




# COMMUNICATION UPDATE

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| <b>TO:</b>               | Mayor and Members<br>City Council  |
| <b>DATE:</b>             | February 29, 2024  |
| <b>SUBJECT:</b>          | Introduction of Bill 162, <i>Get It Done Act, 2024</i> – Amendment to the <i>Official Plan Adjustments Act, 2023</i> |
| <b>WARD(S) AFFECTED:</b> | City Wide  |
| <b>SUBMITTED BY:</b>     | Steve Robichaud<br>Director Planning, and Chief Planner<br>Planning and Economic Development Department              |
| <b>SIGNATURE:</b>        | <br>On Behalf of S.R.               |

The purpose of this Communication Update is to provide Council with an update on Bill 162, *Get it Done Act, 2024*, as it specifically relates to amendments to the *Official Plan Adjustments Act, 2023*. On February 20, 2024, the Provincial Government introduced Bill 162, *Get it Done Act, 2024*. In the Environmental Registry of Ontario posting (<https://ero.ontario.ca/notice/019-8273>) the Provincial Government states the legislation would amend the *Official Plan Adjustments Act, 2023*, to retroactively reinstate requested modifications to Official Plans for multiple municipalities, including the City of Hamilton.

The legislation also proposes amendments to the following Acts:

| Bill 162 Schedules                               | Proposed Changes   |
|--|--|
| <i>Environmental Assessment Act</i>              | Clarifies that a reference to acquiring property or rights in property within that Act “by purchase, lease, expropriation or otherwise.” |
| <i>Highway Traffic Act</i>                       | Various amendments in respect to vehicle permits.  |
| <i>Photo Card Act, 2008</i>                      | Amendment related to photo card fees.  |
| <i>Protecting Against Carbon Taxes Act, 2024</i> | Enacts new legislation establishing new rules with respect to carbon pricing programs.   |

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe, and prosperous community, in a sustainable manner.

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| <b>Bill 162 Schedules</b>                                | <b>Proposed Changes</b>   |
|--|---|
| <i>Public Transportation and Highway Improvement Act</i> | Amendment to prohibit tolls from being charged for travel on a highway where the road authority is the Crown unless the toll is authorized by an Act. |

## **Background**

On December 6, 2023, Bill 150, the *Planning Statute Law Amendment Act, 2023* received royal assent enacting the *Official Plan Adjustments Act, 2023*.

The legislation resulted in the reversal of all but three of the Provincial modifications made on November 4, 2022, to Urban Hamilton Official Plan Amendment No. 167, as having never been made. The effect of this legislation included restoring the ‘no urban boundary expansion growth strategy’ approved by City Council in November 2021.

On November 22, 2023, City Council approved direction for Planning and Economic Development staff to provide comments back to the Province reconfirming its position on Urban Hamilton Official Plan Amendment No. 167 and Rural Hamilton Official Plan Amendment No. 34, as adopted by Council on June 8, 2022. As part of the City review and comment on Bill 150, each Ministerial modification made to the City’s Urban and Rural Hamilton Official Plan was evaluated, with City Council supporting the preservation of 26 modifications which were minor and added definitions that provide clarification or contribute to interpretive conformity with the Provincial policies.

## **Proposed Legislation**

On February 20, 2024, the Government of Ontario introduced Bill 162, *Get It Done Act, 2024* on its Environmental Registry of Ontario website, requesting public comments by March 21, 2024. The legislation received First Reading in the Legislature on February 20, 2024. If passed, the legislation would, among other things, amend the *Official Plan Adjustments Act, 2023* to retroactively reinstate 10 additional modifications to Urban Hamilton Official Plan Amendment No. 167, previously deemed never to have been made (MMAH 17, 35, and 40 to 47).

It is important to note that the proposed retroactive modifications have no impact on the ‘no urban boundary expansion growth strategy’ approved by City Council in November 2021 and accommodated for by the reversal of modifications made by the Province through Bill 150. This aligns with statements made by the Minister of Municipal Affairs and Housing through the media that there are no changes to Official Plans proposed through this legislation that were not previously supported by municipalities. Planning staff have conducted a review of the additional 10 reinstated modifications to the Urban Hamilton Official Plan through the Bill and do not have issue with these changes. These modifications were evaluated as part of staff report PED23252 and

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their retention was supported by staff and Council as they contribute to interpretive conformity with Provincial policies. Therefore, planning staff will submit comments to the Environmental Registry of Ontario outlining no objection to Bill 162 as it pertains to amending the *Official Plan Adjustments Act, 2024*.

Further analysis of the reinstated modifications from Bill 150 and Bill 162 can be found in Appendix “A” attached to this communication update.

