



Patrick J. Harrington
Direct: 416.865.3424
E-mail: pharrington@airdberlis.com

July 25, 2025

File No. 314187

VIA E-MAIL to clerk@hamilton.ca

Hamilton City Hall
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Attention: Matthew Trennum, City Clerk

Dear Mr. Trennum:

**Re: Notice of Appeal – White Church Urban Boundary Expansion Application
Urban Hamilton Official Plan Amendment Application UHOPA-25-004 and
Rural Hamilton Official Plan Amendment Application RHOPA-25-005**

Our firm is counsel to the Whitechurch Landowners Group Inc., which is made up of the below-noted landowners (collectively, our “**Client**”), who own significant real property in the City of Hamilton (the “**City**”), the municipal addresses of which are noted below:

Greenhorizons Sod Farms

- N/A Airport Road East, Mount Hope, ON L0R 1W0
- N/A Airport Road East, Mount Hope, ON L0R 1W0

Cedar City Mount Hope Inc.

- 8113 Airport Road East, Mount Hope, ON L0R 1W0

Alinea Group Holdings Inc.

- 8122 White Church Road East, Mount Hope, ON L0R 1W0

Wilson St. Ancaster Inc.

- 8064 White Church Road East, Mount Hope, ON L0R 1W0
- 7156 White Church Road East, Mount Hope, ON L0R 1W0
- 2450 Miles Road, Mount Hope, ON L0R 1W0

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Appeal of Application Refusal

In February 2025, our Client formally filed an Official Plan Amendment application (the “**Application**”) to expand the City’s urban boundary to include the approximately 364 hectares of land that are bounded by Upper James Street to the west, Airport Road East to the north, Miles Road to the east, and White Church Road East to the south (the “**White Church Lands**”). The White Church Lands are immediately adjacent to the Mount Hope community and employment lands associated with the airport and, for all the reasons indicated in the Application, represent a logical and supportable expansion to the City’s urban boundary.

More specifically, the Application sought to remove the White Church Lands from the mapping and policies of the Rural Hamilton Official Plan (“**RHOP**”) and include them in the Urban Hamilton Official Plan (“**UHOP**”). The Official Plan Amendment applied for also sought to establish specific policies to guide the creation of an appropriate secondary plan for the new urban expansion area. The proposed expansion area would be planned for primarily low and medium density residential development, supported by commercial land uses, schools, parks and open spaces, a recreational trail system, stormwater management ponds and an internal road network. The details of these elements would be finalized through the secondary planning exercise contemplated for the expansion area.

In support of the Application, our Client filed the full range of required studies (some of which were peer reviewed by the City) including an agricultural impact assessment, commercial impact analysis, land needs analysis, financial impact analysis, functional servicing report, environmental impact study, sub-watershed study, noise feasibility study, odour impact study, and energy and climate change assessment. These various analyses are contemplated by the City’s policies for urban boundary expansion, which were not-in-force as of the date of the Application but were followed by our Client on the advice of City staff.

Throughout the application process, our Client, through its planning consultants, has proactively engaged with the public including hosting two Neighbourhood Information Meetings and meetings with the First Nations (including the Six Nations of the Grand River First Nation and Mississaugas of the Credit First Nation) to answer questions about the Application.

On April 14 and 17, 2025, City staff held two open houses with respect to the Application during which approximately 100 participants attended in person and 150 participants attended virtually. Over 100 comments were received. Thereafter, on June 25, 2025, the Application was considered by the Planning Committee. Notwithstanding the comprehensive analyses and studies provided to the City, as well as the submissions and responses provided to Planning Committee during its

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meeting, the recommendation of Planning Committee was to refuse the Application. This refusal recommendation was immediately adopted by City Council and notice of the refusal was issued on July 9, 2025.

The reasons for refusal set out in the City's notice include the following:

- a. The Application is not consistent with the Provincial Planning Statement (2024).
- b. The Application does not align with the general intent of the Urban Hamilton Official Plan, as it has not been demonstrated that the development would be supported by sufficient existing or planned infrastructure and public service facilities, would be fiscally sustainable to 2051, would support the Council directed growth strategy for a firm urban boundary, would protect agricultural lands and natural heritage features, or would minimize climate impacts.
- c. The Application does not align with the general intent of the Rural Hamilton Official Plan, as it has not been demonstrated that the development would support the Council directed growth strategy for a firm urban boundary, protect agricultural lands and natural heritage features, and minimize climate impacts.

