



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 5, 2024
SUBJECT/REPORT NO:	Provincial Request for Comments on Transition Regulations to Facilitate the Introduction of the Provincial Planning Statement, 2024 (PED24192) (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 Council endorse the submission and recommendations as attached in Appendix “A” to Report PED24192 regarding Environmental Registry of Ontario posting 019-9065 - Consideration of Transition of Land Use Planning Matters to Facilitate the Introduction of a New Policy Statement issued under the Planning Act; and,
- (b) That the Acting Director of Planning and Chief Planner be authorized and directed to confirm the submissions and recommendations made to the province resulting from Council’s review and decision on Report PED24192.

EXECUTIVE SUMMARY

On August 20, 2024, the Provincial Planning Statement was approved by the province 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).

On August 20, 2024, the Ministry of Municipal Affairs and Housing announced through Environmental Registry of Ontario posting 019-9065 that it was seeking feedback on

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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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specific planning matters (or types of matters) in process that should be addressed through transition regulations associated with the new Provincial Planning Statement. The commenting period on the Environmental Registry of Ontario posting closed on October 4, 2024, 16 days before the Provincial Planning Statement will come into effect.

Given the commenting deadline, staff-level comments contained in Appendix “A” attached to PED24192 have been submitted to the province. The staff comments note that should there be any additional comments from City of Hamilton Council, staff will advise the Province accordingly.

Overall, staff raised concerns that the 42 days between when the new Provincial Planning Statement was approved to when it will come into effect does not provide enough time for municipalities to review and update Official Plan policies to be consistent with the significant changes in provincial land use policy. Most notably there is insufficient time to establish local Official Plan policies to process and review privately initiated urban boundary expansion and employment land conversion applications outside of a Municipal Comprehensive Review. Staff note that one of the challenges with updating the City’s Official Plans to be consistent with the Provincial Planning Statement is that municipalities must now base its population forecasts on Ministry of Finance population projections. These projections are updated/revised each year by the Province (the last update occurred on October 1, 2024), which creates a continuously shifting target for municipal Official Plans.

In response, staff had requested that the province provide additional time to municipalities to update the City’s Official Plans to be consistent with the Provincial Planning Statement. In the event that the province does not implement these recommendations, staff have identified specific *Planning Act* applications that it recommends be subject to the current Provincial Policy Statement, 2020 and Growth Plan policies.

As of the writing of this report, the province has not released transition regulations. Planning staff will provide a verbal update to Planning Committee as part of this report should these regulations be released before November 5, 2024.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Previous Comments on the Provincial Planning Statement

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.

On April 10, 2024, a second draft of the proposed Provincial Planning Statement was released through the Environmental Registry of Ontario 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, overall, it maintained the concerns previously raised.

A significant concern raised by the City on the second draft of the Provincial Planning Statement was that combined with changes in Bill 185 allowing landowners to appeal urban boundary expansion applications to the Ontario Land Tribunal all whitebelt lands (land outside of Hamilton's urban boundary and outside of the Greenbelt Plan area) could be subject to urban boundary expansion applications and appeals. These Provincial changes undermine and could reverse the City's urban boundary expansion growth strategy which was solidified in December 2023 with the Province's adoption of Bill 150, *Planning Statute Law Amendment Act, 2023*. In addition, the City raised concerns with the Provincial Planning Statement 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 things like infrastructure capacity, housing affordability, land supply or other matters that influence the pattern of growth in southern Ontario.

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 with the community before finalizing the framework into Official Plan policy.

On August 20, 2024, the Provincial Planning Statement was approved by the province and came into effect on October 20, 2024.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Statement

The Provincial Planning Statement, 2024 was approved by an Order in Council on August 20, 2024, and came 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).

RELEVANT CONSULTATION

Staff from the Planning Division, Legal Services and Economic Development were consulted in the drafting of this report, recommendations, and appendices.

In addition, Planning staff have contacted municipal planning staff from surrounding municipalities to discuss the Environmental Registry of Ontario posting and share preliminary responses.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Through an assessment of the implications of the new Provincial Planning Statement coming into effect, staff submitted four specific requests to the province to be incorporated into its transition regulations.

1. That the Provincial Planning Statement only apply to applications, matters or proceedings submitted on or after, or commenced on or before, October 2024.