### **Next Steps**

As identified on its Environmental Registry of Ontario website, the Province is only providing a 30-day commenting period, from February 20, 2024, to March 21, 2024. In order to provide a comprehensive response to the Province, the Planning Division will be consulting with other City Departments to coordinate the City’s comments on all legislative changes proposed through the Bill.

As Bill 162 impacts six diverse Provincial Acts, City Departments can provide separate updates to City Council discussing potential implications of the legislation as it relates to their respective departments.

If you require any further information on the above matter, please contact Steve Robichaud, Director of Planning and Chief Planner by email at [Steve.Robichaud@hamilton.ca](mailto:Steve.Robichaud@hamilton.ca) or by phone at (905) 546-2424 Ext. 4281, or, Charlie Toman, Program Lead – Policy Planning & Municipal Comprehensive Review by e-mail at [Charlie.Toman@hamilton.ca](mailto:Charlie.Toman@hamilton.ca) or at (905) 546-2424 Ext. 5863.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Reinstated Ministerial Modifications to the Urban Hamilton Official Plan

Reinstated Ministerial Modifications to the Urban Hamilton Official Plan implemented through OPA 167

| MMAH Modification Number | Council Adopted   | MMAH Modification  | Comments   | Acceptance of November 4, 2022 Provincial modification shown with a “Yes”  | Provincial Act                        |
|--------------------------|---|--|--|--|---------------------------------------|
| MMAH Mod. 17             |   | B.3.2.4.4 A <i>secondary dwelling unit and a secondary dwelling unit-detached</i> shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations.<br>(MMAH Mod. 17) | Wording adds missing reference to detached secondary dwelling units, as permitted by the <i>Planning Act</i> . | Yes, modification should be maintained to ensure conformity with the <i>Planning Act</i> . Reversal would create a non-conformity with Provincial standards. | <i>Bill 162, Get It Done Act</i>      |
| MMAH Mod. 18             | B.3.4.4.10 <del>11</del> Where a marked or unmarked cemetery or burial place is found, the nearest <del>First</del> | B.3.4.4.11 Where a marked or unmarked cemetery or burial place is found, <del>the nearest</del> Indigenous community <b>lies with</b>  | Wording provides additional clarification and corrects policy to   | Yes, modification should be maintained to  | <i>Bill 150, Planning Statute Law</i> |

| MMAH Modification Number | Council Adopted   | MMAH Modification  | Comments   | Acceptance of November 4, 2022 Provincial modification shown with a “Yes”   | Provincial Act   |
|--------------------------|---|--|--|---|--|
|                          | <p><del>Nation</del> <b>Indigenous community</b> shall be notified.</p> | <p><b>a known interest in the area</b> shall be notified.<br/>(MMAH Mod. 18)</p>   | <p>ensure that all indigenous communities with an interest are notified.</p>   | <p>ensure conformity. Reversal would create a non-conformity with Provincial standards.</p>   | <p><i>Amendment Act, 2023</i></p>                                |
| <p>MMAH Mod. 26</p>      |   | <p><b>C.3.2.4 Land use compatibility between sensitive land uses, major facilities, major retail uses and major office uses in all land use designations shall be in accordance with policy E.5.2.7.1.</b><br/><br/>(MMAH Mod. 26)</p> | <p>Policy E.5.2.7.1 language was designed to address employment uses and compatibility with other uses. Modification expands policies to require consideration of major facilities, major retail uses, and major office uses.</p> <p>The intent of the policy aligns with Official Plan objectives of ensuring compatibility between sensitive land uses and other major facilities.</p> | <p>Yes, modification should be maintained to ensure conformity. Reversal may create a non-conformity with Provincial standards.</p> | <p><i>Bill 150, Planning Statute Law Amendment Act, 2023</i></p> |

| MMAH Modification Number | Council Adopted  | MMAH Modification   | Comments  | Acceptance of November 4, 2022 Provincial modification shown with a “Yes”  | Provincial Act                          |
|--------------------------|--|---|---|--|---|
|                          |  |   | <p>Reflects Policy 2.2.5(8) of A Place to Grow: Growth Plan.</p> <p>Changes add value and ensures conformity with new terms and policies in the Growth Plan for major facilities, major retail uses, and major office uses.</p>                 |  |   |
| MMAH Mod. 35             | <p>Insert new subsection g) to Policy E.5.2.7.1 and renumber subsequent subsections accordingly:<br/>E.5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations:</p> | <p>E.5.2.7.1 The following provisions apply to all <b>land use designations, as specified:</b><br/><del>lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations:</del><br/>g) Freight-intensive land uses shall be located in areas well served by major highways,</p> | <p>Related to Modifications 26 and 36.</p> <p>Working in conjunction with Modifications 26 and 36, changes ensure conformity with new terms and policies in the Growth Plan for major facilities, major retail uses, and major office uses.</p> | <p>Yes, modification should be maintained to ensure conformity. Reversal may create a non-conformity with Provincial policy with regards to major facilities, major office and major retail.</p> | <p><i>Bill 162, Get It Done Act</i></p> |

