



INFORMATION REPORT

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: June 7, 2011	
SUBJECT/REPORT NO: Urban Hamilton Official Plan - Appeals to the Ontario Municipal Board (PED09164(e)) (City Wide)	
SUBMITTED BY: Tim McCabe, General Manage Planning & Economic Development Department	PREPARED BY: Joanne Hickey Evans, Manager (905) 546-2424 extension 1282
SIGNATURE:	

Council Direction Not Applicable

Information:

City Council adopted the Urban Hamilton Official Plan (UHOP) on July 9, 2009. This Official Plan (OP) was forwarded to the Ministry of Municipal Affairs and Housing for approval. Final approval with modifications was issued on March 16, 2011 and the appeal period for objections to the Ministry’s decision, including the OP was April 5, 2011. The City appealed Modification 4a which was the removal of the reference to the Elfrida Area as a future urban growth area.

There are 70 appeals (corporations, individuals or public bodies) to the Urban Hamilton Official Plan. In addition, there were 4 appeals that were received prior to the issuance of the Ministry’s March decision because the Minister did not make a decision on the UHOP within 180 days, as required by the Planning Act.

The types of the appeals received relate to policy and area/site specific issues. The following chart groups them according to similar interests and the major areas of concern:

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Number of Appellants	Groupings
1	Entire OP - the letter expressly indicates the entire Urban Hamilton Official Plan has been appealed
11	On-going Development Applications - these matters relate to existing Official Plan, zoning or subdivision applications which staff are processing or has been tabled at Committee
16	Elfrida and Twenty Road Lands - this group has appealed the Sections respecting urban boundary expansions, residential intensification, urban structure
13	Airport Employment Growth District Secondary Plan - this group has appealed similar issues for lands within the Airport Employment Growth District Secondary Plan
2	Secondary Plans (which are under appeal) - this group has appealed similar issues for lands within the Waterdown South Secondary Plan and the Chedoke Browlands
3	Natural Heritage System - this group has appealed the policies and designations respecting the natural heritage system
5	Drive-throughs - this group has appealed policies which restrict drive-throughs
2	Employment Land Conversion - this group is concerned with the redesignation of the industrial designation in the Ainslie Wood Westdale Area
17	Other Matters - there are a number of matters that deal with previous or future development applications, specific policy matters or site specific issues

Some appellants may have an interest in one or more groups. Further, once the letters have been reviewed in detail, it may be determined on further analysis, or if necessary, arising from adjudication by the Board through pre-hearing conferences, that there are other notices of appeals which may be considered as having appealed the entire OP.

At this time, staff is preparing a strategy to address these matters. Additional discussions with the appellants will be required to scope the appeals. Where site specific development applications or secondary plans have been appealed, every effort will be made to consolidate the appropriate Urban Hamilton Official Plan appeal groupings with these OMB hearings.

JHE/ra