

Appendix N

White Church Urban Boundary Expansion Policy Background

Details of Applications

The subject lands are approximately 364 hectares in size, representing a rectangular grouping of land made up of many properties. The lands are bounded by Airport Road East to the north, Miles Road to the east, White Church Road East to the south, and Upper James Street to the west. The lands are currently occupied by the Southern Pines Golf & Country Club, agricultural lands, scrub lands, ponds, and woodlands, as well as a number of single detached dwellings.

The applications propose to establish the White Church lands as a location for a new settlement area for the City of Hamilton, which is intended to be integrated with Mount Hope and the related Airport employment lands to create a complete community, which accommodates a range and mix of land uses including a full range of housing options, related public service facilities, including parks and open space and provision for a multi-modal transportation system.

The applicant submitted 25 studies/assessments in support of the applications, which are included as Appendices to Report PED25180. In the review of the applications, City staff evaluated the completeness of the applications based on whether the required study was completed, not on the quality of the study itself.

Municipal Planning Background for the White Church Lands

In 2017, the City initiated the review of its Official Plans, which included a municipal comprehensive review (“MCR”) and Growth Related Infrastructure Development Strategy 2 (“GRIDS 2”). The review and update to the City’s Official Plans was driven by the updates to the provincial Growth Plan, which required an update to the City’s Official Plans to accommodate the City’s growth to 2051.

The GRIDS 2 process considered the existing “Whitebelt Lands” in Hamilton as potential growth options, but in 2021 Council instead adopted a “No Boundary Expansion” approach, which would require growth to occur through intensification within the existing urban area. In June 2022, the MCR/GRIDS 2 process culminated in Council approving Official Plan Amendments 167 (to the UHOP) and 34 (to the RHOP), without any urban boundary expansions.

Official Plan Adoption and Bill 150

In June 2022, the Official Plan Amendments that implemented updates to the City of Hamilton’s Official Plans were sent to the Province for a decision, as the approval authority. On November 4, 2022, the Province approved the Plans with modifications

adding approximately 2,200 hectares of land into the Urban Boundary, including the White Church lands. Following this, in December 2022, the Province proposed to amend the Greenbelt Plan to remove 795 hectares of land in the City of Hamilton from the Greenbelt Plan Area.

As Urban Expansion Areas are required to undertake Secondary Planning processes to facilitate future development, the Whitechurch Landowners Group initiated this process by submitting a Request for Formal Consultation to the City of Hamilton for the subject lands. Following the City of Hamilton's review of the applications, a Formal Consultation Document was issued by the City of Hamilton dated April 18, 2023.

On December 6, 2023, Bill 150, the *Planning Statute Law Amendment Act*, received Royal Assent which reversed all but three of the Provincial modifications made to the City's Urban and Rural Official Plans on November 4, 2022. The legislation restored the no urban boundary expansion growth strategy approved by City Council in June 2022, deeming the previous Provincial decision to expand the urban boundary as having never been made.

Provincial Planning Statement and Bill 185

In 2024, the Province enacted policy and legislative changes impacting when and how urban boundary expansion matters are considered and approved through the adoption of the Provincial Planning Statement and Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*. Specifically, these changes:

- Removed Provincial policy requirements that municipalities must undertake a municipal comprehensive review before considering urban boundary expansions over 40 hectares, allowing for privately initiated urban boundary expansion applications at any time, size or location provided the lands were outside of the Greenbelt Area; and,
- Amended the *Planning Act* to allow applicants to appeal Council's refusal or non-decision on urban boundary expansion applications to the Ontario Land Tribunal.

On May 17, 2024, City Council adopted staff's submission to the Province raising concerns with these changes and provided direction for staff to develop and report back with recommendations on a framework for processing and evaluating urban boundary expansion applications through Report PED23145(a).

Framework for Processing and Evaluating Urban Boundary Expansion Applications

In response to these Provincial changes, Planning Division staff prepared a Framework for Processing and Evaluating Urban Boundary Expansion Applications ("Framework") with input from other City Departments and Dillon Consulting who provided technical guidance on suitable submission requirements based on the new Provincial Planning Statement. The Draft Framework is intended to guide how privately initiated urban

boundary expansion applications are assessed by establishing a clear and fulsome process for review, while ensuring transparency and providing opportunities for public input.

The Draft Framework has three parts:

- Part A sets rigorous submission requirements for applications, including technical studies tailored to urban boundary expansions;
- Part B lists what the City will consider when reviewing applications; and
- Part C outlines the full process for submitting and reviewing applications, including opportunities for public input, all within the 120-day timeline for review that is required by the Province.

