

# A Guide to Coordinating Integrated Planning Processes

Under the Planning Act and the MEA Class  
Environment Assessment

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**Hamilton**  
Public Works



# **A Guide to Coordinating Integrated Planning Processes Under the Planning Act and the MEA Class Environmental Assessment Process**

*NOTE: This Guide has been drafted with input from staff who deal with both the Planning Act and the MEA Class Environmental Assessment processes. It will be updated and revised as staff gain experience with it. In addition, Planning Act legislation and the interpretation of the MEA Class EA process may change over time. As a result, this Guide should be reviewed and changed as necessary.*



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## ***1. Introduction***



# 1. Introduction

The City of Hamilton (City) carries out several Class Environmental Assessments (Class EA) every year as per the requirements of the Municipal Engineer’s Association Class Environmental Assessment for Municipal roads, Wastewater and Water Projects (MEA Class EA). In addition, the City also prepares several Master Plans for infrastructure including Master Servicing (water and wastewater), Drainage, and transportation Plans.

The private sector may also be involved in planning application with associated infrastructure that is subject to the MEA class EA. The MEA Class EA and regulation 345 under the Provincial Environmental Assessment Act state how the private sector is subject to the MEA Class EA.

The City recognizes that it would be prudent to plan land use and infrastructure concurrently where it is possible to do so. This means that the requirement of both the Environmental Assessment Act (EAA) (primarily through the Class EA process<sup>1</sup>) and the Planning Act are met as part of one integrated and coordinated process.

In the latest revisions to the MEA Class EA, the benefits of planning land use and infrastructure concurrently has been recognized. A process is laid out whereby the requirements of both the MEA Class EA and the planning Act can be met with one process and with streamlined approvals and appeals.

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<sup>1</sup> Municipal road, wastewater and water projects can be planned as individual environmental assessments if warranted.

Several municipalities are exploring the implementation of integrated planning including the City. However, the City has recognized the need to provide guidance and training to staff dealing with both the MEA Class EA and the Planning Act applications. They also recognize that there may be situations where the private sector may need to enter into partnerships (funding, implementation) with the City to ensure that Class EAs for infrastructure are done in conjunction with land use planning applications and studies. Currently there is no clear guidance on how to accomplish this.

## 1.1.0 Purpose of this Guide

This Guide will provide City staff (who work on Planning Act applications and Class EA projects) and private sector developers:

- An understanding of the requirements of the Class EA process as it applies to residential, industrial and commercial development,
- Direction on how to apply an integrated process to municipally initiated land use and infrastructure studies,
- An understanding of how the development industry may become involved in Class EAs and integrated processes where the City is the proponent,
- An indication of when it is appropriate to integrate planning for land use and infrastructure,
- Direction on how to organize and integrated process,
- Models for how to integrate various types of Planning Act applications,
- Information on the documentation requirements and implementation of an integrated process,

- An understanding of the role of government agencies and the development industry,
- An understanding of the appeal process including the role of the Ministry of Environment, the Ontario Municipal Board and the Environmental Review Tribunal,
- The monitoring program that will be used to evaluate the effectiveness of the Guide and the integrated process; and,
- The training program that will be implemented.

### ***1.2.0 Stakeholder Involvement***

The City has also recognized the importance of involving stakeholders in the development of the Guide. Therefore, input has been received from and this draft has been review by City of Hamilton staff and the following stakeholders:

- Hamilton & Halton Homebuilders Association
- Grand River Conservation Authority
- Halton Conservation
- Hamilton Conservation Authority
- Niagara Peninsula Conservation Authority
- Ministry of Natural Resources
- Ministry of Environment
- Ministry of Municipal Affairs
- Ontario Municipal Board

### ***1.3.0 Coordination Versus Integration***

In some circumstances it is more appropriate to “coordinate” Planning Act and Class Environmental Assessment processes. It is important to understand the difference between “coordination” and “integration”.

An “**integrated**” Planning Act/Class EA has specific process requirements:

- Must fulfill the requirements outlined in the MEA Class EA Document section A.2.9 and summarized in section 2 of this manual.
- Allows Schedule B and C projects to be Schedule A projects i.e. the infrastructure projects are considered approved if planned in conjunction with the application or study which subsequently is approved under the Planning Act.
- Required notification of the infrastructure project(s) as per MEA Class EA requirements.
- Both the Planning Act application/study and the infrastructure Class EA are being planning jointly and concurrently.

In order for planning studies/applications and infrastructure projects to be integrated they must:

- Start at the same time,
- Meet MEA Class EA and Planning Act requirements jointly and
- Result in approval for land use under the Planning Act. **Infrastructure is automatically** approved if the land

A “**coordinated**” approach means that Class EAs for specific projects or Master Plans are separately from Planning Act applications. This may be a result of timing e.g. one process has started before the other. However, there would

be coordination between the two projects where possible i.e. communication of results of research, possibly joint public meetings, etc. A coordinated process does not necessarily have joint public notices and does not allow Schedule B and C Class EA projects to be Schedule A projects i.e. automatically approved. Approvals for infrastructure and planning applications/studies are received separately but the studies are ongoing at the same time and in parallel.

In a coordinated process the land use plan/applications and infrastructure project approvals are received separately. There are also separate appeal processes. Infrastructure projects can be elevated to an individual Environmental Assessment.



## ***2. The Integrated Process***





## Overview of the Integrated Process

The following is a brief description of Class EA project integration with Planning Act applications. It is based on section A.2.9 of the MEA Class EA for Municipal Road, Wastewater and Water Projects. That section should be referred to for specific wording.

Wastewater, water and road projects or Master Plans with projects that are subject to the MEA Class EA may also, on their own or as part of an application, require approval under the Planning Act. Therefore, it may be desirable to coordinate or integrate the planning approvals under the EA Act and the Planning Act as long as the intent and requirements of both Acts are met. **This integration results in streamlined planning and approvals processes where decisions are made on infrastructure and land use planning simultaneously.**

This means that Class EA projects are not subject to the EA Act if they approved under the planning Act and have met the intent of the MEA class EA by fulfilling specific requirements. **Proponents are not required to plan Class EA projects in this integrated way but it is an option that is available.**

Proponents of integrated planning and Class EA can be either municipalities or the private sector (Developers or Land Owners). Where the proponent is the private sector, only Schedule C projects associated with residential development are subject to the EA Act. (Schedule C projects are defined in the MEA Class EA).

The types of Planning Act applications that can be integrated include:

- Official Plans,
- Official Plan amendments,
- Secondary Plans adopted as Official Plan Amendments,
- Community Improvement Plans,
- Plans of Condominium and
- Subdivisions

Integrated applications may be initiated by the municipality or by the applicant. Appeals are made to the Ontario Municipal Board for the Planning Act applications. There are no appeals for the MEA Class EA projects. However, the Class EA projects are not approved unless the Planning Act applications are approved.

## 2. The Integrated Process

The MEA Class EA integrated process is to be used at the discretion of the proponent. It is not a requirement but it is meant to provide an incentive for better decision-making associated with land use and infrastructure.

In the last revision to the MEA Class EA, it was recognized that integration is not occurring as often as it should i.e. land use plans are being made without regard to infrastructure requirements and vice versa. Therefore, the MEA Class EA process now provides more explicit discussion of the benefits of integration. It also provides for a more stream-line approval process for integrated processes. If an integrated process is followed, there is only approval required – the Planning Act approval.

The following is a description of the MEA Class EA requirements for integrated planning processes.

### 2.1.0 Principles

Section A.2.9 of the MEA Class EA states that:

*This Class EA recognizes the desirability of co-ordinating or integrating the planning processes and approvals under the Environmental Assessment Act and the Planning Act as long as the intent and requirements of both Acts are met.”*

The MEA Class EA states that the goal of integration is to streamline the planning and approvals process and to provide improved environmental protection.

In addition to streamlining processes at a project specific level (e.g. subdivision or condominium), the integration of land use and infrastructure planning should result in:

- Future land use policy (Official Plans) that reflects the long term need of the community for infrastructure and the municipality’s ability to provide for that

The MEA Class EA states (p.A-41):

“Accordingly, for a project or Master Plan which would otherwise be subject to this Class EA and which:

1. Comes into effect or received approval under the Planning Act, R.S.O. 1990, c.P.13 as amended by the Land Use Planning and Protection Act, 1996; and,
2. meets the intent of the Class EA by fulfilling the requirements as outlined in this section,

then that project **is considered to be a Schedule A under the Municipal Class EA i.e. pre-approved.** The proponent may therefore, proceed to construct the project upon its coming into effect or approval of the application under the

infrastructure (considering costs, environmental impacts and maintenance and replacement).

- Land use plans (Secondary Plans) that have effectively considered and assessed the feasibility and long term implications (maintenance) of infrastructure that is require to support them.
- Infrastructure plans (Master Plans) that are developed in conjunction with land use plans and policies.

Integrated planning can occur without the provisions that have been made to the MEA Class EA. However, the provisions in the MEA Class EA provide for a more streamlined approvals process where there is land use applications/policies/plans associated with infrastructure projects or master plans.

Specifically, infrastructure projects that are planned in accordance with this process are considered to be approved as long as the Planning Act application is approved and the Class EA requirements have been followed. **If the planning Act application is not approved, the infrastructure projects are not approved.**

*Note: Rezoning and Site Plan applications cannot be integrated with MEA Class EA projects*

## **2.2.0 Class Environmental Assessments Requirements**

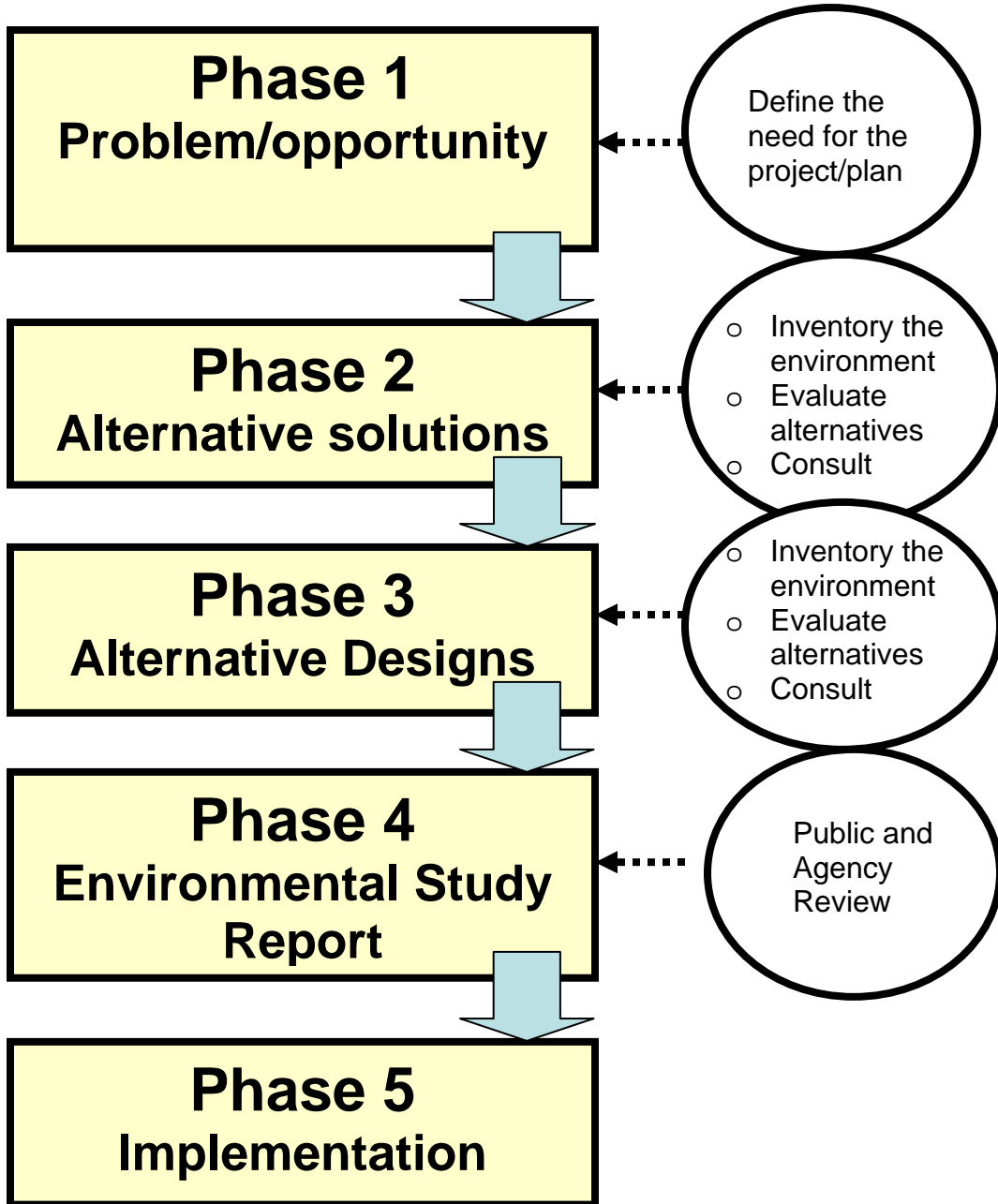
Section A.2.9.2 of the MEA Class EA sets out specific requirements if a municipality chooses to take an integrated approach. Refer to section A.2.9.2 for more specific details.

In general, an integrated process must fulfill the following requirements for infrastructure projects:

- The definition of the environment must reflect the EA Act definition i.e. social, natural, cultural, technical aspects must able addressed.
- The same principles that apply to project specific Class EAs apply to an integrated process re: consultation, impact assessment, evaluation of alternatives and provision of traceable decision making.
- An EA Planning process must be followed (Refer to the 5 stage planning process described in the MEA Class EA and summarized in Figure 2-1)



**Figure 2 – 1, Class EA  
Process**



*Note: Infrastructure projects are not automatically a Schedule A by virtue of being associated with a Planning Act application. The process to decide on infrastructure projects must meet the requirements of the MEA Class EA. Section A.2.9*

### **2.3.0 Defining Proponency**

A proponent (EA Act section 1(1)) means a person who,

- Carries out or who proposes to carry out an undertaking
- Is the owner or person having charge, management or control of the undertaking

Under Regulation 345 of the EA Act, private sector developers proposing projects listed in **Schedule C** of the MEA Class EA for road, water and wastewater and drainage projects and **that are servicing residential developments** must complete the Schedule C Class EA process. The schedules are identified in an appendix to the MEA Class EA document.