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|--------------------------|--|--|---|---|--|
|                          | <p><b>g) Freight-intensive land uses shall be located in areas well served by major highways, airports, rail facilities and marine facilities.</b></p>   | <p>airports, rail facilities and marine facilities.<br/>(MMAH Mod. 35)</p>   |   |   |  |
| <p>MMAH Mod. 36</p>      | <p>E.5.2.7.1 b) <i>Sensitive land uses</i> within the Neighbourhoods, Institutional or Commercial and Mixed Use designations shall be protected from the potential adverse impacts of heavy industrial uses within the lands designated Employment Area, and industrial uses shall be protected from <i>sensitive land uses</i> as follows:<br/>i) The City shall have regard for provincial guidelines concerning <b>land use</b> compatibility between industrial facilities and <i>sensitive land uses</i>, and in mitigating the potential adverse impacts not addressed by the guidelines. <b>Heavy industrial uses and sensitive land uses shall be planned and developed to avoid, or if avoidance is not</b></p> | <p>E.5.2.7.1 b) <i>Sensitive land uses</i> <del>within the Neighbourhoods, Institutional or Commercial and Mixed Use designations</del> shall be protected from the potential adverse impacts of <del>heavy industrial uses</del> <b>major facilities</b> within the <del>lands designated Employment Area</del>, and <del>industrial uses</del> <b>major facilities</b> shall be protected from <i>sensitive land uses</i> as follows:<br/>i) The City shall <del>have regard for</del> <b>follow</b> provincial guidelines concerning land use compatibility between industrial facilities and <i>sensitive land uses</i>. <b>Major facilities, Heavy industrial uses and sensitive land uses, major retail uses and major office uses</b> shall be planned and developed to avoid, or if avoidance is not</p> | <p>Relates to Modification 26.<br/><br/>Changes add value and ensures conformity with new terms and policies in the Growth Plan for major facilities, major retail uses, and major office uses.</p> | <p>Yes, modification should be maintained to ensure conformity. Reversal may create a non-conformity with Provincial standards.</p> | <p><i>Bill 150, Planning Statute Law Amendment Act, 2023</i></p> |

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|--------------------------|--|---|----------|---|----------------|
|                          | <p>possible, minimize and mitigate any potential <i>adverse effects</i> from odour, noise and other contaminants, and minimize risk to public health and safety, to ensure the long-term viability of heavy industrial uses in accordance with provincial guidelines, standards and procedures.</p> <p>ii) Where avoidance of impacts is not possible, in accordance with Policy E.5.2.7.1 b) i), the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent <i>sensitive land uses</i> are only permitted if the development proponent submits a Land Use Compatibility Study to the satisfaction of the City detailing that following are demonstrated in accordance</p> | <p>possible, minimize and mitigate any potential <i>adverse effects</i> from odour, noise and other contaminants, and minimize risk to public health and safety, to ensure the long-term viability of <i>major facilities heavy industrial-uses</i> in accordance with provincial guidelines, standards and procedures.</p> <p>ii) Where avoidance of impacts is not possible, in accordance with Policy E.5.2.7.1 b) i), the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent <i>sensitive land uses, major retail uses and major office uses</i> are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:</p> <p>1. there is an identified need for the proposed use;</p> |          |   |                |



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|--------------------------|---|---|---|---|---|
|                          | <p>with provincial guidelines, standards and procedures:<br/> <b>1. there is an identified need for the proposed use;</b><br/> <b>2. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;</b><br/> <b>3. <i>adverse effects</i> to the proposed <i>sensitive land use</i> are minimized and mitigated;</b><br/> <b>and,</b><br/> <b>4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated.</b></p> | <p>2. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;<br/> 3. <i>adverse effects</i> to the proposed <i>sensitive land use</i> are minimized and mitigated;<br/> and,<br/> 4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated.<br/> (MMAH Mod. 36)</p> |   |   |   |
| MMAH Mod. 40             |   | <p><b>Agricultural impact assessment: A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts (Greenbelt Plan, 2017).</b></p>  | <p>Definition is added as per definition in the Greenbelt Plan.</p> | <p>Yes, to ensure conformity with language in Provincial Plans.</p>       | <p><i>Bill 162, Get It Done Act</i></p> |

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|--------------------------|-----------------|---|---|---|----------------------------------|
|                          |                 | (MMAH Mod. 40)  |   |   |                                  |
| MMAH Mod. 41             |                 | <p><b>Major facilities: Means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.</b><br/>(MMAH Mod. 41)</p> | Definition is added as per definition in the Provincial Policy Statement. | Yes, to ensure conformity with language in Provincial Plans.              | <i>Bill 162, Get It Done Act</i> |
| MMAH Mod. 42             |                 | <p><b>Office parks: Employment areas or areas where there are significant concentrations of offices with high employment densities.</b></p>   | Definition is added as per definition in the Growth Plan.                 | Yes, to ensure conformity with language in Provincial Plans.              | <i>Bill 162, Get It Done Act</i> |

