

## Public Questions and Staff Response

## Theme – Provincial Authority and Local Decision Making

Question	Staff Response
<p>Why is the Province overriding the City's decision on the urban boundary expansion?</p>	<p>With the passing of Bill 150, the Province reversed its earlier decision to expand Hamilton's urban boundary.</p> <p>The new planning rules established by the Province do not directly override the City's firm urban boundary growth strategy. Rather, they open the door for privately initiated expansion applications to be approved by the Ontario Land Tribunal.</p>
<p>Can the Province force Hamilton to service lands outside the urban boundary?</p>	<p>If lands are brought into the urban boundary through a privately initiated application, the Province has authority under the <i>Planning Act</i> to issue zoning, draft plan of subdivision and site plan approvals as well as require the City to enter into development agreements with landowners respecting servicing.</p> <p>The Province rarely uses this authority; however, if the City simply refused to provide services to new lands within the urban boundary the Province could compel the City to service them through legislation.</p>
<p>How does Bill 212 and the proposed Highway 413 impact urban boundary expansion?</p>	<p>None of the priority transportation projects identified in Bill 212 (Highway 414, Bradford Bypass, Garden City Skyway Bridge Twinning) are located in areas where the City could receive urban boundary expansions.</p>

<b>Question</b>	<b>Staff Response</b>
<p>How do the Strong Mayor powers affect the Mayor's ability to represent the City and Councillors in this process?</p>	<p>These powers would enable the Mayor to overturn a decision by City Council to either approve or refuse an urban boundary expansion application.</p> <p>These powers do not allow the Mayor to overturn a decision made by the Ontario Land Tribunal respecting an urban boundary expansion (e.g. if the Ontario Land Tribunal approves an urban expansion overturning City Council's refusal, the Mayor could not overturn this decision).</p>
<p>Does the City have recourse if the Ontario Land Tribunal (OLT) overrules its decision?</p>	<p>The City can make a request to the Ontario Land Tribunal to review its decision. Generally, this review is only to consider if there was an error in law made by the Ontario Land Tribunal and does not reconsider the merits of the application.</p> <p>The City could also file a motion for leave to appeal to Divisional Court, which similarly does not reconsider the merits of the application but requires demonstrating a question of correctness on an extricable question of law which is of general or public importance.</p>
<p>What is the point of this review process if a decision will just be appealed to the OLT?</p>	<p>The recommended Framework establishes more rigorous standings than what is provided in the Provincial Planning Statement to ensure that any urban boundary expansion application received must also be evaluated against Hamilton's land use policies and priorities.</p> <p>If an urban boundary expansion application is appealed to the Ontario Land Tribunal, the City may call expert witnesses to provide evidence at the hearing which requires them to fully review and assess the application.</p>

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<p>Are new staff being hired to manage these applications and address the OLT cases that will be brought forward in these areas?</p>	<p>Yes, City Council provided direction to create a new team within the Planning and Economic Development Department to specifically review and respond to urban boundary expansion applications and provide evidence at any Ontario Land Tribunal hearings. The City is actively filling these positions now.</p>

**Theme – Development Applications and Processes**

<p>How many applications have been submitted for development in the White Belt? How many urban boundary expansion proposals does the City anticipate receiving each year?</p>	<p>A list of all applications received to date can be found at <a href="http://www.hamilton.ca/ube">www.hamilton.ca/ube</a>.</p> <p>The City does expect to receive additional urban boundary expansions in the coming years for additional lands within the white belt area. The number of applications depends on the size of the proposed expansion area.</p>
<p>How can I register my opposition to a specific development application? What feedback opportunities will residents have?</p>	<p>When an urban boundary expansion application is deemed complete, the City will be seeking public comments prior to finalizing its recommendation report to Planning Committee. These comments will be able to be provided:</p> <ul style="list-style-type: none"> <li>- Via e-mail to the Planner assigned to that application.</li> <li>- At any Open House held by the City to receive input on the application.</li> <li>- At the statutory Public Meeting at Planning Committee.</li> </ul>

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	If you wish to be notified of any urban boundary expansion application deemed complete, please e-mail <a href="mailto:urbanboundary@hamilton.ca">urbanboundary@hamilton.ca</a> and request to be added to the City's mailing list respecting these applications.
What is the cost range for studies and assessments if paid for by applicants?	Staff do not have an estimate of the cost for the applicant to commission or prepare each submission requirement for an urban boundary expansion application. The studies and assessments must be prepared by qualified professionals.
How will "island" development applications not adjacent to built-up areas be reviewed?	Both the Provincial Planning Statement and City's Framework have policies and considerations which discourage 'island' developments that are not contiguous with the existing urban boundary and/or cannot be easily integrated with Hamilton's urban fabric.
Can a developer submit an incomplete application and still go to the OLT?	An applicant can appeal the decision by the City to deem their application incomplete to the Ontario Land Tribunal. The Tribunal would only rule whether the application is complete, not whether or not it can be approved. If the Ontario Land Tribunal rules that an application is in fact complete, then it would be processed and evaluated by the City in accordance with the Framework.
What's the new third-party appeal rule? Can I / how can I be involved in the OLT/appeal process?	The Province recently amended the <i>Planning Act</i> through Bill 185 to no longer allow third party public appeals of planning applications. Generally, this means that members of the public would be limited to "participant" status where you can provide written submissions to the Ontario Land Tribunal but cannot provide oral evidence or retain your own expert witnesses. For more information visit <a href="#">OLT   Participant Status Request</a> .