Private sector developers building industrial and commercial developments are not subject to the Class EA process.

#### **Municipal vs. Private Sector**

The MEA Class EA states that where a number of municipalities and/or private sector developer(s) jointly undertake a project for the mutual benefits, as co-proponents, **all terms and conditions of the Class EA shall apply equally to each co-proponent.**

Where a number of municipalities or a municipality and private sector developer(s) undertake a project for their mutual benefits but select one of the parties to be the lead proponent to carry out the project planning and implementation, **only the lead**

**proponent shall be subject to the terms and conditions of the Class EA.**

The private sector should refer to Regulation 345 under the EA Act for reference of how they are subject to the MEA Class EA process.

**See section 3 and 4 for more details on how proponency will be determined when working with the City on joint undertakings or when a private sector project results in the need for City project.**

***3. Deciding When to  
Use an Integrate  
Process***





### **3. Deciding When to Use an Integrated Process**

The easiest time to decide to use an integrated process is at the beginning of a Master Plan or Planning Act process. There is no guidance provide in the MEA Class EA process on how to make the decision to integrate, however, there is flexibility within the context of the MEA Class EA framework for municipalities to make decisions on how they will proceed to implement an integrated process. The City has made a number of decisions on how they will view proponentcy, and the need for integration of infrastructure and planning applications.

In deciding when to use an integrated approach, there are three possible scenarios that will be reviewed here:

- Scenario A) the City is carrying out both the Planning Act application and the infrastructure project (s),
- Scenario B) there is a private sector Planning Act applicant associated with infrastructure that will service a proposed development site, and
- Scenario C) the City is the proponent of the infrastructure associated with a planning application or study but has developed an agreement with the private sector to fund and/or implement the class EA on their behalf.

#### ***3.1.0 Scenario A – The City initiates both the Planning Act application and the Infrastructure Requirements***

In this case, the City may be carrying out an Official Plan Review or a Secondary Plan under the Planning Act or an Infrastructure Master Plan under the Class EA Process. This is the most effective stage at which to integrate planning and Class EA requirements as this is the stage at which the municipality decides the land uses that will be designated and how that land can be serviced.

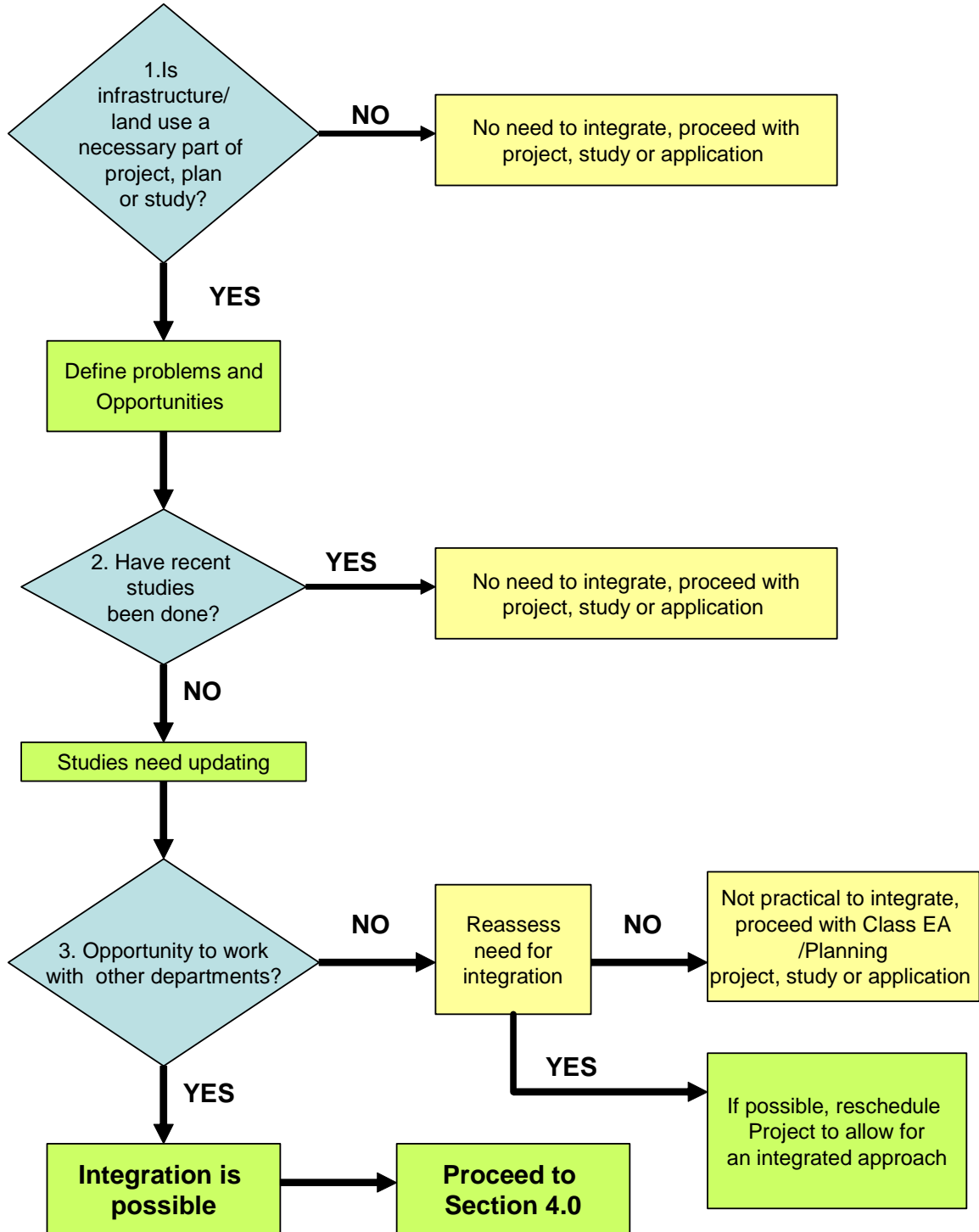
For example, if the Official Plan determines that there is additional urban area required, the Class EAs for transportation, wastewater and water can be done concurrently with the analysis of alternative areas for urban expansion in order to determine feasibility of the land use changes and the most effective way to service areas. Once these major decisions are made, secondary plans can be prepared to reflect the overall objectives, knowing that the new land uses and services are feasible. The Secondary Plan can then look at alternatives in more detail if necessary.

At an Official Plan level, the GRIDS (Growth Related Integrated Development Strategy) program in the City is coordinating master planning of wastewater, water and transportation with land used planning decisions. The Master Plans are being developed concurrently with the new Official Plan. This will provide a solid base or framework for secondary planning and large subdivision planning applications that include OPAs and associated rezoning applications.

Integrated processes are most effective at an Official Plan or Secondary Plan level. This is the stage at which broad land use policies are being made and infrastructure master plans are being developed. While it may still be necessary to carry out Class EAs for specific projects at a later date, it is less likely that an integrated process will be necessary at the subdivision or condominium stage as all major decisions on how to service the area will have been made in the previous studies. It is also a more effective stage because the planning process is more similar to the Class EA process.

In deciding whether or not to take an integrated approach as opposed to a coordinated approach you should ask a series of questions. These are illustrated in Figure 3-1 and in the associated table.

**Figure 3 – 1 Scenario A, the City initiates both the Planning Act application(s) and infrastructure project(s):**





## Explanation for Decisions Made in Figure 3-1

Decision	Action	Explanation
<p><b>Step 1.</b> Are Infrastructure / land use, a necessary part of the project, plan or study?</p> <p>YES</p> <p>NO</p>	<p>Define the problems or opportunities that are available re: services or land uses that could benefit from being planned concurrently and go to Step 2</p> <p>No need to integrate. Proceed with the project, study or application</p>	<p>There may be circumstances where it is obvious at the beginning of a planning study or a servicing study that infrastructure is integrally tied to land use. For example, an Official Plan review intends to look at urban expansions but there is uncertainty about the status of existing infrastructure capacity. Alternately there may be an opportunity to upgrade major services and this would also be the opportunity to address additional capacity for any proposed land use changes.</p> <p>If the servicing or land uses do not affect each other, there is no need to integrate both processes.</p>
<p><b>Step 2.</b> Have recent studies been done?</p> <p>YES</p> <p>NO</p>	<p>No need to integrate, proceed with project, study or application. Use the results of the associated studies in your work.</p> <p>Studies need updating and/or new studies need to be done to support your work. If so, go to step 3</p>	<p>If the associated infrastructure or land use planning work has very recently been updated or developed, it is unlikely that there will be support to do additional work unless you can show that there is a specific need for it. For example, you have just completed an Official Plan Review and adopted the Plan. A City wide Transportation Master Plan is just being initiated. Use the results of the Official Plan Review as the basis for the Transportation Master Plan. An integrated process would not be practical.</p>
<p><b>Step 3.</b> Is there an opportunity to work with other departments?</p> <p>NO</p> <p>YES</p>	<p>The other department has different priorities and/or no budget exists for integration – assess whether or not it is critical to proceed at this time or if the project can be delayed until both departments can work together. If it is not critical, proceed with your project</p> <p>The department (s) is willing to work with you, timing is right, they can incorporate the needed work into their capital budget – integration is possible – proceed to Section 4 (Integration Models)</p>	<p>Although it may be beneficial to integrate the Class EA work with the Planning Work, practically, it may not be feasible to obtain the necessary budget or resources from the departments that would be coordinating the work with you. If you feel that it is important to integrate the work, then reconsider the scheduling and plan for the associated departments to assign resources and priority to it.</p>

Staff needs to assess whether or not the infrastructure projects are inextricably linked to the land use planning applications or vice versa. If you are uncertain as to whether or not infrastructure or land use could affect your project you will have to make a judgment call on whether or not integration is possible.

Sometimes there are infrastructure planning projects that are being developed at the same time as planning applications and the projects start out using the integrated approach. However, when the alternatives are developed it may become clear that the projects are not inextricably linked and can proceed separately. They may still be coordinated but it is of no benefit to have them proceed jointly under the Planning Act.

If you have decided that you will use an integrated process, proceed to Section 4.0.

### ***3.2.0 Scenario B – The Private Sector has a Planning Application that included Infrastructure Requirements.***

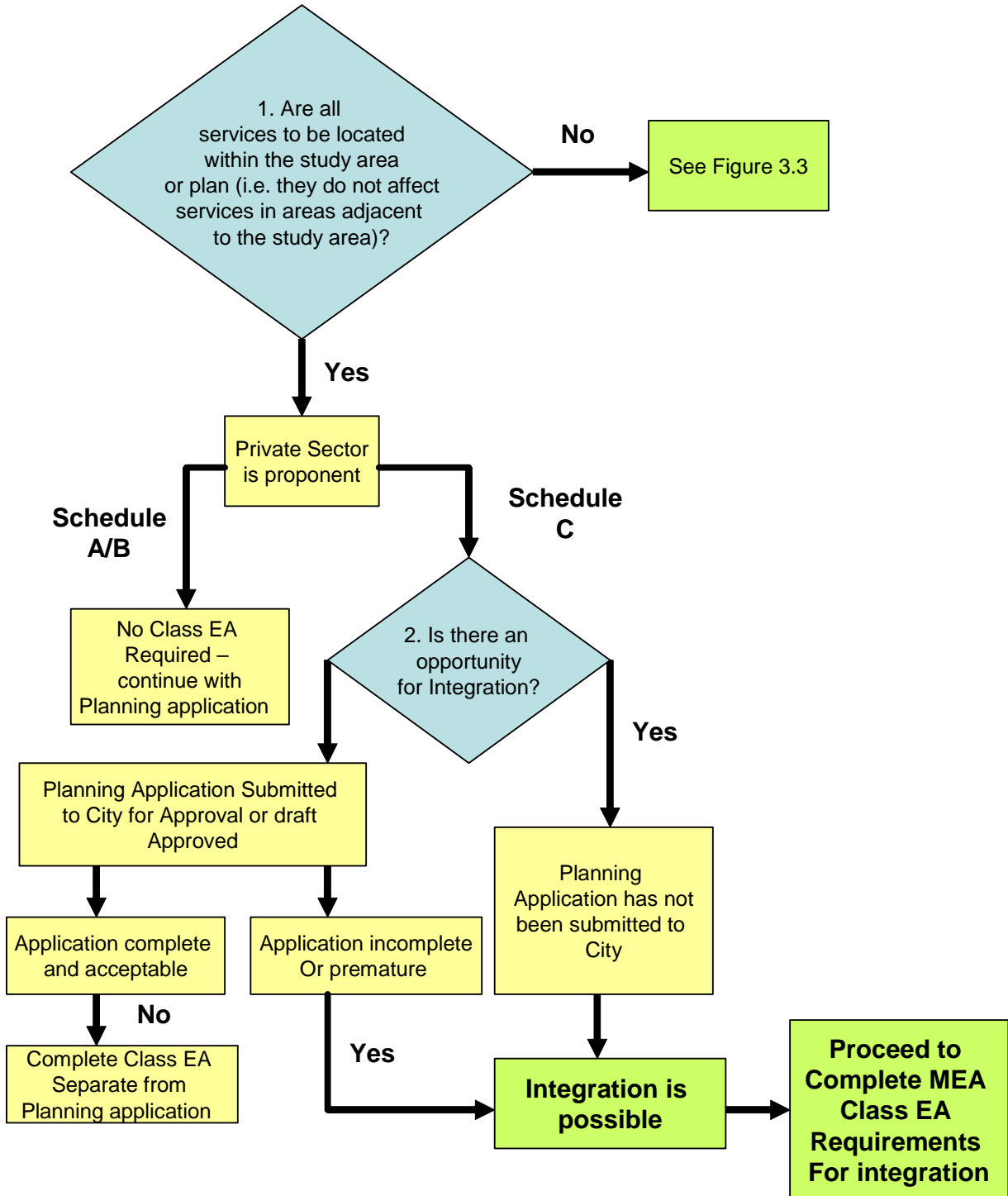
The City is working towards completing infrastructure planning at the Official Plan and Secondary Plan level so that planning applications at the subdivision/condominium level will not likely require Class EAs. However, in the meantime, there will continue to be a need to do infrastructure planning under the MEA Class EA associated with planning applications like subdivision plans. The following is guidance in making decisions on the need for Class EAs when the private sector is involved and how to determine if an integrated approach would be useful.

