



Hamilton

October 3, 2024

Province of Ontario
Ministry of Municipal Affairs and Housing

Sent VIA ERO POSTING

Re: ERO 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

Please find below and enclosed City of Hamilton comments regarding Environmental Registry of Ontario 019-9065 in response to the proposed regulations for a new Provincial Planning Instrument (Provincial Planning Statement, 2024). Hamilton Planning Committee and City Council will be reviewing these comments at their November 5, 2024, and November 13, 2024, meetings. Hamilton City Council may choose to amend or add to the enclosed comments which would be provided in a subsequent letter.

Background

Through ERO 019-9065, the province is requesting feedback regarding specific planning matters that should be addressed through transition regulations to facilitate the implementation of the new Provincial Planning Statement, 2024. The City of Hamilton provided its detailed comments on earlier versions of the proposed Provincial Planning Statement through Environmental Registry of Ontario postings Nos. 016-6177, 019-6813 and 019-8462.

The Environmental Registry of Ontario posting specifically references that this could include specific planning matters (or types of matters) in process that should be addressed through the transition regulation, including individual development applications, or planning matters under appeal.

City of Hamilton Comments

The City of Hamilton appreciates the opportunity to provide input on transition matters related to the new Provincial Planning Statement; however, the City has concerns that the timing of this request does not provide the province with sufficient time to fully assess and consider the City's comments before the Provincial Planning Statement comes into effect on October 20, 2024.

The city has carefully and thoroughly evaluated the short- and long-term implications of the Provincial Planning Statement on local land use planning decisions. Our recommendations respecting the transition to this new policy framework seeks to avoid

unintended consequences where the implementation of the Provincial Planning Statement could frustrate its stated vision to, among other things, build at least 1.5 million homes by 2031 and support a strong and competitive economy that is investment ready. The city notes that the province provided municipalities two years to bring its Official Plans into conformity with the Growth Plan for the Greater Golden Horseshoe after it was amended in 2020 to extend the plan horizon to the year 2051.

The city has the following recommendations:

1. That the Provincial Planning Statement only apply to applications, matters or proceedings submitted on or after, or commenced on or before, October 20, 2024.

The City of Hamilton recommends that the Provincial Planning Statement only apply to Planning Act applications submitted on or after October 20, 2024. The City recommends that other planning matters underway, most notably Official Plan conformity reviews, as well as applications under the Planning Act currently deemed complete, including applications before the Ontario Land Tribunal, be subject to the Provincial Policy Statement policies.

The City notes that this was 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) or until the City completes a review its Official Plan Boundary expansion policies growth policies (whichever comes first).

Through Urban Hamilton Official Plan Amendment No. 167, the Province recently approved the City's no urban boundary expansion growth strategy to the year 2051 as conforming to the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.

In anticipation of the new Provincial Planning Statement being approved, the 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. 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.

The City of Hamilton requests that the Provincial transition regulations delay the implementation of Policy 2.3 (Settlement Areas and Settlement Area Boundary Expansions) for at least 9 months to allow municipalities like Hamilton to update its Official Plans in preparation of privately initiated urban boundary expansion applications. Specifically, this will allow municipalities to engage the public and Indigenous communities early in its effort to implement the Provincial Planning Statement which is consistent with policies 6.2.2 and 6.2.3 of the Provincial Planning Statement. In addition, the city understands that the province is actively working on new guidelines respecting the use of Ministry of Finance population projections and on determining the methodology for assessing land needs which, once published, will assist Hamilton with its Official Plan update.

It is also important to note that any Official Plan Amendment initiated by the City to bring its 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).

Through Urban Hamilton Official Plan Amendment No. 167, the City implemented the Provincially approved conformity-related updates to its Employment Area policies and supportable requests for Employment Area conversion. 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. To responsibly implement the Planning Act and Provincial Planning Statement "Area of Employment" changes in the Official Plan and Zoning By-law, the city will need to undertake work that includes:

- Reviewing and consulting with the public, affected businesses and landowners in Employment Areas, and Planning and Economic Development staff and on proposed policy changes to the City's four Employment Area designations in the Urban Hamilton Official Plan and determine any associated implications.
- Reviewing and updating the City's Official Plan policies/Zoning regulations and process for accepting and evaluating new privately initiated employment area conversion applications to reflect the new Provincial Planning Statement, including required technical information to determine whether the conversion satisfies Section 2.8.2.5 of the Provincial Planning Statement.
- Preparing a draft Official Plan Amendment which, if it is determined it is conformity related, includes a mandated 90-day review period by the province.
- Receiving Council adoption of a final Official Plan Amendment and implementing Zoning By-law Amendment.
- Providing the Province with the final Official Plan Amendment for their final review and approval of the conformity related amendment.
- Implementing the Provincially approved Official Plan Amendment into the Urban Hamilton Official Plan and enact the related Zoning By-law Amendment.

