

**External Agency Comments and Responses**

This appendix provides a summary of comments from external review agencies and staff's response. A copy of all external agency comments are included as part of Appendix G to Report PED24109(b).

<b>Hamilton Conservation Authority</b>	<b>Comment</b>	<b>Staff Response</b>
	<p>HCA supports the City's interest in developing a framework for processing and evaluating urban boundary expansion applications. This will ensure that new communities are developed in a coordinated and sustainable manner, that development is located outside of hazardous lands, and that hazard-related impacts on communities downstream of the UEA are avoided.</p>	<p>Noted.</p>
	<p>HCA notes that a subwatershed study was initiated for the Elfrida area in 2014, with Phase 1 (subwatershed characterization) of the study completed in 2018. Phase 2 (subwatershed management strategies) and Phase 3 (implementation and monitoring plans) of the subwatershed study were not initiated. HCA participated in the Phase 1 study and notes that through the characterization work completed, a number of important features and recommendations were identified that should be reviewed and considered if an urban boundary expansions application for the Elfrida UEA proceeds. Importantly, this included recommendations for additional assessment work related to</p>	<p>Noted.</p>

	<p>watercourses/HDF, floodplain modelling and karst. Given the Phase 1 study was completed five years ago, there may be other aspects of the characterization work that would need to be updated.</p>	
	<p>On pages 2 and 3 of the draft framework, it is noted that Conservation Authorities are the agency responsible for reviewing the terms of reference and assessing the technical submission for Karst Assessments. In addition to Karst Assessments, HCA recommends Conservation Authorities be included as an agency responsible for reviewing and assessing the following submission requirements:</p> <ul style="list-style-type: none"> <li>a. Functional Servicing Report</li> <li>b. Subwatershed Study (Phase 1)</li> <li>c. Geotechnical Study.</li> </ul>	<p>The final Framework has been revised to reference Conservation Authorities as also being a review / approval agency for these submission requirements.</p>
	<p>Given the UEA are located in the upper reaches of a number of subwatersheds, studies may be required to assess the impact of development in the UEA on downstream flooding and erosion. HCA notes that development in UEA that was not accounted for in existing floodplain mapping has the potential to increase floodplains in existing developed areas and communities downstream of the UEA. As such, HCA staff recommend the "Natural Hazard Components" within the Functional Servicing report outlined on page 5, also</p>	<p>This has been added to the Framework.</p>

	<p>include a “Downstream Floodplain Assessment”</p>	
	<p>The City may also wish to note that the reports and studies outlined within the submission requirements must be completed by a qualified professional.</p>	<p>Both the Urban and Rural Hamilton Official Plan contain policies requiring that technical plans and studies submitted as part of a complete application must be prepared by a qualified professional.</p>
	<p>On page 10 of the draft framework, the “Natural Hazards (Base Considerations)” theme, does not capture the full submission requirements for natural hazards. Consequently, the “Submission Requirement” heading should be revised to include:</p> <ul style="list-style-type: none"> <li>a. Functional Servicing Report (Natural Hazards Components)</li> <li>b. Subwatershed Study (Phase 1)</li> <li>c. Karst Assessment</li> </ul> <p>Further, HCA recommends the City notes that Conservation Authorities will be the review agency for Natural Hazards including the above noted studies.</p>	<p>This has been added to Part B in the final Framework.</p>

<b>Grand River Conservation Authority</b>	<b>Comment</b>	<b>Staff Response</b>
	<p>We recommend including Conservation Authorities as an agency responsible for reviewing Terms of Reference and assessing technical submissions for the following minimum submission requirements, as outlined in the table on page 2 and 3 of the Draft Framework:</p> <ul style="list-style-type: none"> <li>a. Concept Plan</li> <li>b. Functional Servicing Report</li> <li>c. Subwatershed Study (Phase 1)</li> <li>d. Geotechnical Study</li> </ul>	<p>The recommended Terms of References have been updated accordingly.</p>
	<p>In the table on page 10, under theme Natural Hazards (Base Considerations), it is recommended that 'Submission Requirements' include all minimum submission requirements as listed in the table on page 2 and 3, including:</p> <ul style="list-style-type: none"> <li>a. Functional Servicing Report (which includes the natural hazard components as listed on page 5)</li> <li>b. Subwatershed Study (Phase</li> <li>c. Geotechnical Study</li> <li>d. Karst Assessment</li> </ul>	<p>This section of Part B of the Framework has been updated.</p>
	<p>In the table on page 13, under theme Natural Heritage and Water Resources (Base Considerations), we note that many considerations would typically be completed as part of Phase 2 or Phase 3 of a Subwatershed Study. The Framework stipulates that only Phase 1 of a</p>	<p>Staff are not recommending that the any of the natural heritage and water resource considerations in Part B of the Framework be removed at this time. Staff understand the comment but do not recommend removing these considerations. It is implied that the Subwatershed Study (Phase 1) will address considerations and/or make recommendations related to subsequent phases.</p>