In general, the planning applications that require a Schedule C Class EA project for the private sector are likely to be large subdivision applications requiring major infrastructure upgrades or expansion. Some secondary plans may also be done by the private sector although it is more likely that secondary plans would be undertaken jointly by the municipality and the private sector with the municipality taking on proponency for the land use and infrastructure planning with funding by the private sector<sup>2</sup>. Figure 3-2 outlines a decision-making process for Scenario B.

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<sup>2</sup> See Appendix 3-1 for a list of Schedule C projects that may apply to the private sector.

**Figure 3-2 Scenario B, the Private Sector has a Planning Application that includes Infrastructure Requirements.**



## Explanation for Decisions Made in Figure 3-2

Decision	Action	Explanation
<p><b>Step 1.</b> Are all services to be located within the study area or plan and do not extend into areas adjacent to the study area?</p> <p>NO</p> <p>YES</p>	<p>Go to Figure 3 if any of the services have the potential to affect adjacent municipal services.</p> <p><b>No Class EA Required</b> If all of the services are entirely located within the study area and do not affect any municipal services adjacent to the study area, the private sector is clearly the proponent. If all of the proposed services are clearly Schedule A or B projects, then no Class EA work is required.</p> <p>For example, all “local” roads or sewer and water connections required as a condition of approval on a site plan, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road/sewer or water service are considered to be Schedule A and do not require a private sector developer to undertake a Class EA. If this is the only type of infrastructure required for the development, no Class EA is required.</p> <p>Also, the private sector is not subject to the Class EA process for Schedule B projects. However, it may not always be clear at the beginning of the process if the best solution for infrastructure is a Schedule B or C project. If , however, there is a Schedule C or the potential for a Schedule C project then <b>proceed to Step 2.</b></p>	<p>If there is the potential for services that you are proposing to affect adjacent municipal services, the City will likely be the proponent and the procedures in Figure 3 should be followed. For example, if you are proposing to include collector and/or arterial roads in your secondary plan or plan of subdivision, it is likely that they will eventually extend beyond the boundaries of your development. If your development results in the need for major improvements of adjacent water or sewer pipes or road layout, then the City is the proponent of those works but you may be required to fund and implement the work as part of your development proposal. (see Figure 3).</p> <p>Sometimes at the beginning of a planning process it is not clear what kind of infrastructure will be chosen. If it is very clear that there is no potential for significant environmental impacts or for a Schedule C type of project to be a possible solution, then the developer can proceed as above. However, if there is the potential for significant environmental effects as a result of the project or if there is the potential for the preferred infrastructure to be a Schedule C, the developer should assume that a Class EA is required and work with the City to determine the possible schedules at the beginning of the planning process. This will save the developer time and cost in the long run as the Class EA process will have been followed and documented. The City’s planning application forms include a question that asks the developer if there are Class EA requirements. The developer should also be aware that there may be the potential for adjacent municipal services that need to be coordinated with their proposal(s).</p>
<p><b>Step 2.</b> Is there an opportunity for Integration?</p> <p>NO</p> <p>YES</p>	<p>If you have already completed your planning work and submitted a planning application before you realize that there may be a Schedule C municipal project required to service your development, it is too late to integrate the two processes. The Class EA work can be completed separately. However, if your application is premature or incomplete, you should consider integration.</p> <p>If you are starting to plan a development or have only completed a part of the planning studies and have not submitted a planning application it is advisable to consider the need for Class EA projects at the beginning of the process.</p>	<p>Although the Planning Act and the Class EA requirements can be met separately, it is logical to plan both simultaneously. Where those services are Schedule A and/or B and do not affect any municipal services outside the proposed development area, the developer is not subject to the Class EA process. However, where the service is a Schedule C project, the developer is required to meet the requirements of the Class EA process.</p>



In general, an integrated approach is beneficial for the private sector:

- if they have a Schedule C project associated with their residential development application and are the proponent for the infrastructure project. By using an integrated process they must follow the Class EA requirements but the infrastructure projects are approved (Schedule A) as long as the Planning Act application is approved.
- for planning applications that are at the beginning of the process and there is an opportunity to work with the City to develop infrastructure master plans for the planning applications.

Land Use applications, particularly subdivisions, often are active for several years and it is therefore sometimes difficult to integrate Class EA requirements into the planning process in a meaningful way at a later date. For example, a subdivision application that includes an OPA and a rezoning may have draft plan approval for three years (or given extensions beyond the 3 years). During the clearance of the conditions it may become obvious that an infrastructure project is required that needs a Class EA approval. In this case, it would not be possible to integrate, but obviously both processes need to recognize the approvals required for the infrastructure. A Class EA process could then be “coordinated” with the land use application. Application of the Class EA process at a late date in the planning process is not the desirable place for it to occur as it could result in changes to the Planning Act application.

### ***Guidance to the Private Sector***

For private sector planning applications, applicants should:

- Consult with City staff prior to or early in the planning of their proposed development to determine if there are infrastructure projects that must be constructed with their application
- Determine if the infrastructure is likely to be Schedule A, B or C
- Confirm the approach to infrastructure with the City
- Consult with City Staff early in the planning process to determine who will be the proponent of any infrastructure projects
- Confirm with the City the approach that will be used to meet the Class EA requirements including the requirements for an integrated approach.

**Note:** An integrated approach to Class EA and Planning Act applications is not met by only following requirements of the Planning Act. Section A.2.9 of the MEA Class EA must also be met.

## ***Guidance to City Development Staff***

Planning/Engineering Staff working with the private sector to process their planning Act/Class EA should:

- Provide relevant infrastructure information to the applicant as early in the process as possible.
- Consult with the Public Works Staff (Roads, transit, water and stormwater) and Development Engineering to confirm the infrastructure requirements.
- Consult with Strategic and Environmental Planning Section (Public Works) to confirm the MEA Class EA schedules and requirements for the infrastructure.
- Check to ensure that the Private Sector is meeting its MEA Class EA requirements for integration

The ministry of the Environment, West Central Region, Planning and Environmental Assessment Coordinators should be consulted where there are any questions on the interpretation of the MEA Class EA requirements.

### **3.3.0 Scenario C – Private Sector Initiated Projects, Plans or Studies with Implications for City Infrastructure**

Where a project is not entirely within a private sector development and/or affects adjacent City infrastructure there are three ways in which the City and the private sector can jointly work on projects. Proponency affects how the

project is implemented i.e. who is responsible for the Class EA requirements.

The three types of situations where the City could take on proponency include:

- 1) Where the City deems itself to be **ultimately responsible for the works** constructed by the private sector
- 2) Where the City and the private sector jointly undertake a project for their mutual benefit and become **co-proponents** (all co-proponents are responsible for Class EA requirements)
- 3) Where the City and the private sector jointly undertake a project for their mutual benefit but select one of the parties to be the lead proponent and the subject to the terms and conditions of the Class EA. The City will take the Lead role in these circumstances and is responsible for ensuring that the Class EA requirements are met.

How the City determines proponency will depend on the particular circumstances. The City will jointly undertake a Class EA with the private sector in the following circumstances:

- Where a project has the potential to affect adjacent municipal services i.e. the impact of the project extends beyond the boundaries of the planning application regardless of whether it is a Schedule B or C, and/or where an infrastructure project(s) clearly would affect adjacent land uses.

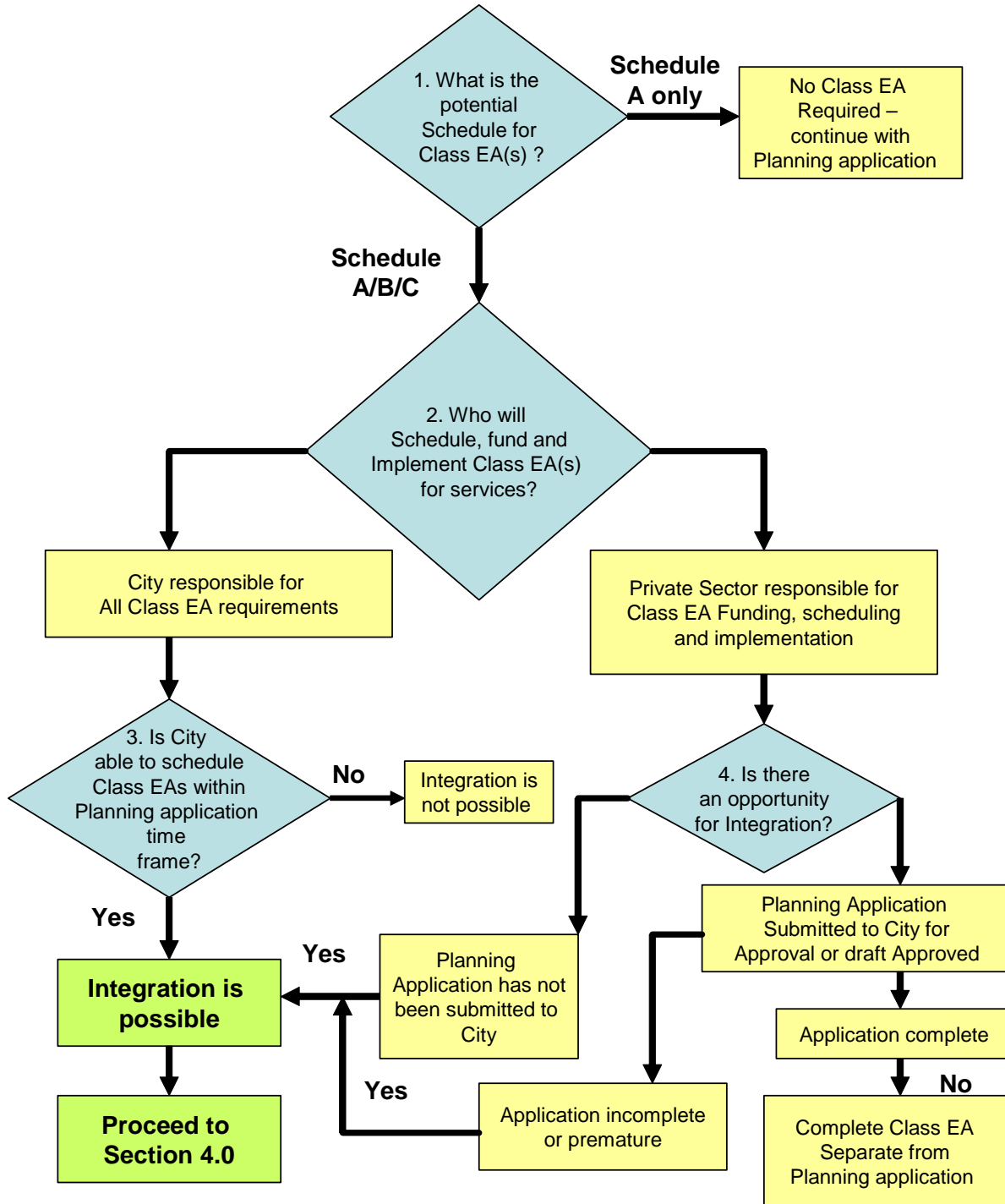
For example, a development application may not require a Class EA for infrastructure on-site but triggers the need for changes in the surround arterial or collector road net work that triggers a Class EA. The City may take on proponency of the Class EA for the

adjacent road work but enter into an agreement that the private sector developer fund and carry out the Class EA in order to meet the developer's schedule for the Planning Act application. Alternately the Planning Act application may be dependent on the successful completion of the Class EA by the City. Figure 3-3 outlines a decision-making process for these situations.

The City will not consider proponentcy in conjunction with the private sector for:

- proposals that would change the land use and would require a Regional or local Official Plan Amendment.
- Urban boundary expansion applications.
- A proposal within the Urban Area where there is no secondary or neighbourhood plan in place.

