

Appendix L

Elfrida Urban Boundary Expansion Policy Background

Application Details

The subject lands are approximately 1,209 hectares in size, representing an 'L' shaped grouping of land made up of many properties that vary considerably in size, shape, and land use. The lands are bounded by Second Road East and Hendershot Road to the east; Golf Club Road to the south; Trinity Church Road to the southwest; an east-west hydro corridor to the northwest; Swayze Road and Upper Centennial Parkway to the northwest; and Mud Street East to the north. The lands are predominately used for agricultural purposes, with clusters of rural residential dwellings, limited commercial and light industrial uses along Upper Centennial Parkway and institutional uses along Rymal Road / Regional Road 20.

The applications propose to amend both the Urban and Rural Hamilton Official Plans and have the effect of bringing the subject lands into the Hamilton urban area. A special policy area is proposed for the subject lands within the Urban Hamilton Official Plan that establishes general land use objectives for the area and identifies requirements for subsequent secondary planning of the lands. The applicant has provided a Concept Plan which illustrates a land use concept for the expansion lands and envisions an overall density of 135 people and jobs per hectare equating to 114,900 people and 14,360 jobs. Approximately 39,000 new dwelling units are proposed.

The applicant submitted 15 studies/assessments in support of the applications, which can be viewed at this [link](#)². It is important to note that 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 Elfrida Lands

In 2003, the City initiated GRIDS 1 to establish a broad land use structure. In 2006, Council adopted the Rural Hamilton Official Plan (RHOP), designating the Elfrida lands as "Special Policy Area B – Future Urban Growth District" (SPA B). When the Province approved the RHOP in 2008, it removed the SPA B designation and related policies.

In 2008, Council adopted the Urban Hamilton Official Plan (UHOP), again identifying Elfrida as a Future Urban Growth District. The Province removed those policies when it approved the UHOP in 2011. The City, along with Elfrida and other landowners, appealed both approvals to the Ontario Municipal Board (now Ontario Land Tribunal).

In 2013 and 2014, the City approved funding for a subwatershed study and secondary plan for Elfrida. In 2016, the City initiated the Elfrida Growth Area Study to identify the proposed urban boundary expansion and secondary plan for Elfrida, which included the subwatershed study. The Elfrida Growth Area Study and subwatershed study were

partially completed and included a preferred community structure plan and a preliminary natural heritage system. As part of the City-led Elfrida Growth Area Study, staff analysed and consulted on the development of a vision and guiding principles as a foundation for the development of a secondary plan. Three land use concepts were prepared and consulted on. Of the three options, the current Elfrida Concept Plan, submitted with the subject applications most resembles Option 2 from the Elfrida Growth Area Study (see below). It should be noted this Option was not selected by staff to move forward with.

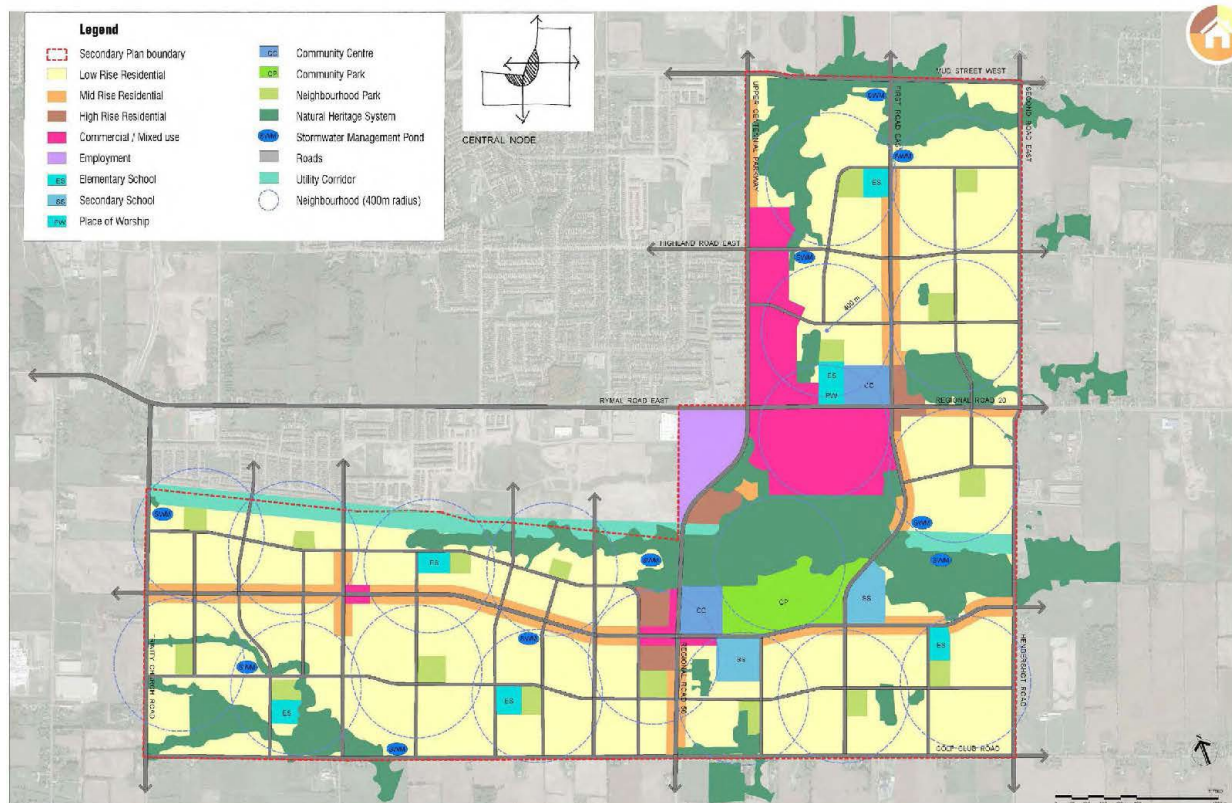


Figure 1: Elfrida Growth Area Study conceptual development option 2 (Figure 28 in Appendix B to Report PED18182)