	<p>Subwatershed Study be submitted as part of a complete application. We recommend re-wording to specify that the Phase 1 study should be completed to address considerations and/or make recommendations as to how to address considerations as part of a Phase 2 or Phase 3 study.</p>	
--	--	--

<b>Niagara Escarpment Commission</b>	<b>Comment</b>	<b>Staff Response</b>
	<p>Where a boundary expansion is requested, the NEPDA details, land that is within the land use designation of Escarpment Natural Area, Escarpment Protection Area, Mineral Resource Extraction Area or Escarpment Rural Area of the Niagara Escarpment Plan and the application seeks to redesignate the land to the land use designation of Minor Urban Centre, Urban Area, Escarpment Recreation Area: Section 2 of the NEPDA restricts such an amendment to being considered until the time of NEP 10-year coordinated review (with the Greenbelt Plan under the Greenbelt Act, 2005). The last coordinated plan review was commenced in 2015, completed in 2017 and the next coordinated plan review is anticipated to commence as early as 2025.</p>	<p>Within the City of Hamilton, all lands designated Escarpment Urban Area and Escapement Minor Urban Centre are within the existing urban boundary. This means that any urban expansion application into the Niagara Escarpment Plan would not be permitted under the current land use designations within this plan.</p> <p>Planning Division staff are aware of and will be reporting to Planning Committee on the upcoming 10-year review of the Niagara Escarpment Plan. At this time, the Niagara Escarpment Commission has not confirmed the scope of this review.</p> <p>Staff also note that the Niagara Escarpment Plan forms part of the Greenbelt Area under the <i>Greenbelt Act</i> and that the <i>Planning Act</i> restricts the ability of landowners to appeal Council's refusal or non-decision of urban boundary expansion applications into this this.</p>

	<p>The NEP provides policies for boundary expansions to lands that are located within the Minor Urban Area and Urban Area designations. For lands located within the NEP area, other legislation and decision making cannot conflict with the policies of the NEP. As set out in the NEP and NEPDA, a boundary expansion can only be considered through an amendment to the NEP at the time of the 10-year plan review. The current PPS identifies less restrictive policies than the NEP regarding the timing of when a boundary expansion can occur. The PPS states that where provincial plans such as the NEP has more restrictive policies those policies prevail over the policies of the PPS.</p>	<p>Noted.</p>
--	--	---------------

<b>Hamilton International Airport</b>	<b>Comment</b>	<b>Staff Response</b>
	<p>The Airport Zoning Regulations (AZR's) and Noise Exposure Forecasts (NEF) contours serve as essential tools in guiding development decisions, ensuring that noise sensitive land uses and new developments are compatible with existing and future airport operations. As such, Hamilton International believes it is important that these continue to be integrated into and considered when evaluating any proposed urban boundary expansion.</p>	<p>Part B of the Framework requires the City to consider whether the expansion area protects the Airport from incompatible land uses and supports its long term operations.</p> <p>Staff are not recommending any amendments to the Official Plan's that loosen its current restrictions on developing sensitive land uses near the airport.</p>

	<p>Additional consideration may be given to the Airport's 2023-2043 Master Plan, in which the recommended NEF contours differ from the contours shown in the Hamilton Official Plan. The Airport recommended that the NEF contours presented in the Master Plan be further considered by the City for future planning and policy, with perspective of inclusion in a future update to the Hamilton Official Plan. This review of the Urban Boundary Expansion process may present opportunity to undertake such consideration, while the City continues to adhere to its current NEF contours.</p>	<p>A new consideration has been added to Part B of the Framework stating that the proposed land uses within the expansion area consider and not conflict with the Airport's 2023-2043 Master Plan, including updated NEF Contours.</p>
	<p>Also included in the City's approval of the Airport's 2023-2043 Master Plan (PED19084(b)) was the requirement to advance an additional study on the current AZR's. With recent changes to government regulations, specifically TP312, there is a probability that the current AZR's will need to be expanded. Hamilton International is undertaking this assessment in 2025, with expectation that the gap analysis will be completed by the end of the year.</p>	<p>The Hamilton International Airport will be circulated all applications to expand the urban boundary and will have an opportunity to provide comments to the City prior to staff finalizing its recommendation to Planning Committee and Council on the application.</p> <p>Staff note that the <i>Planning Act</i> recognizes the Hamilton International Airport as a public body, meaning that it may have participant status at the Ontario Land Tribunal.</p>
	<p>Hamilton International also acknowledges that the Draft Framework identifies instances where consultation with the Airport may be required to assess boundary expansion applications. The Airport would welcome an update to the Framework that more formally</p>	<p>The importance of receiving comments from the Hamilton International Airport, along with applicable Conservation Authorities, School Boards etc., before the City completes its review and assessment of an urban boundary expansion</p>