**Figure 3 – 3 Scenario C, Private Sector Initiated Projects, Plans or Studies with Implications for City Infrastructure.**



# Explanation for Decisions Made in Figure 3-3

Decision	Action	Explanation
<p><b>Step 1.</b> What is the potential Class EA Schedule for services?</p> <p>Schedule A</p> <p>Schedule A/B/C</p>	<p>Consult with City staff in Public works and/or Planning and Economic Development to determine/confirm if there are municipal infrastructure projects adjacent to or in the vicinity of your development that are:</p> <ul style="list-style-type: none"> <li>○ planned</li> <li>○ underway</li> <li>○ or could be needed as a result of your development.</li> </ul> <p>Determine the likely Class EA schedules for these projects.</p> <p>If all of the projects are likely to be Schedule A projects then no Class EA work is required by either the City or the developer. The City must document this and you can proceed with your development application process.</p> <p>If any of the projects are likely to be B and C projects (and there may be some Schedule A projects as well), then the Class EA process must be followed by the City.</p>	<p>If there are Schedule A, B and C projects associated with a development, the Class EA reflects the higher assessment Schedule i.e. Schedule C. The MEA Class EA also states (Appendix 1, page 1-1) <i>“In specific cases, however, a project may have a greater environmental impact than indicated by the Schedule and in such instances the proponent may, at its discretion, change the project status by elevating it to a higher schedule.....Given the varying levels of complexity, the divisions among Schedules A, B and C projects are therefore often not distinct.... While the Class EA document defines the minimum requirements for the environmental assessment planning, the proponent is responsible for “customizing” it to reflect the complexities and needs of a specific project”.</i></p> <p>In identifying the Class EA schedule, the proponent must consider the potential environmental (social, economic, natural, technical) impacts.</p>
<p><b>Step 2.</b> Who will schedule, fund, and implement the Class EAs for infrastructure?</p> <p>City responsible for all Class EA requirements</p> <p>Private Sector responsible for Class EA funding, scheduling and implementation</p>	<p>The City has made the decision that all services subject to the Class EA process will be planned and designed by them. <b>Go to Step 3</b></p> <p>The City has decided that they will maintain proponenty or enter into co-proponenty with the private sector. The private sector will work with the City to ensure that they are meeting Class EA requirements.</p>	<p>The City is the proponent for all municipal services that are not entirely within a plan of subdivision. However, they can decide to enter into co-proponenty with the private sector or adjacent municipalities where it is deemed to be advantageous to both parties. They can also maintain proponenty but request the private sector to fund, schedule and implement the Class EA requirements on their behalf. In this case, the City would be responsible for the Class EA requirements.</p> <p>It is important for the City and the Private sector to cooperate, share information and provide timely input to the Class EA process regardless of who is the proponent and/or co-proponents. This means that all parties are clear on the joint requirements of the Planning Act and the Class EA process. This will avoid situations where the joint process has been completed but does not meet Class EA requirements. The City must be assured that the private sector is not only following Class EA requirements but is incorporating their interests in the Class EA Process.</p>
<p><b>Step 3.</b> Is the City able to schedule and fund the Class EAs within the Planning Application Time Frame?</p> <p>No</p> <p>Yes</p>	<p>The City wants to maintain proponenty and carry out the Class EA requirements but is not able to do so within the Planning Act application time frame. There is agreement that the Planning Act application can move forward separately from the Class EA Process. Therefore, integration is not possible.</p> <p>The City has been provided sufficient notice so that the Class EA work can be scheduled and funded within the time frame for the Planning Act application. Integration is possible. <b>Proceed to Section 4.0</b></p>	<p>It is important for the private sector to advise the City as early as possible about the potential for an integrated process so that this step can be established early on. If the City has sufficient notice, they can schedule and budget for Class EAs and work with the private sector on integrated processes. However, where they are provided with insufficient time to budget and schedule Class EA projects, they will require that the private sector do so on their behalf or the private sector will have to wait for the Class EAs to be completed before implementation of their development.</p>
<p><b>Step 4.</b> Is there an opportunity for integration?</p> <p>Planning Act application has been submitted to the City for approval or draft approval.</p> <p>Planning Act Application has not been submitted to the City.</p>	<p>If the Planning Act Application is advanced quite far i.e. a draft plan approval for a subdivision has already been obtained or a planning application has already been submitted, the City may determine that it is too late for integration to occur. Class EA requirements must still be met but will be done separately from the Planning Act application.</p> <p>If the development is in the early planning stages and the application has not been submitted, the City will expect the private sector to integrate the Class EA and planning requirements.</p>	<p>Regardless of the status of the Planning Act application, the City reserves the right to request the private sector to complete an integrated process to ensure that the municipal services can be implemented.</p> <p>The Strategic and Environmental Planning section will make the decision on whether or not there is the potential for integration in this scenario.</p>

## *Appendix 3*



## Appendix 3-1 Schedule C Class EA Projects

### *Class EA Required*

The private sector is required to undertake Class EA planning for Schedule C residential projects. The following Schedule C projects could potentially be projects undertaken by the private sector.<sup>3</sup>

Roads	Wastewater	Water
20. Reconstruction or widening where the reconstructed road or other linear paved facilities (e.g. HOV Lanes, bus lanes or transit lanes) will not be for the same purpose, use, capacity or at the same location as the facility being constructed (e.g. additional lanes, continuous centre turn lane) and where the construction cost is over \$1.5 million.	Construct new sewage system, including outfall to receiving water body and/or constructed wetland for treatment.	Construct a new water system including a new well and water distribution system.
21. Construction of new roads other linear paved facilities (e.g. HOV Lanes, bus lanes or transit lanes) where the construction cost is over \$1.5 million.	Construct new sewage treatment plant or expand existing sewage treatment plant beyond existing rated capacity including outfall to receiving water body.	Construct a new water treatment plant or expand existing water treatment plan beyond existing rated capacity.
23. Reconstruction of a water crossing where the reconstructed facility will not be for the same purpose, use, capacity or at the same location. (Capacity refers to either hydraulic or road capacity.) This includes ferry docks. This is for projects where the construction cost is over \$1.5 million.	Establish new lagoons or expand existing lagoons or install new or additional sewage storage tanks which will increase beyond existing rated capacity.	Establish a new surface water source.

<sup>3</sup> Refer to the MEA Class EA for a complete list of Schedule C projects – the numbers refer to the MEA listing of Schedule C road projects. Wastewater and Water projects are not numbered in the MEA Class EA)



Roads	Wastewater	Water
25. Construction of new water crossings and ferry docks where the construction cost is over \$1.5 million.	Construct new or modify, retrofit or improve existing retention/detention facility or infiltration system for the purpose of stormwater quality control where chemical or biological treatment or disinfection is included, including outfall to receiving water body.	Artificially recharge an existing aquifer from a surface water source for purpose of water supply
26. Construction of new grade separations where the construction cost is over \$6 million.	Construction of a diversion channel or wastewater for the purpose of diverting flows from one watercourse to another.	
27. Construction of underpasses or overpasses for pedestrian, recreation or agricultural use where the construction cost is over \$1.5 million.	Construct new shore line works, such as off-shore breakwaters, shore-connected breakwaters, groynes and sea walls.	
28. Construction of new interchanges between any two roadways including a grade separation and ramps to connect the two roadways where the construction cost is over \$6 million.	Construct a new dam or weir in a watercourse.	
29. Construction, reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old and the cost is more than \$1.5 million.	Construct new sanitary or combined sewage retention/detention facility at a new location.	
40. All other road related works more than \$1.5 million (this needs to be read in conjunction with the full schedule in the MEA Class EA document).		
42. Traffic calming measures (installation or removal) costing more than \$1.5 million.		

## ***4. Setting-Up an Integrated Process***



## 4. Setting-Up an Integrated Process

This section is intended to provide guidance to City staff on organizing an integrated process. There are several ways than an integrated project can be initiated and sometimes it may not be clear which department should take leadership and carry out the coordination. Initially, the city may want to designate specific positions or individuals as coordinators because they have knowledge of both infrastructure process/Class EA and planning process. As staff becomes more familiar with the two processes the Coordinator role may be taken by any one of several staff with the ability to lead the project in a timely way.

**The private sector may use the principles set out below but it is their responsibility to determine how they will manage an integrated process.**

### 4.1.0 City Administration City Projects

At the beginning of an integrated process that will be managed entirely by the City, various staff will be identified by departmental managers to be a Project Team member.

Managers will:

- Identify a **Project Coordinator** who has a general knowledge of both land use planning and engineering. They should also have strong project management skills and a strong background in class environmental assessment process with an ability to guide EA and project decision making. This will be a Senior Project Manager or Project Manager from the Strategic and

Environmental Planning section. Where the Coordinator is not from the Strategic and Environmental Planning section, a Project Manager from that section will participate to ensure that the EA and consultation requirements are met. **This will be the person that will project manage both the infrastructure and planning applications.**

- Identify a **contact** for the Infrastructure Master Plan or Project from the department /division that is initiating the plan/project i.e. a contact for the sewer and water plan/project would be identified from the Water and Wastewater Division, a road project from the Strategic and Environmental Planning Section etc. There may be more than one contact if there are different types of infrastructure being planned and designed. These are likely to be project managers who are usually responsible for the management of individual projects or plans.
- Identify a contact(s) for the planning Act application from the Planning and Development Department.
- Identify a **public consultation coordinator**. This person should be familiar with both Class EA and Planning Act requirements, understands the need to be flexible and adapt the consultation program as necessary and who understands the role of facilitation and conflict resolution. They will assist the Coordinator and the Project Team in setting up a consultation plan will be responsible for its implementation (setting up and organizing meetings, workshops, newsletters, newspaper advertisements etc.). This must be a person who not only understands the logistics of setting up meetings,

placing notices, using media and communication techniques etc. but most importantly has a good understanding of public consultation theory practice and can work with the Project Team to design an integrated consultation plan. For small projects, the Project Coordinator could play this role with the assistance of administrative assistants for booking meetings etc. For large projects, a Team member should be identified. In very large and/or contentious projects, this could be carried out by an experience consultant.

- Identify departmental managers or their representatives from Public Works and Planning who will participate on the Study Team.
- Develop integrated Terms of Reference for the studies at the beginning of the process.
- Use a team approach:
  - Project coordinator
  - Infrastructure contacts (usually project manager(s))
  - Planning contact(s)
  - Public Consultation Coordinator
  - Manager(s) from Public Works
  - Manager(s) from Planning
  - Consultants (as needed for technical advice)
- At the beginning of the process set up a schedule for the team members to meet on a regular basis (same time, same place, commit to 3 hours and make the meetings a priority).
- The team meetings should be held at a minimum:
  - at milestones
  - prior to public meetings
  - prior to meetings of Community Councils and Committees of Council.

- Update General Managers ever 4-5 months or when there is something important to relate.
- Consultation:
  - Involve Landowners affected by plans in reviewing Terms of Reference
  - Use the Settlement and Integration Services Organization for language/cultural translations for public meetings
  - Circulate notices to stakeholder organizations at the beginning of the process to see if they want presentations and how they want to be involved
  - Include review agencies for Class EAs in integrated consultations

#### **4.2.0 Notices**

One of the challenges in an integrated process is ensuring that the requirements of both processes are met. The requirements for notices differ for each process. While the Class EA process requires notification throughout the development of a project for the purpose of encouraging consultation on options and decisions and to provide an opportunity for appeal, it does not specify what type of consultation will occur. This is left up the discretion of the proponent. This results in two to four (depending on the Class EA schedule) mandatory notice points.

The Planning Act requires that municipalities provide a notice for a public meeting to inform the public of a proposed official plan, plan amendment or subdivision application and a notice of the decision and the opportunity to appeal it (two notices).

While the Class EA process requires notification to the general public by newspaper and those who have

expressed interest by direct mail, the Planning Act provides options for Official Plans and amendments (a general area notice or deliver within a specific geographic area). The City usually goes beyond the minimum requirements of the Class EA by mailing notices to residents and property owners within a defined study area.

Refer to section A.5.3.4 of the MEA Class EA

Figure 4-1 shows where the notices are mandatory in the Class EA and Planning Processes. Appendix 4-1 outlines the requirements of both the Class EA process and the Planning Act.

For an integrated process, Figure 4-2 shows how the two processes would be integrated and appendix 4-2 provides sample notices for integrated processes.

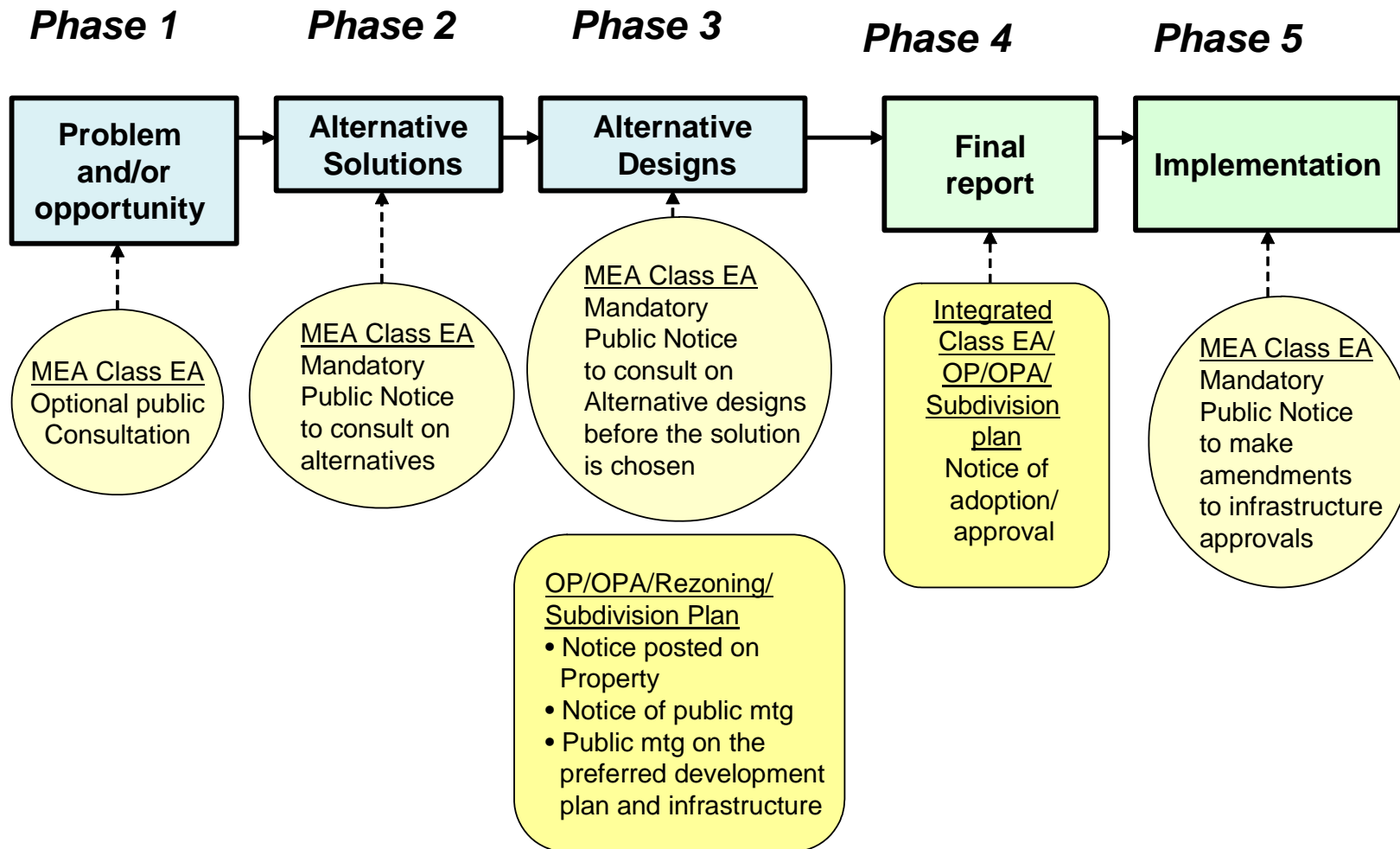
**Note:** While the MEA Class EA indicates that there must be a Notice of Completion for Class EA projects under an integrated process there is no appeal for an integrated infrastructure project.