Council adopted staff's recommendations on April 16, 2025, including amendments to the Urban and Rural Hamilton Official Plan to enshrine the requirements of the Framework into policy. Based on case law involving Ontario Land Tribunal decisions, it is generally accepted best practice that new Official Plan policies cannot be applied retroactively to an urban boundary expansion application that was deemed complete prior to the implementation of the Framework, which includes the White Church lands. City staff have, however, used the Framework to guide their review of the proposal.

Urban Boundary Expansion Applications Responsibilities of the Province and the City



The Province of Ontario sets rules and regulations for municipal growth under the Planning Act, allowing municipalities to create Official Plans and Zoning By-laws. Recent legislation, including Bill 185 (Cutting Red Tape to Build More Homes Act, 2024) and the new Provincial Planning Statement (2024), has changed how urban growth is managed. These enable urban boundary expansion proposals of any size, at any time.

The table below outlines recent Provincial policy changes regarding urban boundary expansion proposals and the actions the City can take in response, based on the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications.

	Provincial Policy Changes	Hamilton's Response
Consideration of Urban Boundary Expansion Applications	<ul style="list-style-type: none"> New Provincial Planning Statement (2024) permits urban boundary expansion applications to occur at any time Allows proponents to submit Official Plan Amendments for settlement area expansions Sets out the minimum criteria for settlement area expansions 	<ul style="list-style-type: none"> Determines strategic growth areas, identifying the parts of the City that are to be focus for development Current Official Plan maintains a firm boundary, where growth is expected to occur in nodes, corridors and elsewhere within existing greenfield areas and built up areas Complete applications are accepted for processing City can establish criteria for decision-making around settlement area expansion given the unique characteristics of the City
Early Consultation Requirements	<ul style="list-style-type: none"> Bill 185 allows proponents to opt out of formal consultation requirements and public consultation before submitting an application 	<ul style="list-style-type: none"> Establish policies that strongly encourage pre-application consultation with municipalities, community residents, and Indigenous Communities
Required Information	<ul style="list-style-type: none"> Proponents can appeal municipal submission requirements (e.g. Sub-Watershed Studies) requirements to the Ontario Land Tribunal (OLT) 	<ul style="list-style-type: none"> The City can identify specific plans and studies, defensible based on land use policy, that must be submitted as part of a complete application
Application Fees	<ul style="list-style-type: none"> Proponents can appeal fees to the Ontario Land Tribunal (OLT) 	<ul style="list-style-type: none"> Able to establish the fees for submitting a planning application that cover the cost of processing the application
Public Notification	<ul style="list-style-type: none"> Minimum notification requirements for Official Plan Amendment Applications are established 	<ul style="list-style-type: none"> Can establish enhanced notification requirements for members of the public and interested parties
Public Access to Information	<ul style="list-style-type: none"> Requires all information associated with an application to be made public 	<ul style="list-style-type: none"> Can share all information on the City's website
Public Meetings	<ul style="list-style-type: none"> Requires at least one statutory public meeting 	<ul style="list-style-type: none"> Can hold additional community meetings in advance of and in addition to the statutory public meeting and can request proponents do the same
Decision Timeline	<ul style="list-style-type: none"> Proponents can appeal to the Ontario Land Tribunal (OLT) if no decision is made within 120 days 	<ul style="list-style-type: none"> No ability to request the Province extend the 120 day review timeline
Approval Decisions	<ul style="list-style-type: none"> Applicants can appeal Council's refusal of an application to the Ontario Land Tribunal (OLT) 	<ul style="list-style-type: none"> City Council can approve or deny an application, subject to appeal
Refusal of Applications	<ul style="list-style-type: none"> Proponents can appeal to the Ontario Land Tribunal (OLT) if the City fails to review an application within 120 days or deems an application as incomplete 	<ul style="list-style-type: none"> Can refuse applications that are missing certain required information (i.e. incomplete applications)
Appeals on Council's Decision to the Ontario Land Tribunal (OLT)	<ul style="list-style-type: none"> Through Bill 185, the Province eliminated 'third party appeals,' meaning only registered landowners within the area subject to the application can appeal 	<ul style="list-style-type: none"> Similar to other planning decisions, the City would be responsible for defending Council decisions on matters appealed to the Ontario Land Tribunal (OLT)
Attendance at OLT Hearings	<ul style="list-style-type: none"> The Province has legislation that determines who can participate in and attend Ontario Land Tribunal (OLT) hearings 	<ul style="list-style-type: none"> The City has no control over who attends Ontario Land Tribunal (OLT) hearings
Approved Urban Boundary Expansion Areas	<ul style="list-style-type: none"> The applicant can appeal a Secondary Plan Official Plan Amendment based on policy or mapping discrepancies 	<ul style="list-style-type: none"> Before development can proceed, long-term land use must be approved using the City's approved Framework for establishing urban boundary expansion area Secondary Plans

Figure 1: Provincial Policy Changes and City's Response as Related to Urban Boundary Expansion Applications