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November 25, 2022

Ministry of Municipal Affairs and Housing
777 Bay Street
Toronto, ON M7A 2J3

Re: City of Hamilton Comments on ERO Postings 019-6216 “Proposed Amendments to the Greenbelt Plan” and 019-6217 “Proposed amendments to the Greenbelt Area boundary regulation”

To Whom It May Concern,

Dear Sir or Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission regarding **ERO Postings 019-6216 “Proposed Amendments to the Greenbelt Plan” and 019-6217 “Proposed amendments to the Greenbelt Area boundary regulation”**. The comments below outline the following: concerns raised by City staff respecting the proposed removal of lands from the Greenbelt and the lack of justification for such removals; questions regarding implementation and the ability of the identified lands within the City of Hamilton to develop in the near term; and concerns identified by City staff with respect to each of the proposed removal sites in the City. Comments have also been provided with respect to a site proposed for removal in the Town of Grimsby, as it is in proximity to the municipal border with the City of Hamilton and staff have identified potential concerns from a transportation perspective.

1. Lack of Justification for Proposed Greenbelt Removals

The ERO postings on the Greenbelt removals ties the proposal to the More Homes Built Faster Act by stating that the government is taking further action to support the goal of 1.5 million homes “by launching a consultation on proposed changes to the Greenbelt that would support our municipal partners to plan for responsible growth and help build housing faster and in a targeted manner, while leading to an overall expansion of the Greenbelt.”

The proposal further states that to accommodate the housing growth goal and support the development of more homes, the “government is proposing to remove or redesignate 15 areas of land totaling approximately 7,400 acres from the edge of the Greenbelt Area that are serviced or adjacent to services and will be used to build housing in the near term.”

It is not indicated within the ERO posting nor any of the supporting documentation why lands in the Greenbelt Plan are required to support this goal. No supporting information has been provided to state that there are insufficient lands outside of the Greenbelt Plan area to accommodate the housing growth targets.

Further, on November 4, 2022, the Province issued the Notice of Decision on the City of Hamilton’s Official Plan Amendments (Amendment No. 167 to the UHOP and No. 34 to the RHOP) as part of the City’s Municipal Comprehensive Review.

The Provincial decision on the OPAs contained 77 modifications to OPA 167 including amendments to the City’s urban boundary to add additional lands (approx. 2200 gross ha) to the urban area to accommodate residential growth, and very small expansion to accommodate employment growth. The Provincial modifications include policy direction requiring that development within the Urban Expansion Areas may not proceed until detailed Secondary Planning had been completed.

The amendments to the UHOP approved through OPA 167 (including the Provincial modifications) provide direction for accommodating the City’s forecasted growth of people and jobs to 2051 through a combination of intensification, increased densities in both the built-up area and existing greenfield areas, and growth within the Urban Expansion Areas.

With this direction for accommodating growth already in place, it is not clear why the additional lands in the Greenbelt Plan are being proposed for removal to support housing in the short term. Based on preliminary analysis undertaken by staff to implement the No Urban Boundary expansion adopted by Council, there are sufficient opportunities to accommodate the projected increase in households in Hamilton to 2051 in addition to the Urban Boundary Expansion Areas approved by MMAH. As such, the City has sufficient land supply to accommodate forecasted housing growth to the year 2051.

Staff note that the vision of the Greenbelt Plan includes providing permanent protection to the natural heritage and water resource systems that are crucial to sustain ecological and human health and building resilience to and mitigating climate change. Further, the Greenbelt Plan protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use.

The proposed removal sites in Hamilton are located within the Protected Countryside of the Greenbelt Plan. The goals related to the Protected Countryside including promoting agricultural viability and protection, environmental protection, supporting rural economic development opportunities and rural settlement areas. Together with other Provincial plans, including the Niagara Escarpment plan, the Greenbelt Plan provides for broad protections to the rural landscape and direction on where urbanization should not occur.

Removal of lands from the Greenbelt Plan does not meet the vision and intent of policies within the Plan.

2. Questions related to Timing, Phasing and Financing of Development

The ERO postings for the Greenbelt removals provide direction on the future development of the lands, particularly in relation to the Province’s expectations on timing of future development. The posting notes that landowners will be expected to develop detailed plans to build housing and move forward with housing development quickly. The government expects that construction will begin on the lands by no later than 2025, and that significant progress on approvals and implementation be achieved by the end of 2023.

The posting further notes that if these conditions are not met, the government will begin the process to return the properties back to the Greenbelt.

Further, the ERO posting notes that “it is the government’s expectation that the proponents would fully fund necessary infrastructure upfront.”

These directions on timing and financing raise significant questions:

- It is not clear how development is to proceed in such an expedited manner, given the requirements that must be completed in advance of development occurring, including Secondary Planning in larger areas, servicing, potential transportation upgrades, natural heritage studies, and other matters.
- It is not clear how development within the Greenbelt removal areas would be coordinated with development within the approved Urban Expansion Areas – Neighbourhoods approved through OPA 167. Development within the Urban Expansion Areas – Neighbourhoods cannot proceed until a Secondary Plan is completed, as required in the Provincial approval of OPA 167. Further, Master Plan work (water / wastewater / stormwater; transportation etc) must be completed to identify required infrastructure upgrades and assist with identifying appropriate phasing of development of the expansion lands. It is not anticipated that this work (Master Plan Updates, Secondary Planning) would be completed in the timing required for the Greenbelt removal sites. With limited staff resources it is not possible to be complete the required studies for all areas simultaneously, rather a plan for orderly development is required to prioritize development areas and resources. The timing proposed for the Greenbelt removal sites would have the impact of prioritizing these areas for early development potentially in advance of the urban expansion areas, without the City having the benefit of completing the required studies to identify the preferred and appropriate phasing of development;
- It is not clear how the lands proposed for Greenbelt removal would ultimately be added to the urban area for development. The Provincial decision on OPA 167 permits applicants to apply for minor urban expansions (up to 40 ha) in size to add lands to the urban area, however the size of the proposed Greenbelt removals far exceeds the 40 ha limitation. Conversely, the Province could choose to amend the City’s Official Plan through a future phase of the MCR and add the lands. Clarity on

how this process would occur should be provided if the lands are to be removed from the Greenbelt; and,