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<p>Can the City set timelines for new proposals to prevent stalled projects?</p>	<p>If a privately initiated urban boundary expansion application is approved by Council or the Ontario Land Tribunal, there are no mechanisms under the <i>Planning Act</i> which would enable the City to automatically remove it from the urban area if development does not occur within a specified time horizon.</p> <p>The Province has recently made changes to the <i>Planning Act</i> that allow municipalities to create 'use it or lose it' policies to withdraw previous approvals for stalled developments. However, these powers only apply to Draft Plan of Subdivision and Site Plan applications, not Official Plan Amendment applications.</p>

**Theme – Environmental Impacts and Protections**

<p>Will developers have to adhere to environmental regulations and pay for potential environmental impacts (e.g., flooding)?</p>	<p>The Framework includes a requirement for a Subwatershed Study (Phase 1) to be submitted which looks at the impact of urban development on the larger watershed. This includes the potential for downstream flooding. Should an urban boundary expansion application be approved, the lands would be subject to a Secondary Plan and more detailed subwatershed planning that would identify the location and size of required storm water management infrastructure and facilities (e.g. ponds, storm sewer upgrades) required to prevent downstream flooding. All Subwatershed studies are carefully reviewed by both the City and Conservation Authorities. The applicant would be required to provide this infrastructure through their development approvals.</p>
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How might urban boundary expansion impact flooding?	See comment above.
Will the loss of rural areas and their carbon sequestration capacity be considered in climate impact assessments?	No, but this may be considered at the Secondary Plan stage should an urban boundary expansion be ultimately approved.
Can the City advocate for adding the White Belt areas to the Greenbelt or protecting them as animal corridors?	Yes. The Province is required to review the Greenbelt Plan every 10 years and through that process the City should have an opportunity to make requests to the Province on changes to the Plan, including expansion of the Greenbelt Area. The last Greenbelt Plan review began in 2015.
Have any submission requirements incorporated the new work on the Biodiversity Action Plan for the city?	Part B of the Draft Framework does require the City to assess whether the expansion area maintains, restores, or enhances the functions and features of natural features, their ecological functions and biodiversity. This is in line with the Biodiversity Action Plan.

**Theme – Infrastructure and Services**

Will tax from new developments revenue cover the costs of utility maintenance and replacement?	This is a question that the City will assess through the review of an urban boundary expansion application through the Financial Impact Analysis submission requirement.
Can developers be charged for future transit development (feasibility studies, new transportation staff)?	The City can recover capital costs (e.g. buying additional buses) associated with future transit development of expansion lands as well as transit studies through Development Charge revenue. The operational costs (e.g. staffing) associated with servicing expansion areas cannot be collected through Development Charges and would

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	need to be collected through a combination of fare revenue, property tax revenue and government grants.
Will you examine the impact of additional traffic on already busy roads?	Yes. The Framework requires the submission of a Traffic Impact Assessment that would look at the impacts of urban development on the expansion lands to the existing transportation network.
Historically, housing development has taken place prior to road development. How does Hamilton plan to prioritize this?	Should an urban expansion area be approved, the lands would still be subject to approval of a Secondary Plan, Zoning By-law Amendment and Draft Plan of Subdivision which would determine what roads would need to be improved to accommodate new housing development. The City has tools like Holding Provisions which are to ensure that new residential development cannot occur until these types of infrastructure improvements are made.
Will you be considering school capacity and the impacts on education boards?	Yes. The Framework includes the requirement for the submission of a School Accommodation Issues Assessment that considers whether and where new schools are required to accommodate residential development within the expansion area. This Assessment would be reviewed by all local School Boards, and should an urban expansion be approved, those School Boards would need to secure new school sites through subsequent planning approvals.

### Theme - Affordable Housing and Social Impacts

Question	Staff Response
How does potential urban boundary expansion impact the housing crisis in the city center?	It is challenging to say. The City cannot require developers in newly expanded urban areas to provide deeply affordable housing that would support Hamilton residents experiencing homelessness. Over the long term it can be argued that expanding Hamilton's urban boundary to create new residential neighbourhoods provides more opportunities to increase the overall supply of housing in the City which in turn puts downward pressure on housing costs across the housing continuum.
Does expansion contribute to more affordable housing, or does it facilitate taking up green space with larger homes?	See above comment.
Is there a plan to explicitly address social impacts and hold developers (and the City) accountable for quality of life, health, and local economic & social well-being?	The Framework requires the City to take a wider review of proposed urban expansions to consider how its approval would impact the City's long term economic, social, and sustainable objectives over the long term. Ensuring that an approved expansion area has sufficient services to support social well-being like park space, mix of housing options, nearby schools and commercial businesses would be completed through the Secondary Planning process.
Have studies included densification vs. expansion in regard to effects on homelessness?	The City of Hamilton has not commissioned any studies.
Please define what is meant by "affordable housing."	Different levels of government and organizations have different definitions of "affordable housing" which can also vary based on the housing type. One definition used by the City in administering funding through its Affordable Housing Development Project Stream is rent at or below 80% of Canada Mortgage and Housing Corporation's Average Market Rent, by bedroom type.