The final notice will be a Notice of Adoption of the Planning Act application and will include only the appeal provision for the Planning Act.

Both the public and agencies who have reviewed the Class EAs should be provided with the Final notices for integrated policies, plans or projects.

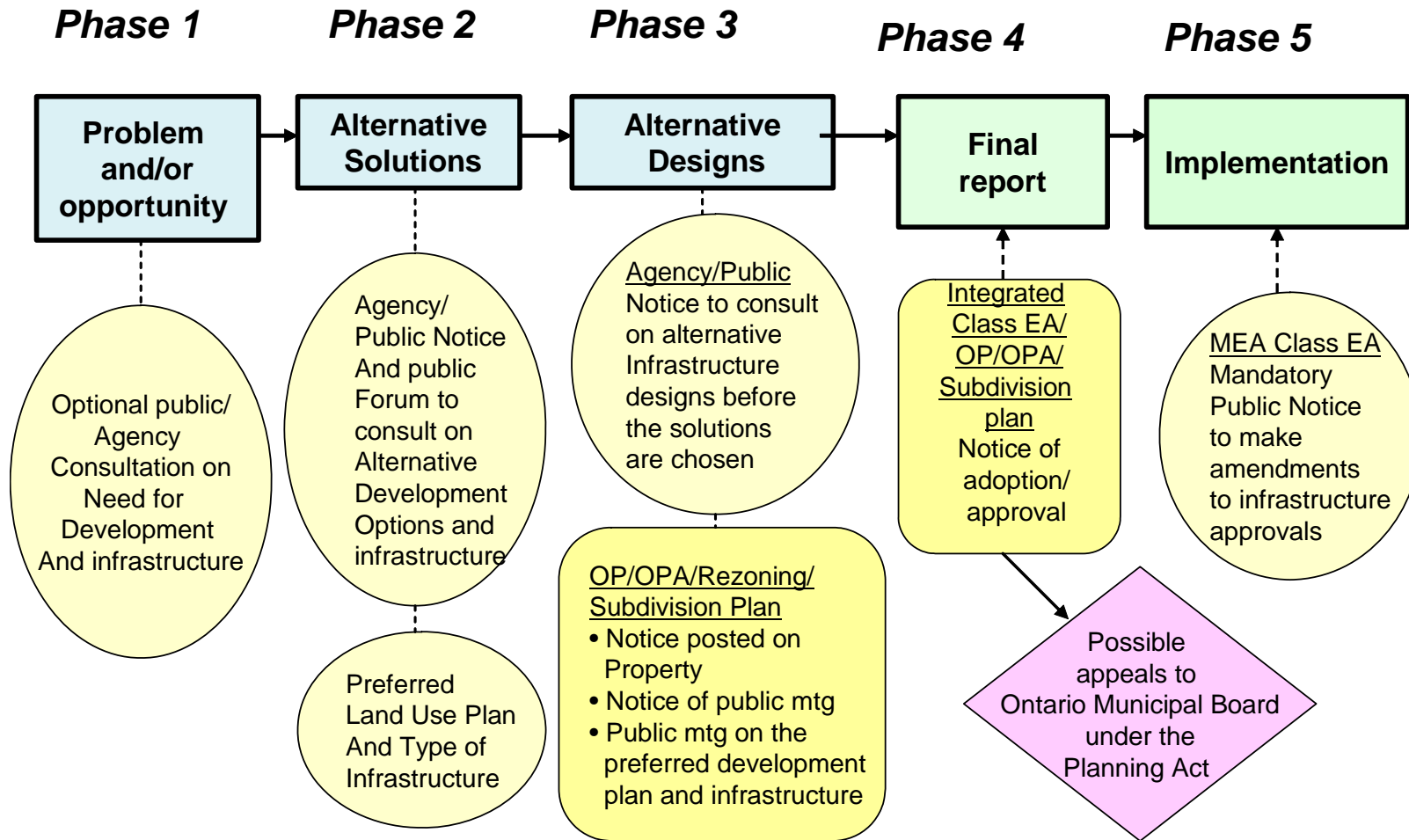


**Figure 4 – 1 Integrated Planning Notice Requirements**





**Figure 4 – 2 Integrated Consultations**



### **4.3.0 Consultation**

The following outlines the requirements for consultation for Class EA projects and Planning Act applications.

#### **4.3.1 Class Environmental Assessment**

A key principle of the Class Environmental Assessment process is that consultation occurs early and throughout the process. There are minimum mandatory notice points (see section above) but it is expected that the proponent will do whatever consultation is appropriate for the scope of the project. The Class EA discusses the value of developing consultation plans and of using a variety of techniques to involve the public. The Class EA process does not specify which types of consultation should be used.

#### **4.3.2 Planning Act**

The Planning Act not only specifies a mandatory point of contact but it also specifies the type of contact that is required at a minimum:

- Official Plans and Amendments, and Secondary Plans
  - One public meeting is required to introduce the plan or amendment. However, this does not occur at an early point in the process, it occurs after key decisions have been made and the application has been reviewed by city staff and the Plan or amendment has been drafted and a staff position has been formulated in a report to Council. The public meeting must be held no sooner than 30 days after public notice has been given. The Planning Act provides that alternative ways to contact the public about proposed changes to the Official Plan can be specified in the Official Plan.

- Plans of Subdivision
  - There are no requirements for consultation on plans of subdivision however the approval authority must consider among other things the adequacy of municipal services. Most plans of subdivision are accompanied by Official Plan Amendment and/or rezoning applications and therefore have a public meeting associated with the application.

#### **The City of Hamilton approved Report #PD03105 Public Participation and Mediation in the Planning Approval Process (see Appendix 4-3).**

This report provides for additional and earlier notification of Planning Act applications under certain circumstances (after an application is made but prior to a staff report), public meetings for subdivision applications and the introduction of a formal mediation program as early as possible in the process.

However, there are some basic differences in the planning and Class EA processes.

- Public meetings are held during the day (during Council committee meetings) for planning applications while Class EA public forums are usually held on the weekday evening or on a Saturday to ensure that the affected public have ample opportunity to participate.<sup>4</sup>

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<sup>4</sup> The MEA Class EA does not specify the type of public forum to hold but general practice is that the meetings are accessible as possible and therefore they are not usually held only during a work day.

- Notice is given to acknowledged public groups and to property owners within 60-120 meters of the subject property for planning applications.
- For Class EA projects, a general notice is issued in a newspaper (twice) and a written notice is circulated to all property owners within 120 meters (for small projects) and to a broader circulation area (for large projects or projects that have impacts that could extend beyond 120 meters).<sup>5</sup>

The above referenced Council report on the public participation and mediation for the planning Act applications acknowledges the importance of early public involvement to avoid the public feeling that decisions have been made before they have an opportunity to influence them. For Official Plan amendments and secondary plans initiated by the City, the requirements of both processes can be easily integrated as the City has full discretion on how to carry out consultation on both processes as long as the minimum mandatory requirements are met. In addition, the Planning Act allows for the Official Plan to specify the type of consultation it will carry out in relation to Official Plan Amendments.

For subdivision plans and associated rezoning, there are more specific consultation requirements. However, the Class EA process is sufficiently flexible that it can be adjusted to the Planning Act requirements. The exception is the notification requirement for the public meeting – the Planning Act requirements do not include a newspaper notice.

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<sup>5</sup> The MEA Class EA does not specify a distance from the property for circulation. This is the general practice of the City on Class EA projects.

There is a great deal of flexibility in the Class EA process to hold forums that are appropriate to the project rather than always holding a public meeting. It is questionable if a Council Committee meeting held during a work day would meet the principles of Class EA consultation.

#### ***4.4.0 City Staff Responsibilities Role of the Strategic and Environmental Planning (SEP) section***

Staff of the SEP section can:

- Assist planning and infrastructure staff in setting up an integrated process
- Provide advice on Class EA process
- Act as a liaison with the MOE West Central Region Planning and Environmental Assessment Coordinator
- Act as a Project coordinators to:
  - Work with the Project Team to develop an integrated work plan and schedule
  - Advise on meeting the requirements of both Planning Act and Class EA consultation activities and notices
  - Technical review to ensure that the Class EA requirements are fulfilled re: reasonable alternatives and evaluation and appropriate impact assessment
  - Coordinate government agency discussions
  - Organize study team meetings
  - Oversee the work plan
  - Determine, in consultation with the study team, when mediation or other conflict resolution is required and oversee its implementation

### **Role of Infrastructure Team Members**

Staff who are managing the specific infrastructure (transportation/road, sewer, water, stormwater) master plans/projects should:

- Determine when they are starting their projects if there are any land use planning activities ongoing or planned for the near future. If there is land use planning activities anticipated, they should contact the SEP and determine if an integrated process is warranted.
- For integrated processes lead by the City:
  - Participate in the scheduled Project Team meetings
  - Assist the team in developing realistic work plans based on the need to collect and analyze data, and develop preliminary and detailed designs and carry out effective consultation.
  - Communicate in a timely manner to the Project Team any information that could affect the planning of land use or other infrastructure
  - Share technical information with the Project Team freely and willingly
  - Be open to developing integrated solutions that meet the Project's objectives as opposed to solutions that only address technical issues of specific infrastructure
  - Ensure that infrastructure solutions support the overall framework for providing services as described by the GRIDS or any other corporate policies that provide direction to staff on how to make decisions

- For integrated processes lead by the developer:
  - Provide information on overall infrastructure framework (from GRIDS or other master planning studies)
  - Provide any available technical information that can assist the developer in the Class EA project
  - Provide all information in a timely manner
  - Participate on steering committees or technical meetings to ensure that the City's interests are addressed in the development of the integrated process
  - Review and provide comments on the draft and final Class Ea and planning document

### **Role of Planning and Economic Development Staff**

Both policy and development review sections of the department may be involved in integrated Class EAs. Their role would be:

- project manager of the planning process for City led initiatives e.g. official plans, secondary plans or community improvement plans (policy staff)
- regulatory reviewer for plans of subdivision and condominium (development planning staff)

Team members will be selected from the Community Planning and Design section as that is the section that would be developing official plans, secondary plans and community improvement plans.

The role of team member will be similar to the role of team members for infrastructure:

- Determine when they are starting their projects if there are any infrastructure plans ongoing or anticipated to begin in the near future. If infrastructure planning activities are anticipated, they should contact the SEP and determine if an integrated process is warranted.
- For integrated processes led by the City:
  - Participate in the scheduled Project Team meetings for integrated processes
  - Assist the team in developing realistic work plans based the need to collect and analyze data, and develop preliminary and detailed designs and carry out effective consultation
  - Communicate in a timely manner to the Project Team any information that could affect the planning of infrastructure
  - Share technical information with the Project Team freely and willingly
  - Be open to developing integrated solutions that meet the Integrated Project's objectives as opposed to solutions that only address land use issues
  - Ensure that land use solutions support the overall framework for providing services as described by the GRIDS or any other corporate policies that provide direction to staff on how to make decisions
- For integrated processes led by the developer
  - Provide information on overall land use planning frame (from GRIDS, Official Plan policies or other planning or corporate directives)
  - Provide any available technical information that can assist the developed in the Class EA project and land use planning process
  - Provide all information in a timely manner
  - Participate on steering committees or technical meetings to ensure that the City's interests are addressed in the development of the integrated process
  - Review the draft and final Class EA and land use document

**Regulator Reviewers** are from the Development Planning and Engineering section of Planning and Economic Development. The Development planners are the designated authority for review and approval of plans of subdivision and condominium. They will not be project managers however, they will provide advice to the Project Team working on the Official Plans, Official Plan Amendments (including Secondary Plans) and Community Improvement Plans. Their role is to:

- Advise the developers as early as possible that the Class EA process may apply to their applications and they should understand when and how this could happen.
- Check to ensure that planning applications have addressed the Class EA requirements and do so in consultation with SEP.
- Alert the developers and SEP of the potential for Class EA projects to be associated with a planning application.
- Suggest to SEP when integrated processes may be applicable.
- Liaise between the developer and SEP when integrated planning has been identified.

- Work with the developer and SEP to ensure that Class EA requirements are being addressed efficiently and in a timely manner and to ensure that Planning Act requirements are incorporated into the process.

The Development Engineering staff will continue to be involved in planning applications to review servicing plans. While SEP has responsibility for determining if there are Class EA requirements, Development Engineering staff may also identify the need to trigger integration or coordination. When they do so they will advise Development Planners who will then involve SEP in the discussion.

#### **Deciding on an overall Project Coordinator**

If staff from SEP are not available to act as a project coordinator, or if the project is of a corporate scale (e.g. GRIDS) a Project Coordinator will be appointed by the General Managers (or their designates) from Public Works and Planning and Development.

#### **Managing consultant assignments**

When it is determined that there will be an integrated process and the City is the proponent the consultant terms of reference for Planning Act applications and Master/Project Class EAs will be coordinated to ensure that they are compatible and that the timing of the process is synchronized.

Consultants will be retained for specific technical expertise where the City is unable to provide the necessary resources or does not have the expertise in-house. The consultants will be managed by the Team Member for that specific area e.g. transportation planning

would be managed by the Strategic and Environmental Planning section. Where consultants are retained for the project as a whole e.g. consultation/facilitation, the Project Coordinator will manage the consultant assignment.

#### **Participating in developer managed projects**

There will be situations where the developer/applicant will be the sole proponent on a Schedule C project. IN these cases, City Planning and Development staff will work with SEP Project Managers to:

- Ensure that the infrastructure Class EA requirements are being incorporated into the Planning Act application
- The OMB is made aware of any Class EA projects (infrastructure) and requirements associated with the Planning Act application

In Scenario C, developers/applicants will be responsible for managing appeals under the Planning Act.