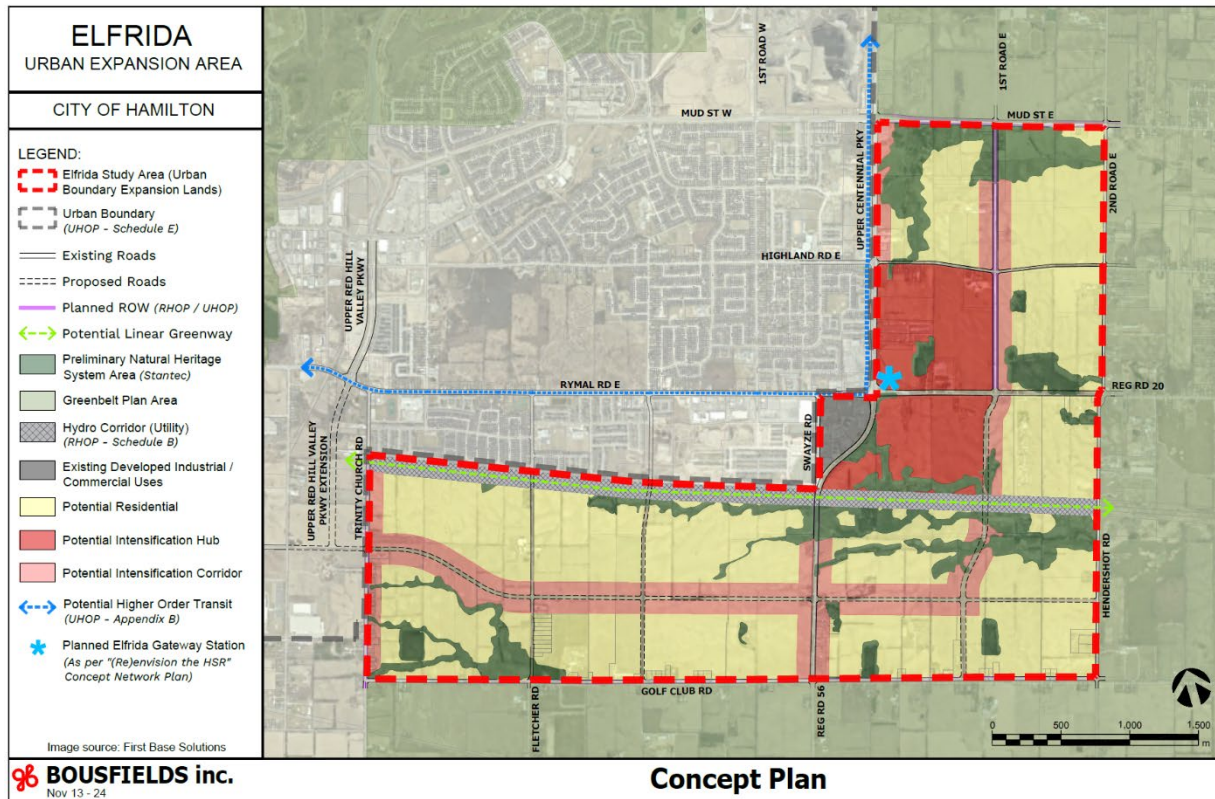


Figure 2: Concept Plan submitted by the applicant as part of the Elfrida Urban Boundary Expansion Application

In 2018 the City paused the completion of the Elfrida Growth Area Study and subwatershed study.

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.

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 and instead directed that all the City’s growth be accommodated through intensification.

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 Elfrida 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.

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, opening the door 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 approval of the Official Plan policies implementing the Framework, which includes the Elfrida Lands. City staff have, however, used the Framework to guide their review of the proposal.




<div> <div>Urban Boundary Expansion Applications</div> <div>Responsibilities of the Province and the City</div> </div> <div>  </div>		
<p>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 155 (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.</p> <p>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.</p>		
	<div>Provincial Policy Changes</div> 	<div>Hamilton's Response</div> 
<div>Consideration of Urban Boundary Expansion Applications</div>	<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
<div>Early Consultation Requirements</div>	<ul style="list-style-type: none"> Bill 155 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
<div>Required Information</div>	<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
<div>Application Fees</div>	<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
<div>Public Notification</div>	<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
<div>Public Access to Information</div>	<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
<div>Public Meetings</div>	<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
<div>Decision Timeline</div>	<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
<div>Approval Decisions</div>	<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
<div>Refusal of Applications</div>	<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)
<div>Appeals on Council's Decision to the Ontario Land Tribunal (OLT)</div>	<ul style="list-style-type: none"> Through Bill 155, 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)
<div>Attendance at OLT Hearings</div>	<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
<div>Approved Urban Boundary Expansion Areas</div>	<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 Related to Urban Boundary Expansion Applications