There are risks to the City and local businesses for not providing sufficient transition time for this work to be done, specifically:

- The City's Zoning By-law, which is the Applicable Law for implementing the orderly development of land, will not be up to date. There is significant work to be done to review the permitted uses in the various industrial zones across the city to ensure the permitted and prohibited uses align with the new definition.
- Until such a time that the Zoning can be updated, staff anticipate there will be confusion for plans reviewers with respect to the Applicable Law for issuing building permits.
- Established businesses and landowners in the City's existing Employment Areas need to be notified of the changes to the provincial legislation and related policies with respect to permitted and prohibited uses, as well as the potential introduction of sensitive land uses, should the area no longer be considered an "area of employment". Adequate time to conduct this consultation will be necessary to ensure that the City's approach to the policy change considers the economic success of these areas.
- Existing businesses may be subject to land use compatibility conflicts and

potential limitations to expand operations if sensitive land uses are granted permission to establish in these areas if they are not adequately recognized as Areas of Employment in local policy by October 20, 2024.

- The availability of “shovel-ready” lands for employment will be limited only to those who meet the permitted uses in the new Area of Employment definition. The City has a diversity of employment areas, many of which have established parcel sizes and servicing suitable for the employment uses which were previously considered appropriate for these areas. Staff in Planning and Economic Development need to consider where the uses no longer permitted in these areas can establish, and if there is sufficient area available for them elsewhere across the city.

Now that the Provincial Planning Statement has been approved, the city will need to undertake a review of the urban Employment Area land needs to better understand the long-term supply in consideration of the recent provincial legislation changes. The intent of this work is to establish an approach to Employment Area policies that recognizes the unique Hamilton context and ensures that established and prospective employers are in areas where their businesses can adapt and succeed. Additional time beyond October 20, 2024, is needed to complete this review and develop a thorough Official Plan Amendment for consideration of Council and the Province as required. Staff advise that the transition regulation should allow for additional time for this work to be completed and an Official Plan Amendment to be implemented.

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

Should the Province choose not to incorporate the City of Hamilton’s recommendations discussed above, the City has identified specific Planning Act applications which it recommends continue to be subject to the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe which is attached.

Should there be any additional comments from City of Hamilton Council, we will forward them to you accordingly.

If you have any questions, please contact Dave Heyworth, Manager of Sustainable Communities at (905) 546-2424 x 1279 or Charlie Toman Team Lead-Planning Policy, Sustainable Communities at (905) 546-2424 x 5863.

Regards,

A handwritten signature in cursive script, appearing to read "Anita Fabac", positioned below a horizontal line.

Anita Fabac, MCIP, RPP
Acting Director of Planning and Chief Planner
Planning Division
City of Hamilton

Attachment (1)

cc: Dave Heyworth, Manager, Sustainable Communities

File Number / Location	Status	Rationale
UHOPA-18-016 / ZAC-18-040 / 25T-201807 Location – 9511 Twenty Road West Applicant – Corbett Land Strategies Inc.	Under Review	These applications directly relate to other applications identified in this submission.
UHOPA-20-018, RHOPA-20-022 (Urban Boundary Expansion) Location - 9285, 9445, 9511 Twenty Road West, Glanbrook Applicant – Corbett Land Strategies Inc.	Appealed to the Ontario Land Tribunal for lack of decision on June 27, 2024	The applications, including all supporting information and rationale, was specifically submitted under Section 2.2.8 of the Growth Plan.
UHOPA-20-019, RHOPA-20-023 (Urban Boundary Expansion) Location - 9625 and 9751 Twenty Road West, Glanbrook Applicant – Corbett Land Strategies Inc.	Appealed to the Ontario Land Tribunal for lack of decision on June 27, 2024	The applications, including all supporting information and rationale, was specifically submitted under Section 2.2.8 of the Growth Plan.
UHOPA-20-020, RHOPA-20-024 (Urban Boundary Expansion) Location - 555 Glanbrook Road West, Glanbrook Applicant – Corbet Land Strategies Inc.	Appealed to the Ontario Land Tribunal for lack of decision on June 27, 2024	The applications, including all supporting information and rationale, was specifically submitted under Section 2.2.8 of the Growth Plan.
UHOPA-21-008, ZAC-21-018, 25T-202106	Under Review	The applications, including all supporting information and rationale, was submitted under the Employment