Since City Staff are not proponents, it is not their responsibility to assist the developers in resolving issues associated with the Class EA requirements.

#### **Pre-consultation Meetings**

Pre-consultation meetings are held early and routinely in the planning application process. Staff with the authority and ability to identify Class EA requirements shall attend these meetings and provide advice to the applicant on infrastructure requirements. Review agencies will also be requested to attend these meetings where there is the potential for City/Developer Class EAs related to infrastructure. The applicant will be responsible for providing adequate

information prior to the meeting to enable staff to determine if there is a need for their and review agencies attendance.

## *Appendix 4*





## Appendix 4 – Notice Requirements

<b>Minimum Mandatory Notice Requirements – timing and contacts</b>	
<b>Class Environmental Assessment</b>	<b>Planning Act</b>
<b>Schedule C</b>	<b>Official Plan and Plan Amendments</b>
<p>Phase 1 – Discretionary notice of project initiation. This notice is not required but it is a useful way to determine if there are community issues that staff are unaware of and may need to plan for.</p> <p>Phase 2 – Two published notices in local newspapers re: consultation on problem/opportunity and alternative solutions. Where appropriate, notices mailed, delivered or posted to all properties abutting the project and to all persons who might reasonably have an interest in the project. Contact review agencies. Only the MOE Regional EA Coordinator and affected adjacent municipalities are required to be contacted on all projects. Contact with other agencies is dependent on the issues raised in the Class EA. (see Appendix 3 of the MEA Class EA for guidance on agencies to consult).</p> <p>Phase 3 – Two published notices in local newspapers re: alternative designs. Mail or deliver copies of the notices to all who expressed interest in the project. Maintain a list of all persons who provide comment and input to the process or otherwise express an interest in the project. Contact review agencies established in Phase 1/2.</p> <p>Phase 4 – Two published notices of completion in local newspaper to the public and review agencies. Contact review agencies established in Phase 1/2. Mail or deliver copies of the notices to all who expressed interest in the project. Maintain a list of all persons who provide comment and input to the process or</p>	<p>Notice of a public meeting to inform the public of a proposed official plan or plan amendment can be given in either of the following two ways:</p> <ol style="list-style-type: none"> <li>1) Reg. 260/00 sec. 2.(2) “Giving notice by personal service or prepaid first class mail to every owner of land within 120 metres of the area to which the proposed official plan or plan amendment would apply.” (more specific requirements are provided for condominiums) and “posting of a notice of the meeting, clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the proposed official plan or plan amendment would apply, or where the posting on the property is impractical at a nearby location chosen by the clerk of the municipality ...” <b>or</b></li> <li>2) Reg. 260/00 sec. 2.(4) “Notice...may be given by publication in a newspaper that, in the opinion of the clerk of the municipality.... is of sufficiently general circulation in the area to which the proposed official plan or plan amendment would apply that it would give the public reasonable notice of the public meeting.</li> </ol> <p>In addition, any person or public body who has requested notice will be provided it by personal service, prepaid first class mail or telephone transmission of a facsimile of the notice. Notices must be sent to the following</p>

<b>Minimum Mandatory Notice Requirements – timing and contacts</b>	
<b>Class Environmental Assessment</b>	<b>Planning Act</b>
<p>otherwise express an interest in the project</p>	<p>persons unless they request not to be circulated:</p> <ul style="list-style-type: none"> <li>• The Clerk of the municipality</li> <li>• The secretary of every school board having jurisdiction in the area affected</li> <li>• The secretary-treasurer of every conservation authority having jurisdiction in the area affected</li> <li>• The secretary of every company operating a natural gas utility in the local municipality or planning area affected</li> <li>• The secretary of every company operating an oil or natural gas pipeline in the planning area affected</li> <li>• The Executive Vice-President, Law and Development, of Ontario Power Generation</li> <li>• The Secretary of Hydro One Inc.</li> <li>• In Niagara Escarpment land or abutting land, contact the senior planner of the office of NEC having jurisdiction in the affected area or abutting the affected area.</li> <li>• The clerk of every municipality within one kilometer of the affected area</li> <li>• The chief of every First Nation council, if the First Nation is located on a reserve any part of which is within one kilometer of the affected area</li> </ul>
<b>Schedule B</b>	<b>Subdivision Plan</b>
<p>Phase 1 – discretionary notice of project initiation</p>	<p>1. Giving notice by personal service or prepaid first class mail to every owner of land within 120 metres of the area covered by the proposed plan of subdivision and every owner of land within 120 metres of the land that abuts the area covered by the proposed plan of subdivision and that is owned by the same person that owns the land that is</p>

## Minimum Mandatory Notice Requirements – timing and contacts

Class Environmental Assessment	Planning Act
	<p>the subject of the proposed plan of subdivision. However, where a condominium development is located within 120 metres of the area, notice may be given to the condominium corporation, according to its most recent address for service or mailing address as registered under section 3 of the <i>Condominium Act</i>, instead of being given to all owners assessed in respect of the condominium development.</p> <p>2. Posting a notice, clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the proposed plan of subdivision would apply, or, where posting on the property is impractical, at a nearby location chosen by the official. O. Reg. 196/96, s. 3 (2).</p> <p>OR</p> <p>Notice may be given by publication in a newspaper that, in the opinion of the official, is of sufficiently general circulation in the area adjoining the proposed plan of subdivision that it would give the public reasonable notice of the application.</p>
<p>Phase 2 – two published notices in local newspapers re: consultation on problem/opportunity and alternative solutions. Where appropriate, notices mailed, delivered or posted to all properties abutting the project and to all persons who might reasonably have an interest in the project.</p> <p>Contact review agencies. Only the MOE Regional EA Coordinator and affected adjacent municipalities are required to be</p>	<p>Every person and public body that has given the approval authority a written request for notice of an application for approval of a plan of subdivision under clause 51 (20) (a) of the Act shall be given notice of the application by personal service, prepaid first class mail or telephone transmission of a facsimile of the notice.</p>

**Minimum Mandatory Notice Requirements – timing and contacts**

<b>Class Environmental Assessment</b>	<b>Planning Act</b>
<p>contacted on all projects. Contact with other agencies is dependent on the issues raised in the Class EA. (see Appendix 3 of the MEA Class EA for guidance on the agencies to contact).</p> <p>Two published Notices of Completion in local newspaper.</p>	

**Minimum Mandatory Notice Requirements – contents**

<b>Class Environmental Assessment</b>	<b>Planning Act</b>
<b>Schedule A and B</b>	<b>Official Plan and Plan Amendments</b>
<b>All notices shall include:</b>	<b>Written Notice of Public Meeting shall include:</b>
Name and address of proponent	Date, time and location of meeting
Brief description of the project which outlines the nature of the problem or opportunity and the need for a solution	Explanation of the purpose and effect of the proposed official plan or plan amendment
Reference to the project following the requirements of the Municipal Class Environmental Assessment	A description of the land or a key map showing the land to which the proposed official plan or plan amendment would apply, or alternatively, an explanation as to why a description or a key map is not provided
Details of when and where information (e.g. Environmental Study Report or Project File) is available to the public	Where and when a copy of the proposed official plan or plan amendment and background materials if any will be made available to the public for inspection
Name or title of a contact person to whom comment should be directed	A statement on providing written request for notification of adoption of the plan or amendment
	A statement of the need for the public to make an oral or written submission in support of an appeal to the OMB
	An indication of any associated planning applications
	<b>Notice posted on Property shall include:</b>

<b>Minimum Mandatory Notice Requirements – contents</b>	
<b>Class Environmental Assessment</b>	<b>Planning Act</b>
	Date, time and location of public meeting
	Explanation of the purpose and effect of the proposed official plan or plan amendment
	Where and when a copy of the proposed official plan or plan amendment and background materials if any will be made available to the public for inspection
	How to obtain a copy of the written notice of the public meeting
<b>Notices of Completion</b>	<b>Notice of the Adoption of the Official Plan or Amendment</b>
Date by which comment/input is to be received by proponent	The date that the by-law adopting the proposed official plan or plan amendment was passed
Advise of the public’s right with regard to the provisions to request a Part II Order, with date by which the request must be received by the Minister and the address of the Minister	The purpose and effect of the proposed official plan or plan amendment
All other information listed above for other notices	Where and when information in respect of the proposed official plan or plan amendment will be made available for inspection
	A statement about the need to make a written request in order to receive a notice of decision
	Name and address of the approval authority
	If exempt, statements last date, etc. for an appeal. See sec. (14) 3. 5
	Indication of any associated planning applications
	Notice to the approval authority with a copy of the proposed plan or amendment
	<b>Plan of Subdivision</b>
	Notice of an application for approval of a plan of subdivision shall include the following: <ul style="list-style-type: none"> <li>1. A description of the proposed plan of subdivision.</li> </ul>

## Minimum Mandatory Notice Requirements – contents

Class Environmental Assessment	Planning Act
	<ol style="list-style-type: none"> <li>2. A description of the land or a key map showing the location of the land proposed to be subdivided.</li> <li>3. Where and when additional information regarding the proposed plan of subdivision will be available to the public for inspection.</li> <li>4. The following statement: If a person or public body that files an appeal of a decision of (<i>name of the approval authority</i>) in respect of the proposed plan of subdivision does not make oral submissions at the public meeting, if one is held, or make written submissions to (<i>name of the approval authority</i>) before the proposed plan of subdivision is approved or refused, the Ontario Municipal Board may dismiss the appeal.</li> <li>5. The following statement: If you wish to be notified of the decision of (<i>name of the approval authority</i>) in respect of this proposed plan of subdivision, you must make a written request to (<i>name and address of the approval authority</i>).</li> <li>6. 6. If it is known that the land proposed to be subdivided is the subject of an application under the Act for an amendment to an official plan, a zoning by-law, a Minister's zoning order or a minor variance, a statement of that fact and the file number of the application. O. Reg. 196/96, s. 3 (10)</li> </ol>
	<p>If notice is given by posting on the property, the notice shall include the following:</p> <ol style="list-style-type: none"> <li>1. A description of the proposed plan of subdivision.</li> <li>2. Where and when additional information regarding the proposed plan of subdivision will be available to the public for inspection.</li> </ol>

<b>Minimum Mandatory Notice Requirements – contents</b>	
<b>Class Environmental Assessment</b>	<b>Planning Act</b>
	<p>3. How to obtain a copy of the written notice of the application. O. Reg. 196/96, s. 3 (13).</p>
	<p>The notice of a public meeting shall include the following:</p> <ol style="list-style-type: none"> <li>1. The date, time and location of the public meeting.</li> <li>2. A description of the proposed plan of subdivision.</li> <li>3. A description of the land or a key map showing the location of the land proposed to be subdivided.</li> <li>4. The following statement: If a person or public body that files an appeal of a decision of (<i>name of the approval authority</i>) in respect of the proposed plan of subdivision, does not make oral submissions at the public meeting, if one is held, or make written submissions to (<i>name of the approval authority</i>) before the proposed plan of subdivision is approved or refused, the Ontario Municipal Board may dismiss the appeal. O. Reg. 196/96, s. 4 (3).</li> </ol>



## Appendix 4-2 Sample Integrated Notices

The following sample notices should be formatted as per City requirements. If the City is the proponent and the projects are all Schedule B, only the first (optional) and the second notices would be used. A Notice of Public Meeting would be held after the second notice.

Notice of Study Commencement and Public (FORUM) #1(optional)  
Secondary Plan including Transportation, Wastewater, Water and Stormwater Master Plans *(to be used in Phase 1)*  
Project Name

The City of Hamilton is beginning to prepare a Secondary Plan for the area shown on the map below. The intent of the plan is to address all infrastructure requirements in deciding on the most appropriate land use for the site. The plan for transportation will address pedestrian, bicycle, transit and road issues as well as traffic in general. The infrastructure master plan will address stormwater drainage, and access to water and wastewater.

The secondary plan is being developed under the Planning Act and is integrating the infrastructure planning as per the requirements of the Municipal Engineers Association's Class Environmental Assessment for Water, Wastewater and Roads (section A.2.9). **A public (forum) is being held to obtain input on the need for the plan and the problems and/or opportunities that should be addressed.**

Public input is important in developing this secondary plan. If you are interested in providing input to the process, please plan to attend the public (FORUM) on:

Date:

Time:

Location:

If you cannot attend the public (forum) but wish to obtain information that will be presented at the public (forum) and be added to a stakeholder list please contact:

City Planning contact info

City Infrastructure contact info

And

Consultant contact info (if applicable)

For ongoing information on this project or to provide written comments at any time please view our website at: [www.hamilton.ca](http://www.hamilton.ca)

MAP of study area including part of adjacent areas and any features that provide an indication of whether or not they are affected by the development. Maps should be simple and clearly show major roads etc. that identify the area.

Notice of Public (FORUM) #2 (MANDATORY)

Secondary Plan including Transportation, Wastewater, Water and Stormwater Master Plans  
*(To be used in Phase 2)*

Project Name

The City of Hamilton is preparing a Secondary Plan for the area shown on the map below. The intent of the plan is to address all infrastructure requirements in deciding on the most appropriate land use for the site. The plan for transportation will address pedestrian, bicycle, transit and road issues as well as traffic in general. The infrastructure master plan will address stormwater drainage, and access to water and wastewater.

The secondary plan is being developed under the Planning Act and is integrating the transportation and infrastructure planning as per the requirements of the Municipal Engineers Association's Class Environmental Assessment for Water, Wastewater and Roads (section A.2.9). The transportation and infrastructure projects are following a Schedule C planning process.

The second public (Forum) in the development of this plan is being held:

Date:

Time:

Location:

**The purpose of this public (Forum) is to get feedback on the land use options including options for addressing the transportation and infrastructure issues identified from the previous consultations.** The evaluation of the options will also be reviewed. At the end of this phase the preferred land uses and types of infrastructure will be chosen. If you cannot attend the public (forum) but wish to obtain and comment on information that will be presented at the (forum) and be added to a stakeholder list please contact:

City Planning contact info

City Infrastructure contact info

And

Consultant contact info (if applicable)

For ongoing information on this project or to provide written comments at any time please view our website at:

[www.Hamilton.ca](http://www.Hamilton.ca)

This notice issued (date inserted in newspaper)

MAP of study area including part of adjacent areas and any features that provide an indication of whether or not they are affected by the development.

