Consultation and Engagement Plan in Appendix "A" attached to Report PED24109a in that staff will seek to inform these communities of Provincial decisions that have enabled privately initiated urban boundary expansion applications and what the City can and cannot control in how they

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are processed (i.e., the City cannot refuse to accept an application if it meets applicable *Planning Act* provisions).

Planning staff's approach to this engagement has been developed in collaboration with the City's Indigenous Relations Office and considered aspects of the Chiefs of Ontario Checklist for Consultation and Engagement.

Through this engagement, staff will seek feedback on if, how and when First Nations, Indigenous and Métis communities want to participate in this process so that the City can incorporate this input into the final Framework and Official Plan policy where possible. The feedback received will also help inform the City's approach towards future consultation on land use planning matters. Recognizing that each First Nations, Indigenous and Métis community is distinct and may have different perspectives and capacity to participate in the City's review of urban boundary expansion applications, the final Framework and Official Plan Amendment may provide specific guidance/direction for the engagement of each First Nations, Indigenous and Métis community that has provided input.

Staff understand First Nations, Indigenous and Métis communities can be inundated with requests to participate or provide comments on planning matters and City staff will make a concerted effort to ensure that First Nations, Indigenous and Métis communities are informed of the Draft Framework and have an opportunity to provide input. This includes:

- Providing written correspondence that is brief and clear and offering to meet if requested.
- Following up multiple times by e-mail, letter, and phone calls if no response is received to the City's initial request for feedback;
- Extending invitations to the planned public open houses; and,
- Being flexible in how much time the First Nations, Indigenous and Métis community needs to consider the request as well as being flexible in how that input is provided. This means accepting and considering feedback from First Nations, Indigenous and Métis communities after public consultation has occurred and, where appropriate, making subsequent adjustments to the City's framework for processing and evaluating urban boundary expansion applications to incorporate the feedback. It is important to note the importance of solidifying the framework in Official Plan policy so the City can review applications for completeness from a greater position of strength.

Next Steps

Should the Consultation and Engagement Plan be approved by Council, staff will move to implement the engagement plan immediately. The tentative dates and locations of the two recommended Open Houses are:

- Tuesday, November 26, 2024, at the Hamilton Convention Centre; and,
- Thursday, November 28, 2024 (location to be determined).

The feedback received through the planned engagement will be presented back to Planning Committee as part of the City initiated Urban Official Plan Amendment in Q1, 2025 to enshrine the City's final urban boundary expansion application framework into policy.

ALTERNATIVES FOR CONSIDERATION

Council may direct staff to modify the recommended Consultation and Engagement Plan. Staff note that increasing the scope or methods of engagement may extend the engagement period on the Draft Framework, pushing back the date in which staff can present and submit a City initiated Urban Official Plan Amendment to enshrine the framework into policy. Solidifying the framework in Official Plan policy is important so the City can review applications for completeness from a greater position of strength.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24109a – Consultation and Engagement Plan

CT/mb