- Clarity on the financing of the development of the removal areas is also required. The posting notes it is the expectation that the proponents would fully fund necessary infrastructure upfront. However, there are other development costs that are not addressed, including costs to complete studies, Secondary planning, retain consultants etc. Further, staff resources will need to be allocated in terms of plan review, project management, construction and inspection. While the ERO posting notes that the proposed Greenbelt removals are intended to remove regulatory burdens for municipalities in order to effectively direct growth, optimize investments in infrastructure and support needed housing, there is not enough information provided in the proposal to understand how these objectives will be met.

3. Preliminary Evaluation of Proposed Removal Areas

The ERO Posting noted that removals must meet the following criteria:

- Greater than 1:1 offset must be achieved to ensure overall Greenbelt expansion;
- The lands are adjacent to existing settlement areas;
- The lands are adjacent to the edge of the Greenbelt area boundary;
- The lands have the potential ability to be serviced in the near-term with local infrastructure upgrades to be entirely funded by proponents; and,
- The lands proposed for removal have the characteristics that would enable housing to be built in the near-term.

City staff undertook preliminary evaluation of each of the proposed removal sites. It must be noted that the time available to review and provide comments on the proposed removal areas has been limited by the short consultation period offered by the Province. The focus of the staff consultation was on the fourth and fifth bullet points, particularly the ability of the lands to be serviced in the near term with local infrastructure upgrades funded by proponents and the extent that the lands have characteristics that would enable housing to be built in the near term.

In summary, it is noted that the lands proposed for removal in the vicinity of Book Road and Whitechurch Road will be unlikely to be serviced in the near term and do not have characteristics that would enable housing to be built in the near term for the following reasons:

- Infrastructure and servicing analysis to date under the ongoing Water / Wastewater and Stormwater Master Plan update does not capture all of the areas of the Greenbelt in Hamilton proposed for a change in designation. A proper plan for

servicing will be needed and may require time and municipal investments in addition to developer-built servicing;

- The potential for growth in some of the proposed Greenbelt removal areas may be contrary to the direction being given by the Ministry of Environment, Conservation and Parks (MECP) through the new Wastewater and Stormwater Consolidated Linear Infrastructure Environmental Compliance Approvals (CLI ECAs). These new CLI ECAs restrict expansions if there is an increase of overflows from the combined sewer system. Development in the Greenbelt Areas may not be subject to pre-approvals under the CLI ECAs and may require full direct applications to the MECP which is a longer approval process. Developments will need to prove that there is sufficient capacity and that there will be no increase to combined sewer overflows and no risks to the Wastewater or Stormwater Systems. This approval process would put the ability of the lands to be serviced in the short timeframe into question;
- The lands contain Core Area features including key hydrologic features (Whitechurch) and wetlands, significant woodlands, Environmentally Significant Areas and habitat for potential species at risk (Book Road). The evaluation of natural features and functions (through studies such as an Environmental Impact Statement) would be required. Since these studies take time to complete (i.e. work needs to be completed during appropriate timing windows), it is unclear how regulatory approvals will be in place by 2023;
- Key Hydrologic Areas (significant groundwater recharge areas, highly vulnerable aquifers, and significant surface water contribution areas) have been identified within the Greenbelt Plan. Since these areas have not been clearly mapped by municipalities, it is unclear if this has been taken into consideration. Further studies may be necessary to determine what the applicable threats are within the proposed removal areas (Whitechurch and Book Road);
- Within the Greenbelt Plan, it is recognized that natural heritage features and functions do not respect administrative boundaries. To support these connections, watershed planning should be undertaken. Recent watershed or subwatershed studies have not been completed for the areas that are proposed to be removed from the Greenbelt. These studies take time to complete and include coordinated efforts between many municipal partners and other agencies. This has not been taken into consideration with the expedited timeframe for obtaining approvals (by the end of 2023);
- The lands in the Book Road area are severely restricted for potential residential development due to the airport noise contours. Approximately two-thirds of the proposed removal area is located above the 28 Noise Exposure Forecast (NEF) contour therefore prohibiting residential development. This area does not meet the criteria of “enabling housing to be developed in the near term”; and,

- Development of the lands located in Grimsby to the east of Fifty road for housing could result in transportation impacts at Fifty Road. The Ministry of Transportation (MTO) has previously identified that the QEW / Fifty Road interchange is experiencing operational issues and the MTO has identified this as challenge for nearby developments.

Based on the above, it is the opinion of staff that the removal of the lands from the Greenbelt Plan cannot be supported, as the City has no requirement for additional land for residential growth, and the removal of these land areas is not consistent with the vision and goals of the Greenbelt Plan.

Attached to this letter is a summary table of the City’s comments on each of the proposed Greenbelt removal sites. City staff will be taking a report to Planning Committee on November 29, 2022 and to Council on December 7, 2022 outlining our submission. Council’s position will be forwarded to the Province once it has been ratified.

City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,



Jason Thorne, MCIP, RPP
General Manager
Planning and Economic Development Department
City of Hamilton

Attachment (1) Summary of Staff Comments on Removals

cc Steve Robichaud, Director of Planning and Chief Planner