Notice of Public (FORUM) #3 (MANDATORY)

Secondary Plan including Transportation, Wastewater, Water and Stormwater Master Plans (*To be used in Phase 3*)

Project Name

The City of Hamilton is preparing a Secondary Plan for the area shown on the map below. In Phases 1&2 of the Study, the City requested input on the need for a land use plan and the problems and opportunities that should be addressed. Several options for land use, transportation and infrastructure were presented in a public (forum). A preferred land use plan and the following types of infrastructure were selected as best meeting the future needs of the community:

- Types of land uses (use map if possible)
- Types of infrastructure (use map if possible)  
Transportation, Stormwater , Water , Wastewater

The City is now examining ways to design each of the above infrastructure and are looking for input from the community.

The secondary plan is being developed under the Planning Act and is integrating the transportation and infrastructure planning as per the requirements of the Municipal Engineers Association's Class Environmental Assessment for Water, Wastewater and Roads (sec. A.2.9). The transportation and infrastructure projects are following a Schedule C planning process.

The third public (Forum) in the development of this plan is being held:

Date:

Time:

Location:

**The purpose of this public (Forum) is to get feedback on design options for the selected transportation and infrastructure.** The evaluation of the options will also be reviewed. At the end of this phase the designs for the transportation and infrastructure components of the plan will be chosen. If you cannot attend the public (forum) but wish to obtain and comment on information that will be presented at the (forum) and be added to a stakeholder list please contact:

City Planning contact info

City Infrastructure contact info

And

Consultant contact info (if applicable)

For ongoing information on this project or to provide written comments at any time please view our website at:

[www.hamilton.ca](http://www.hamilton.ca)

This notice issued (date inserted in newspaper)

Notice of Public (FORUM) #4 (MANDATORY)  
Secondary Plan including Transportation, Wastewater, Water and Stormwater Master Plans (*To be used in Phase 3*)

Project Name  
NOTICE OF PUBLIC MEETING

The City of Hamilton is preparing a Secondary Plan for the area shown on the map below. In Phases 1, 2 and 3 of the Study, the City requested input on the need for a land use plan and the problems and opportunities that should be addressed. Several options for land use, transportation and infrastructure were presented in a public (forum). A preferred land use plan and the following types of infrastructure were selected as best meeting the future needs of the community:

- Types of land uses (use map if possible)
- Types of infrastructure (use map if possible)  
Transportation, Stormwater, Water, Wastewater

The City also requested input from the community on design options for the transportation and infrastructure components.

The secondary plan is being developed under the Planning Act and is integrating the transportation and infrastructure planning as per the requirements of the Municipal Engineers Association's Class Environmental Assessment for Water, Wastewater and Roads (sec. A.2.9). The transportation and infrastructure projects are following a Schedule C planning process. The requirements of the MEA Class EA have been met.

The following public meeting is being held to present the preferred land use plan and associated transportation and servicing:

Date:  
Time:  
Location:

**The purpose of this public (Forum) is to get feedback on the preferred land use plan and transportation and infrastructure.** Following this meeting, City staff will prepare a report for Council to accept the secondary plan and associated infrastructure with any modifications that may arise from discussions at this meeting. Comments on the draft report available at this meeting will be accepted until ((Provide date)) The public will be advised of the decision of Council and if the staff report is accepted a Notice of Adoption of the Council Report will be provided to the public. If you cannot attend the public (forum) but wish to obtain and comment on information that will be presented at the (forum) and be added to a stakeholder list to receive the Notice of Adoption of the Secondary Plan please contact:

City Planning contact info  
City Infrastructure contact info  
And  
Consultant contact info (if applicable)

For ongoing information on this project or to provide written comments at any time please view our website at:  
[www.hamilton.ca](http://www.hamilton.ca)

Secondary Plan including Transportation, Wastewater, Water and Stormwater Master Plans (*To be used in Phase 4*)

Project Name  
NOTICE OF ADOPTION

The City of Hamilton has prepared a Secondary Plan for the area shown on the map below. In Phases 1, 2 and 3 of the Study, the City requested input on the need for a land use plan and the problems and opportunities that should be addressed. Several options for land use, transportation and infrastructure were presented in a public (forum). A preferred land use plan and the following types of infrastructure were selected as best meeting the future needs of the community:

- Types of land uses (use map if possible)
- Types of infrastructure (use map if possible)  
Transportation, Stormwater, Water, Wastewater

The City also requested input from the community on design options for the transportation and infrastructure components. The final land use plan and associated infrastructure is documented in a report that is available for review at the following locations:

Municipal offices, local libraries

The secondary plan was developed under the Planning Act. It integrated the transportation and infrastructure planning as per the requirements of the Municipal Engineers Association's Class Environmental Assessment for Water, Wastewater and Roads (sec. A.2.9). for Schedule C projects. If there are any unresolved issues associated with this plan you are encouraged to contact the City staff below before (date – at least 30 days from first notice) and attempt to resolve them. If concerns cannot be resolved, appeals under the Planning Act can be made to:

OMB contact

City Planning contact info:

City Infrastructure contact info:

And

Consultant contact info (if applicable):

OR

Developer Contact info:

For ongoing information on this project or to provide written comments at any time please view our website at:  
[www.hamilton.ca](http://www.hamilton.ca)

# Appendix 4-3 Planning Report # PD03105 Public Participation and Mediation

## CITY OF HAMILTON

### PLANNING AND DEVELOPMENT DEPARTMENT Development Division

<b>Report to:</b> Mayor and Members Committee of the Whole	<b>Submitted by:</b> Lee Ann Coveyduck General Manager
<b>Date:</b> May 2, 2003	<b>Prepared by:</b> Tim McCabe
<b>File:</b>	(905) 546-4258

**SUBJECT: Public Participation and Mediation in the Planning Approval Process (PD03105) (City Wide)**

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#### RECOMMENDATION:

- (a) That Council adopt the following new policy with respect to procedures for improved communication and involvement by the public relative to applications for Official Plan Amendments, Re-zonings and new Plans of Subdivision:
  - (i) That immediately following receipt of a complete application, notice of the application be mailed to all property owners within one hundred and twenty (120) metres of the subject property, other departments/agencies, as well as the Ward Councillor and “Neighbourhood Associations” or Business Improvement Area Associations representing the area or immediately adjacent areas.
  - (ii) That “Neighbourhood Associations” referenced in this policy be only those Associations recognized by Council in a list to be prepared by the Department of Planning and Development, including relevant criteria, with the list developed in consultation with each of the Ward Councillors.
  - (iii) That the notice be in the form of a preliminary circulation letter, explaining generally the nature and effect of the application and the proposed development, with a request to advise the Department of Planning and Development of any concerns or support for the application within twenty-one (21) days from the date of mailing. Every effort shall be used to use “plain language” in the drafting of the letter

to enable the public to more easily understand the proposal.

- (iv) That the preliminary circulation generally shall not be required in the following circumstances unless the City's Manager of Development Planning determines that it may be appropriate:
  - (1) If the purpose of the application is to recognize an existing situation, which has not been subject to a complaint/by-law enforcement action.
  - (2) If the application is part of the implementation of a Planning Study or other application, such as a consent application, which has been approved within one (1) year of other public involvement and participation opportunities.
  - (3) If the application is to add a minor use as a special provision to an existing non-residential zoning category.
  - (4) Where a community information meeting has been initiated and held by the proponent prior to the submission of the application and where:
    - (aa) the City's Manager of Development Planning, the Ward Councillor and all owners within one hundred and twenty (120) metres of the subject property have been provided individual invitations to attend the meeting.
    - (bb) where minutes of the meeting have been taken with the recorded views of named residents referenced.
    - (cc) where comment cards for those in attendance have been made available to complete at the meeting and/or mailed to the Manager of Development Planning, subsequent to the meeting.
    - (dd) where the list of those invited, meeting minutes and completed comment cards have been provided to the Department of Planning and Development as part of the application submission.
    - (ee) where the development proposal presented at the information meeting is consistent/similar to the development/land use proposal included in the submitted application.

- (5) Where the proposal results in a community wide change to the Official Plan or Zoning By-law and is not property specific.
  - (6) Where the application is required to implement a mediated settlement reached by all parties to the original proposal and dispute and which settlement will not have an unanticipated or additional adverse impact on adjacent properties or the immediate neighbourhood.
  - (7) In any other circumstance where, in the opinion of the City's Manager of Development Planning, in consultation with the Ward Councillor, preliminary circulation of the application is seen to have minimal purpose or benefit.
- (v) That a copy of the staff report be made available to all respondents to the circulation of the Department's preliminary circulation letter within one week of the public meeting date, immediately following the Ward Councillor having received the report. The staff report shall identify public issues raised, staff comments related to the issues and identification of issues outstanding.
  - (vi) That the preliminary circulation letter formally advise the public of the Public Meeting date, to be arranged, in most cases, within 120 days from receipt of a complete application. Additional required notice shall be provided in the case where the public meeting date is changed from that referenced in the preliminary circulation letter.
  - (vii) With respect to major subdivision applications, the Public Meeting date shall not be confirmed until the draft staff report and recommended conditions have been reviewed with the proponent and the final report has been signed by the General Manager of the Planning and Development Department.
  - (viii) That notice of the application continue to be displayed on a sign to be erected on the property immediately prior to the circulation of the notice letter to the neighbourhood. The date of the Public Meeting, once confirmed to the proponent by the Department of Planning and Development, shall also be displayed on the sign. The applicant shall continue to maintain the sign on the property and shall remove the sign from the property within one week of final decision of the application.
- (b) That Council support the introduction of a formal mediation program towards resolving disputes in the planning process, to be administered by the Department of Planning and Development, generally as follows:



- (i) That the use of mediation be considered for all applications, which have been appealed to the Ontario Municipal Board (OMB) after a decision by Council or the Committee of Adjustment; or for applications referred to the Department by Council, a Committee of Council, or the Committee of Adjustment.
- (ii) That in cases where Planning staff's position is in conflict with Council's or the Committee of Adjustment's position, mediation not be initiated by the Department of Planning and Development.
- (iii) That the mediation program use both City staff and/or external mediators, as appropriate.
- (iv) That unresolved issues related to Official Plan amendments, Rezonings, plans of subdivision, minor variances or consents be considered for referral to external mediation services where, in the opinion of the City's Director of Development:
  - (1) formal efforts by staff to reach agreement have been unsuccessful and it is felt that efforts for future dispute resolution would likely be effective; or,
  - (2) particularly difficult disputes with entrenched parties with high levels of emotion potentially exist; or,
  - (3) the City is the proponent of an action and the City is considered a direct party to any ensuing decision; or,
  - (4) City staff is perceived to be part of the conflict by the proponent, objector or both and/or where City staff need to be able to actively represent its professional opinion and the City's interest in a dispute between the objector and proponent; and,
  - (5) that, in all cases involving mediation, the Ward Councillor shall be consulted throughout the dispute resolution process and informed prior to the decision of the General Manager to refer the case to external mediation services.
- (v) That external mediation services shall be funded, in the interim, from the Department of Planning and Development's existing approved budget from monies budgeted for Consulting Services, with any over-run to be paid from the Development Division's Stabilization Reserve Account, to a maximum of \$10,000.
- (vi) That, in order to sustain mediation as a long-term initiative, the establishment of a reserve fund for financing external mediation

services be referred to the 2004 budget deliberations. Consideration shall be given to this reserve being financed through the contribution of a small surcharge to fees collected for Official Plan Amendments, Rezonings, plans of Subdivision, Minor Variances and Consents with the contribution of matching funds, on an annual basis, from Council as part of each following year's budget.

- (vii) That the Department of Planning and Development work with the business and legal community to develop a preliminary roster of mediators and volunteers, as well as related procedures and pricing. Discussions shall also be held with the Society for Conflict Resolution in Ontario (SCRO).
- (viii) That the Department of Planning and Development undertake a training needs analysis and initiate focused training in dispute resolution/mediation for key staff identified. Any additional training monies required to successfully implement this program will be identified and considered as part of the 2004 budget deliberations.

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Lee Ann Coveyduck  
General Manager  
Planning and Development Department

## **EXECUTIVE SUMMARY:**

This report sets out a new policy for enhanced public participation opportunities and a recommended local mediation program for the City relative to planning applications requiring Council or Committee of Adjustment approval.

The use of a preliminary circulation letter to neighbouring property owners, Business Improvement Areas (BIAs) and recognized Neighbourhood Associations; improved notice for the public meeting; staff reports that recognize and address neighbour/community group issues; the report being available to persons and groups further in advance of the public meeting; are all seen as key ingredients to creating an improved process, improved community development and maximizing the potential for community-based (Council) decision-making and thereby minimizing involvement by the Ontario Municipal Board.

Also working towards our goal of more effective community-based decision making is the introduction of a local mediation program for dispute resolution throughout various stages of the planning approval process.

The Department of Planning and Development has included recommendations in this report to establish the program, setting out the types of applications deemed appropriate for mediation, when it is appropriate to have staff or external mediators involved, and financing and training aspects related to the program.

## **BACKGROUND:**

The City's current practice of involving the public in development applications requiring public meetings and Council approval is considered minimal and can also be characterized as too late in the process to be effective.

The present process can be generally described as follows:

- proponent initiates and holds informal, neighbourhood information meeting (optional)
- Planning and Development staff may or may not be in attendance at information meeting
- application received
- summary of application and request for comments sent to other Departments and relevant agencies
- Planning and Development staff prepare report and recommendation on the application, and schedule public meeting of HSC, generally within 90 days of receipt of complete application
- staff report prepared with minimal discussion or identification of neighbourhood issues included for most applications

- within 14 days of the public meeting, notice to property owners within 120 metres of the site is given, attaching 'comment cards' and providing the date/time of the public meeting
- Department requests neighbouring property owners to complete and return "comment cards" to the Department advising of support or opposition to the application
- date of public meeting displayed on Notice of Public Meeting sign erected on the property
- public meeting held; staff or Council typically have no pre-determined 'prediction' on the number, if any, constituents that will be in attendance or requests to be a delegation to speak on the application
- Planning and Development staff advise HSC of how many comment cards were returned noting opposition or support
- HSC deals with delegations and revises staff's recommendations; votes in support or against recommendation or tables/defers report for further discussion with Ward Councillor and neighbours, developer and/or staff.