	<p>incorporates Hamilton International into the review process for boundary expansion applications, particularly those that pertain to the lands around the Airport property. Formal integration in this manner will enable the Airport to provide comment in step with the City’s own review to ensure alignment on respective growth opportunities and mitigate risks to the economic benefits the Airport delivers for the City.</p>	<p>application has been added to Part C of the Framework.</p>
--	---	---

<b>Hamilton Wentworth District School Board</b>	<b>Comment</b>	<b>Staff Response</b>
<p><b>&amp;  Hamilton Wentworth Catholic District School Board</b></p>	<p>The HWDSB &amp; HWCDSB provided a joint submission on the draft framework.</p> <p>Part A of the framework lists minimum submission requirements that must be submitted with any application to expand Hamilton’s urban boundary. Both school board administrations agree that a School Accommodation Issues Assessment should be included in the initial submission requirement, however, would like to outline the Terms of Reference for that assessment.</p>	<p>Noted</p>
	<p>The School Boards sent a detailed list of information that must be included as part of the completion of a School Accommodation Issues Assessment so that each school board can determine number and type of schools that would be required to accommodate the expansion area.</p>	<p>The School Boards input has been incorporated into the recommended Terms of Reference for the School Accommodation Issues Assessment (Urban Boundary Expansion).</p>



Enbridge	Comment	Staff Response
	<p>The Draft Framework for Processing &amp; Evaluating Urban Boundary Expansion Applications was reviewed, and does not appear to contain any maps, statements or policies related to development in proximity of pipeline infrastructure. Therefore, Enbridge would like to recommend inclusion of the maps, statements and policies detailed in the recommendations below.</p>	<p>Noted.</p>
	<p>We recommend that Enbridge's pipelines (and any other pipelines) and facilities be indicated on one or more maps within the Framework. We believe it would benefit the City to provide mapping showing the location of pipeline infrastructure, so that potential applicants/appellants may speak to the ways they would account for the infrastructure and any potential ground disturbances or crossings.</p>	<p>This information is currently available online.</p>
	<p>As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. To ensure that all development within the pipeline assessment area is referred to Enbridge for review and comment, we recommend inclusion of the following policy:</p>	<p>The City of Hamilton currently circulates applications made under the <i>Planning Act</i>, including Formal Consultation and Official Plan Amendment applications to Enbridge and other pipeline operators where the subject lands are within 200 metres of a pipeline. This is required under the <i>Planning Act</i>.</p>

	<p>a. "When an urban boundary expansion application is proposed that involves land within 200m of a pipeline, as demonstrated in "Map xx: " (per recommendation #1), Administration shall refer the matter to the pipeline company for review and input."</p>	
	<p>To ensure that no unauthorized ground disturbance or pipeline crossings occur when development progresses, we recommend the following policy be included within the Framework for Processing &amp; Evaluating Urban Boundary Expansion Applications:</p> <p>a. "All development within 30m or crossings of a pipeline shall require written consent from the pipeline company and is the responsibility of the applicant to obtain prior to development approval."</p>	<p>Noted.</p>
	<p>Although the Draft Framework for Processing &amp; Evaluating Urban Boundary Expansion Applications details a long-term future development vision, there are development requirements that will be mandatory at the subdivision and development stage that will be helpful to consider prior to application submission. Please review Enbridge Development Requirements for requirements for planning and development in proximity of pipelines. In addition, for more information about when written consent is required and</p>	<p>Noted.</p>

	<p>how to submit an application, see Enbridge Pipeline Crossing Guidelines. For additional resources on safe development in proximity of Enbridge's pipeline network please view Enbridge's Public Awareness Brochures or visit the Land Use Planning and Development website.</p>	
--	--	--

<b>Bell Canada</b>	<b>Comment</b>	<b>Staff Response</b>
	<p>While we do not have any comments or concerns at this time, we would ask that Bell continue to be circulated on any future materials and/or decisions related to this matter.</p>	<p>Noted.</p>

<b>Alectra Utilities</b>	<b>Comment</b>	<b>Staff Response</b>
	<p>No comment/objection based on the information provided</p>	<p>Noted.</p>