Grounds for Appeal

Contrary to the reasons indicated for the refusal, and based on the myriad of assessments, reports, projections and studies provided to the City by our Client's professional consulting team, it is our respectful submission that the Application does represent good planning, is consistent with the Provincial Planning Statement, 2024 ("**PPS 2024**") and generally conforms to the City's goals and objectives for growth. More specifically, the grounds of appeal include but are not limited to the following:

- The Application is consistent with the PPS 2024, particularly Policy 2.3.2.1. Of note, as supported by our Client's Land Needs Analysis, there is a demonstrated need in the City for an additional 29,400 units of ground-related housing by 2031 and 99,300 units by 2051. This need cannot be satisfied through intensification alone and would require, based on the Land Needs Analysis, a minimum urban boundary expansion of approximately 309 ha by 2031 and 2,386 ha by 2051. Including the White Church Lands within the City's urban boundary would help the City achieve its required housing target to 2051 while providing additional housing choice.

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- Consistent with the PPS 2024 and in conformity with the general intent of the UHOP and RHOP, while detailed servicing plans will be developed through the secondary plan process, the Application has demonstrated that the proposed development would be supported by existing or planned infrastructure. In particular, our Client's Functional Servicing Report confirms that the proposed stormwater management facilities would be designed to ensure the existing stormwater infrastructure in the area will have sufficient capacity to service the White Church Lands.
- The Application also provides for public service facilities such as schools, parks and open space, a trail system to service the urban expansion area to ensure the development of a complete community consistent with the PPS 2024 and in conformity with the UHOP and RHOP. Its location in proximity to employment lands associated with the airport, the existing community of Mount Hope and transit is also supportive of the area's development as a complete community.
- Furthermore, the Application is fiscally sustainable to 2051 as demonstrated by our Client's Fiscal Impact Assessment, which concluded that the proposed expansion would have a positive fiscal impact for the City generating an estimated \$282 million in development charge revenues and \$33.8 million in building permit fees. Additionally, approximately \$5.4 million in annual net operating revenues at full build-out is expected to be generated for the City, which is anticipated to cover the future replacement costs of infrastructure needed to support the expansion. The ability of new development to pay for life-cycle costs associated with new municipal infrastructure was identified by the City as a concern. However, we submit, as demonstrated through the Fiscal Impact Assessment, that this issue is resolvable through long-term planning.
- Finally, as demonstrated by our Client's Agricultural Impact Assessment ("AIA"), the proposed future development of the White Church Lands would have minimal impact on the surrounding agricultural activities within the 1500 metres buffer area to the White Church Lands and would be a logical extension of the existing community, given its immediate proximity to the settlement of Mount Hope. The City's own peer reviewer agreed with our Client's AIA on these points and we note that agricultural impact is a key factor when assessing potential urban boundary expansions under Policy 2.3.2.1 of the PPS 2024.

Our Client intends to call evidence from each member of its professional consulting team to demonstrate to the OLT that its Application to expand the City's urban boundary to include the White Church Lands has regard to matters of provincial interest under the *Planning Act*, is

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consistent with the urban expansion and growth-related policies of the PPS 2024 and generally conforms with and implements the City's goals and objectives for growth, housing, sustainable development and good planning to the 2051 planning horizon.

Notice of Appeal

Based on the foregoing, our Client hereby appeal Council's refusal of the Application pursuant to subsection 22(7) of the *Planning Act*. As is permitted by the City of Hamilton, this appeal is being filed using the Ontario Land Tribunal ("**OLT**") E-File Portal and two cheques each in the amount of \$1,100 representing the OLT's appeal fees have been couriered to the OLT in support of the appeal.

Notwithstanding the filing of this appeal, our Client remains committed to working collaboratively with the City in this process through constructive discussions and potential mediation to narrow and further scope the issues.

Should you have any questions regarding this appeal, please do not hesitate to contact the undersigned or Jasmine Fraser, Associate, at jcmfraser@airdberlis.com or 647-426-2316.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington

PJH/JCMF
Encl.

cc. Whitechurch Landowners Group Inc.

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