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|--------------------------|-----------------|--|---|---|----------------------------------|
|                          |                 | (MMAH Mod. 42)   |   |   |                                  |
| MMAH Mod. 43             |                 | <p><b>Prime agricultural areas: An area where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas are to be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs using guidelines developed by the Province, as amended from time to time (Greenbelt Plan, 2017).</b></p> <p>(MMAH Mod. 43)</p> | Definition is added as per definition in the Greenbelt Plan.              | Yes, to ensure conformity with language in Provincial Plans.              | <i>Bill 162, Get It Done Act</i> |
| MMAH Mod. 44             |                 | <p><b>Prime agricultural land: Speciality crop areas and/or Canada Land Inventory Class 1,2, and 3 lands, as amended from time to time,</b></p>  | Definition is added as per definition in the Provincial Policy Statement. | Yes, to ensure conformity with language in Provincial Plans.              | <i>Bill 162, Get It Done Act</i> |

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|--------------------------|---|--|---|---|----------------------------------|
|                          |   | <p><b>in this order of priority for protection (PPS, 2020).</b></p> <p>(MMAH Mod. 44)</p>  |   |   |                                  |
| MMAH Mod. 45             |   | <p><b>Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.</b></p> <p>(MMAH Mod. 45)</p>  | Definition is added as per definition in the Provincial Policy Statement.                             | Yes, to ensure conformity with language in Provincial Plans.              | <i>Bill 162, Get It Done Act</i> |
| MMAH Mod. 46             | Significant Habitat of Threatened or Endangered Species: means that habitat, as approved by the Ministry of <b>Northern Development, Mines, Natural Resources and Forestry</b> , that is necessary for the maintenance survival and/or recovery of naturally occurring or reintroduced populations of species at risk and where those areas of occurrence are occupied or | Significant Habitat of Threatened or Endangered Species: means that habitat, as approved by the Ministry of <del>Northern Development, Mines, Natural Resources and Forestry</del> , <b>the Environment, Conservation and Parks</b> that is necessary for the maintenance survival and/or recovery of naturally occurring or reintroduced populations of species at risk and where those areas of occurrence are occupied or habitually occupied | Ministry reference is being corrected and reference to Ontario Regulation has been added for clarity. | Yes, to ensure correct Ministry references.                               | <i>Bill 162, Get It Done Act</i> |

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|                          | <p>habitually occupied by the species during all or any part(s) of its life cycle. To identify which species are threatened or endangered, the City will refer to the Species at Risk in Ontario list that is prepared and updated by the Ministry of <b>Northern Development, Mines, Natural Resources and Forestry</b>. The City may collaborate with the Province during the early stages of the planning process, to ensure that the significant habitat of threatened or endangered species on lands affected by or contiguous to any proposed <i>development</i> or <i>site alteration</i> is properly evaluated and identified.</p> | <p>by the species during all or any part(s) of its life cycle. To identify which species are threatened or endangered, the City will refer to the Species at Risk in Ontario list <b>O. Reg 230/08: SPECIES AT RISK IN ONTARIO LIST</b> that is prepared and updated by the Ministry of <del>Northern Development, Mines, Natural Resources and Forestry</del> <b>Environment, Conservation and Parks</b>. The City may collaborate with the Province during the early stages of the planning process, to ensure that the significant habitat of threatened or endangered species on lands affected by or contiguous to any proposed <i>development</i> or <i>site alteration</i> is properly evaluated and identified.<br/>(MMAH Mod. 46)</p> |  |   |                                  |
| MMAH Mod. 47             |  | <p><b>Specialty crop areas:</b><br/><b>Speciality crop areas: Areas designated using guidelines developed by the Province,</b></p>   | Definition is added as per definition in the | Yes, to ensure conformity with  | <i>Bill 162, Get It Done Act</i> |

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|--------------------------|-----------------|---|-------------------------------------|---|----------------|
|                          |                 | <p><b>as amended from time to time. In these areas, speciality crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil usually resulting from:</b></p> <ul style="list-style-type: none"> <li><b>a) soils that have suitability to produce speciality crops, or lands that are subject to special climatic conditions, or a combination of both;</b></li> <li><b>b) farmers skilled in the production of speciality crops; and</b></li> <li><b>c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store or process speciality crops (PPS, 2020).</b></li> </ul> <p>(MMAH Mod. 47)</p> | <p>Provincial Policy Statement.</p> | <p>language in Provincial Plans.</p>                                      |                |