<p>Location – 9555 Airport Road West, Glanbrook</p> <p>Applicant – A.J. Clarke and Associates Ltd.</p>		<p>policies of the Provincial Policy Statement, 2020 and Growth Plan.</p>
<p>UHOPA-21-018, ZAC-21-039</p> <p>Location - 1400 South Service Road, Stoney Creek</p> <p>Applicant – Losani Homes (1998) Ltd.</p>	<p>Appealed to the Ontario Land Tribunal for lack of decision on November 10, 2023</p>	<p>The applications are directly related to a Employment Land conversion request that is still being considered under the City’s Urban Focused Municipal Comprehensive Review.</p>
<p>UHOPA-22-014, ZAC-22-027, 25T-202205</p> <p>Location - 2876 Upper James Street, Glanbrook</p> <p>Applicant – Jenny Stack Rice Group</p>	<p>Active</p>	<p>The applications, including all supporting information and rationale, was submitted under the Employment policies of the Provincial Policy Statement, 2020 and Growth Plan. If the applicant were to revise the applications based on changes to the employment policies of the Provincial Planning Statement, the City would not have the supporting information necessary to assess the applications under those policies.</p>
<p>UHPOA-22-008, ZAC-22-017, 22T-202202</p> <p>Location – 3054 Homestead Drive, Hamilton</p> <p>Applicant – Urban Solutions Planning and Land Development</p>	<p>Appealed to the Ontario Land Tribunal for lack of decision on April 22, 2024</p>	<p>The applications, including all supporting information and rationale, was submitted under the Employment policies of the Provincial Policy Statement, 2020 and Growth Plan. If the applicant were to revise the application based on changes to the employment policies of the Provincial Planning Statement, the City would not have the supporting information necessary to assess the applications under those policies.</p>

<p>25T-202203</p> <p>Location – 9451 Dickenson Road West, Glanbrook</p> <p>Applicant – Korsiak Urban Planning</p>	<p>Appealed to the Ontario Land Tribunal for lack of decision on July 16, 2024</p>	<p>The applications, including all supporting information and rationale, was submitted under the Employment policies of the Provincial Policy Statement, 2020 and Growth Plan. If the applicant were to revise the application based on changes to the employment policies of the Provincial Planning Statement, the City would not have the supporting information necessary to assess the applications under those policies.</p>
<p>Urban Hamilton Official Plan Amendment – White Church Lands Secondary Plan</p> <p>Location - Multiple Properties</p> <p>Applicant – Whitechurch Landowners Group Inc.</p>	<p>Application deemed incomplete – Appealed by Applicant under 22 (6.2) of the <i>Planning Act</i></p>	<p>This applications, including all supporting material, was submitted under the settlement area expansion policies of the Provincial Policy Statement, 2020 and Growth Plan. If the applicant were to revise the application based changes to the settlement area policies of the Provincial Planning Statement, the City would not have the supporting information necessary to assess the application under those policies.</p>
<p>Urban Hamilton Official Plan Amendment - Twenty Road West Secondary Plan</p> <p>Location – Multiple Properties</p>	<p>Application deemed incomplete – Appealed by</p>	<p>This application, including all supporting material, was submitted under the settlement area expansion policies of the Provincial Policy Statement, 2020 and Growth Plan. If the applicant were to revise the application</p>

<p>Applicant – Corbett Land Strategies Inc.</p>	<p>Applicant under 22 (6.2) of the <i>Planning Act</i></p>	<p>based changes to the settlement area policies of the Provincial Planning Statement, the City would not have the supporting information necessary to assess the application under those policies.</p>
<p>Urban Hamilton Official Plan Amendment – City Wide Intensification Targets Location – City Wide Applicant – Corbett Land Strategies Inc.</p>	<p>Application deemed incomplete – Appealed by Applicant under 22 (6.2) of the <i>Planning Act</i></p>	<p>This application, including all supporting material, was submitted under the settlement area expansion policies of the Provincial Policy Statement, 2020 and Growth Plan. If the applicant were to revise the application based changes to the settlement area policies of the Provincial Planning Statement, the City would not have the supporting information necessary to assess the application under those policies.</p>
<p>Urban Hamilton Official Plan Amendment – Elfrida Area Preferred Expansion Area Location – Multiple Properties Applicant – Elfrida Community Builders Group Inc.</p>	<p>Application deemed incomplete on August 20, 2024</p>	<p>This application, including all supporting material, was submitted under the settlement area expansion policies of the Provincial Policy Statement, 2020 and Growth Plan.</p>