Staff recommended that the Provincial Planning Statement only apply to *Planning Act* applications submitted on or after October 20, 2024. Staff noted that this was the approach taken by the Government of Ontario in 2005 when it last reformed the province's land use planning policy framework with the adoption of the Provincial Policy Statement, 2005, Growth Plan for the Greater Golden Horseshoe and Greenbelt Plan. Taking the same approach with the Provincial Planning Statement for planning applications would:

- Avoid confusion as to which Provincial policies apply for municipalities, applicants, and the public at large;
- Avoid delays in the approval of planning applications by not requiring the resubmission and re-evaluation of proposals against the Provincial Planning Statement; and,
- Ensure that existing planning application submission materials are aligned with the correct policy framework.

2. That the Settlement Area and Settlement Area Boundary Expansion policies under 2.3 not come into effect for 9 months (July 20, 2025)

Staff commented that City of Hamilton recently began work to develop a 'Made in Hamilton' framework and Official Plan update, establishing submission requirements, to properly process and evaluate privately initiated Official Plan Amendment applications that seek to expand Hamilton's settlement boundary. However, this work is complex and the City is currently undertaking engagement with both the public and stakeholders like the development industry as well as Indigenous communities to both: ensure that they are informed of the Provincial changes enabling new privately initiated urban boundary expansion applications; and have the opportunity to provide input to the City on how they want to participate in the review of these applications before urban boundary expansion applications are submitted.

An effective date of October 20, 2024, does not provide sufficient time for municipalities like Hamilton to review and update the growth management policies of its Official Plan to reflect and be consistent with the Provincial Planning Statement's removal of a Municipal Comprehensive Review.

While the City would not be required to update the Urban Official Plan until the next Official Plan update, applicants will undoubtedly use the higher Ministry of Finance numbers in their planning justification reports. This may necessitate staff accelerating the next Growth Related Integrated Development Strategy (GRIDS) prior to the 5 year review of the Urban Hamilton Official Plan. Staff note that these provincial changes create uncertainty around work currently underway to implement the City's recently approved firm urban boundary growth strategy to 2051 which includes Major Transit Station Areas, Zoning By-law reform, updates to infrastructure Master Plans, Development Charges, and other residential intensification related projects.

The recommended 9 month window to complete this work is consistent with what had been requested by other municipalities within the Greater Golden Horseshoe. It is also important to note that any Official Plan Amendment initiated by the City to bring its Official Plans into conformity with the new Provincial Planning Statement requires additional public and stakeholder consultation, including the requirement under Section (17) (17.1) of the *Planning Act* that the Ministry of Municipal Affairs and Housing be provided at least 90 days to review any draft Official Plan Amendment.

- 3. That the updated definition of “Area of Employment” under sub-sections 1.1 and 1.2 of Section 1 of the *Planning Act* and the Employment policies under 2.8 of the Provincial Planning Statement not come into effect for 18 months (April 20, 2026) or until the City of Hamilton undertakes a review its Official Plan employment policies (whichever comes first).**

Should the *Planning Act* change to the definition of “Areas of Employment” and associated Provincial Planning Statement policies be implemented on October 20, 2024, without transition regulations, there is no reasonable ability for the City to have enough time to undertake a new, conformity-related amendment under requirements before they come into effect.

The fast-tracking of these changes without a chance to allow for conformity-related amendments to take place puts the City and other municipalities in a position where their policies cannot conform to the Provincial Planning Statement and *Planning Act* legislation. These changes are significant to the local land use policy framework and may have serious implications for the various businesses that have been attracted to, and invested in, Hamilton’s diverse Employment Areas.

Staff recommended an 18 month window to responsibly implement the *Planning Act* and Provincial Planning Statement “Area of Employment” changes in the Official Plans and Zoning By-law. Staff are submitting a separate report to Planning Committee outlining the recommended approach to update the City’s employment policies in response to the Provincial Planning Statement and the new definition of “Area of Employment” in the *Planning Act*.

4. Specific Planning Act Applications to be Considered under the Policy Statement and Growth Plan for the Greater Golden Horseshoe.

Recognizing that the province may not incorporate the City’s recommendations above, staff have identified specific *Planning Act* applications currently under review or appealed to the Ontario Land Tribunal related to potential urban boundary expansions and employment area uses that should continue to be subject to the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe. These are included in Appendix “A” attached to Report PED24192.

ALTERNATIVES FOR CONSIDERATION

Council may amend staff-level comments in Appendix “A” attached to Report PED24192 or supplement the staff-level comments with additional comments.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24192 – City of Hamilton Staff Submission on Environmental Registry of Ontario Posting No. 019-9065

CT/mb