From our experience with the existing process, it is apparent that both staff's recommendations and Council's decision-making needs improvement relative to having a better understanding of issues in advance of the preparation of the staff report, the public meeting and Council's decision. The public involved with planning applications before Council frequently complain that they:

- have had no previous knowledge of the application until notice is sent by the Planning and Development Department 14 days before the public meeting;
- have insufficient time and opportunity to organize and deal with any concerns they may have;
- have little to no opportunity to have staff deal with neighbourhood issues prior to the report and staff recommendation being prepared; and,
- receive a copy of report, if receive at all, only 1 to 4 days before the HSC public meeting.

Concern also has been expressed by Neighbourhood Associations that want to be recognized as community groups who have an interest in reviewing and commenting on planning applications earlier in the process.

For example, on November 19, 2003 correspondence to senior management and Councillor Caplan was sent from Liz Millar, President of Ainslie Wood/Westdale Community Association of Resident Homeowners Inc.

"I am writing on behalf of the AWWCA to request you forward any major approval applications received by the Planning Department to the Ainslie Wood and Westdale Neighbourhoods for review and comment.

We would also like to officially request that the Planning Department recommends to any developer that pre-consultation with the AWWCA take place prior to submission of formal approval applications....”.

Mediation and other forms of dispute resolution (i.e. negotiation, facilitation) have been part of the City of Hamilton’s processes for several years, but only on an informal basis. It remains unclear when, in the planning process, staff should become involved or not be involved in settling disputes and objections and for what types of various planning applications.

The Province of Ontario continues to undergo a period of planning reform. The Province now focuses its interest in planning policy; articulating this interest through a series of guidelines, policy statements and practices. The administrative review of applications related to Provincial Policy has now been delegated to regional municipalities and single tier municipalities, such as the City of Hamilton. Municipalities have become more concerned with exercising local autonomy in the context of provincial policy. Neighbourhoods and other interest groups will continue to increase their participation in local planning issues. This increased complexity of policies and interests has meant increased potential for dispute and legitimate conflict has become more apparent. Caseloads at the Ontario Municipal Board have increased dramatically in volume which result in costly delays in processing and create a move away from local, community based decision-making. Projects which could result in important economic benefits to the community are often caught in lengthy and adversarial approval processes.

As a result of these factors, there is a strong desire and need to incorporate system changes to improve quality and efficiency in the planning approval process. The City of Hamilton should be promoting a shift in emphasis away from an adversarial review and approvals culture towards a more collaborative approach which recognizes the interests of all parties and seeks, where possible, to reconcile conflicts. Such a shift can result in a qualitative transformation of the planning system in which resources should eventually be focused on the ‘front-end’ of the decision-making process, where opportunities to resolve disputes more easily exist and provide Council with a forum for more community-based decisions, more ‘win-win’ situations and less Ontario Municipal Board referrals often having unpredictable decisions.

The current situation in Hamilton has the Department of Planning and Development completing its report and publicizing its ‘professional opinion’ on the application often in advance of understanding and dealing with neighbourhood/interest group issues. In many instances, staff cannot be an effective facilitator/mediator. Staff is not comfortable in determining what types of application to become involved with, particularly variances and consents submitted to the Committee of Adjustment. As well, we have no process and minimal experience in retaining and working with outside mediation services to assist the City in resolving disputes between parties. Appeals of Council’s decisions to the Ontario Municipal Board often results in no further communication between staff and the appellants or staff and the applicant and

we simply wait for direction of the OMB at the pre-hearing conference, then provide professional evidence at the formal hearing of the Board.

The OMB Hearing is a hearing 'de nova' meaning that previous decisions of Council or the Committee of Adjustment, and the reasons/justification for these decisions, are not relevant to the Board, as the OMB Hearing starts over from 'square one'. Evidence presented at the Hearing is the only determinant in typical Board decisions.

Undoubtedly, there is a need for a formal local mediation program in the City of Hamilton. Direction to staff of when to get involved, with what types of applications, and when to use external mediators and how to finance additional resources needed should all be part of our program. Recommendations in this report provide for a program that deals with these matters. The recommended local mediation program combined with the policies for improved public participation are integrally linked. Our planning process must make provision for public input early on in the review process in order that issues and concerns can be identified and dealt with. It also means that our planners and others involved in a project must recognize and be willing to deal with these issues. The most obvious, positive outcome of 'up front' mediation is that rather than resolving appeals, these can be avoided altogether.

Between 1992 and 1995, several municipalities participated with the Office of the Provincial Facilitator in a program that integrated mediation and other forms of dispute resolution in the planning process. The participating municipalities were Kitchener, Nepean and Toronto and all appeals to the OMB were considered for mediation.

Hamilton's current Director of Development, Tim McCabe, was directly involved with the pilot project and subsequent formulation of a local mediation program for the City of Kitchener, in his previous employment as Kitchener's General Manager of Business and Planning Services. In 1992, Kitchener was invited to participate in developing the Municipal Mediation Pilot Project to mediate appeals to the Ontario Municipal Board. The pilot project began in June 1993 and continued through to March of 1995. During this period, some appeals were referred to an independent mediator, while others were dealt with by planning staff.

The following summarizes the disposition of appeals to the OMB in Kitchener during that period:

<b>APPEALS DURING PILOT PERIOD</b>	<b>19</b>
Official Plan Amendments	3
Zone Changes	9
Minor Variances	5
<b>CASES IN PILOT PROJECT WITH EXTERNAL MEDIATOR</b>	<b>7</b>
Resolved/Withdrawn	7
<b>CASES HANDLED BY STAFF (INTERNAL MEDIATOR)</b>	<b>9</b>
Resolved/Withdrawn	8
Ongoing	1
<b>CASES PROCEEDED TO OMB</b>	<b>3</b>

Since completion of the pilot program, Kitchener has continued successfully in mediating land use planning disputes through properly trained planning staff. A Council approved mediation program policy is in place, as well as a Mediation Reserve Fund, equally funded annually by the City and development proponents.

In May 1999, the McMaster University Neighbourhoods Task Force recommended that the City of Hamilton implement a pre-consultation, non-mandatory mediation process such as the Toronto Mediation Pilot Project for applications to the Committee of Adjustment. The rationale was that within the Westdale and Ainslie Woods neighbourhoods, applicants and neighbours often disagreed about the effects of proposed changes and whether or not certain variance applications were 'minor'. The following is an excerpt from their submission made to Council:

“At the present time, the only mechanism to deal with a decision of the Committee of Adjustment is to appeal the decision to the Ontario Municipal Board. For the residents of the Westdale and Ainslie Woods Neighbourhoods, this results in a confrontational situation that is often viewed as a “lose-win” forum. As an alternative, a mediation process could be developed based on the current pilot project in the City of Toronto.

The City of Toronto has developed a voluntary mediation project. The mediation process does not limit any parties rights from appealing to the Ontario Municipal Board if the issues in dispute cannot be resolved. Mediation is available at three stages. The stages are:

- before the application is dealt with by the Committee of Adjustment;
- when the Committee of Adjustment has tabled the application to allow for mediation to occur; and,
- after a formal appeal of the Committee’s decision has been filed.

The purpose of the mediation process is to bring all of the interested parties together and attempt to develop a “win-win” solution for all of the parties. A win-win solution could be:

- the application is withdrawn, with revised plans (which comply with the Zoning By-law) being submitted for a Building Permit; or
- the application proceeds to a Committee of Adjustment hearing with the applicant requesting approval based on the conditions agreed to during the mediation; or
- a new application is submitted based on revised plans with a new notice circulated and a new meeting held.

Mediation would allow for all parties to reach a mutually agreeable compromise and avoid the current system, which is perceived as being confrontational and forces the residents and community into a reactive mode in response to a notice received in the mail.”

This 1999 submission from the Neighbourhoods Task Force was received by Council with no formal action taken with the request to initiate a City mediation process.

This report provides for alternatives to the current public participation system including the creation of a local mediation program.

#### **ANALYSIS OF ALTERNATIVES:**

Recommendation (a) provides the details of a new policy and process to enhance the opportunities and effectiveness of public participation in the City’s planning approval process. The recommendations deal with only those planning applications requiring a public meeting under the Planning Act and Council approval.

The primary component of the new process is the mailing of a ‘preliminary circulation letter’ to all property owners within 120 metres (400 feet) of the subject property, as well as to recognized Neighbourhood Associations and Business Improvement Area Associations representing the area or immediately adjacent areas. A list of recognized Neighbourhood Associations will be prepared by the Department of Planning and Development, in consultation with all Ward Councillors and be submitted to Council for approval.

The preliminary circulation letter will:

- be mailed immediately following receipt of a completed application,
- be written in “plain language” to enable the public to more easily understand the proposal,



- advise property owners and Associations of the date of the public meeting of Council's Hearings Sub-Committee to consider the application,
- request written comments be returned to the Department advising of concerns or support for the application,
- advise respondents that they will be provided with a copy of the staff report prior to HSC Public Meeting.

Examples of preliminary circulation letters for a rezoning and a plan of subdivision are included in Appendix "A".

Recommendation (a)(iv) sets out circumstances where the City's Manager of Development Planning may 'waive' or exempt an application from having to undertake preliminary neighbourhood circulation. Legislative notice requirements for the public meeting date will be satisfied by referencing the public meeting date in the preliminary circulation letter, as well as a notice sign erected on the property. Current practice of mailing 'comment cards' and notice of the public meeting 14 days prior to the meeting will no longer be required except in the case where the public meeting date has been changed from that referenced in the preliminary circulation letter.

One of the important benefits of the new process is that it will provide the City's professional planning staff with a thorough identification and understanding of public issues, before the preparation of staff's report and recommendation and before the public meeting. This will place additional responsibility on staff to deal with the public issues in the report and work towards resolving as many issues as possible, and as appropriate. If planning staff are not able to resolve all issues, it is certainly hoped that the issues can be narrowed to assist Council in its deliberations.

The 21 day public circulation response time together with additional time to deal with any issues received is expected to delay the public meeting date by approximately 30 days compared to current practice.

The Department will commit to a target of scheduling a public meeting within 120 days from the receipt of a complete application. With respect to major subdivision applications, an additional 30 days may be required to provide sufficient opportunity for review by the proponent of what is often detailed, complex draft plan approval conditions as well as time to prepare any revisions to the report prior to signing by the General Manager. Much too often, Committee and Council is presented with lengthy addendums with revised recommendations related to subdivision applications and implementing zoning. The Department has a genuine need for additional time to prepare proper and comprehensive reports on subdivision applications.

The additional delay of scheduling the public meeting date may result in more applicants appealing the application to the OMB on the basis that Council has not made a decision within 90 days of receipt of an application, as set out in the

Planning Act. However, planning staff believe that the new policy and process will result in many less applications being tabled or deferred by Committee or Council, as a result of public concerns requiring further discussions before a decision can be properly made. The Department is of the opinion that, overall, the new system will produce faster and more comprehensive decisions by Council with less appeals to the Ontario Municipal Board.

A draft of the new policy was reviewed at The Hamilton-Halton Homebuilders' Liaison Committee. The Homebuilders are generally supportive of both the public participation and mediation initiatives, however, have requested the Department recognize the importance to the industry of setting a public meeting date early in the process and 'sticking' to that date wherever possible.

Recommendation (b) requests Council support for the introduction of a formal mediation program towards resolving disputes in the planning process. The use of mediation in the context of the program recommended applies to planning applications requiring a public meeting and approval by Council or applications submitted to the Committee of Adjustment.

Mediation and other forms of dispute resolution are to be carried out by both staff and external mediators, depending on the circumstances. There are certain situations, as referenced in the policy, that it would not be appropriate for staff to be involved as the initiator of mediation. One example of this is where Planning staff's position is in conflict with Council's or the Committee of Adjustment's and the decision has been appealed to the OMB. Recommendation (b) (iv) sets out four types of circumstances where referral to external mediation services would be appropriate.

Mediation in the planning process has typically been used primarily in situations where a formal appeal to a Council or Committee of Adjustment decision has been filed. At this point, it means that mediation only begins when 'the damage may already have been done'. At this stage, you are dealing with a clear conflict situation in which parties may be experiencing frustration with mindsets solidly entrenched. Mediation then becomes a case of being a corrective tool rather than a preventive one. Formal dispute resolution techniques can still be effective at this stage but inserting mediation 'up front' in the process can have much greater success. This then means our planning process must make provision for public input early on in the review in order that issues and concerns may be identified and dealt with before Council's consideration. In both cases, mediation is seen as an effective tool in attempting to resolve issues and disputes and it is recommended the City push forward in promoting a program that will lead to a better informed public and more opportunities for community-based decisions.

There are several options for paying for the costs of external mediation. It can be funded by the general City levy, by a surcharge on planning applications or the costs can be paid by one or more of the parties in dispute. The Department believes that

there may be a concern of objectivity related to who is paying. While there may be support from the private sector (developer) to fund mediation as a less expensive way to resolve issues other than a costly OMB Hearing, there may be a perception problem that the “independent” mediator who is funded by the developer may be partial to the developer’s interests.

Shared funding by all parties is recommended as the optimum solution. This funding should be equally contributed between ‘the public’ from the City’s general levy and from the private sector as a surcharge to all applications. A small surcharge of \$15 for each Committee of Adjustment application and \$30 for rezonings and subdivisions may generate upwards of \$10,000 per year. With a matching contribution from the City, the annual fund would then be \$20,000. Based on an average cost of \$100 per hour for external mediation services and an average of 10 hours for each mediation case, a budget of \$20,000 would allow for approximately 200 ‘mediated hours’ or 20 cases to take place.

Recommendation (b)(v) and (vi) deal with the financing proposal for the use of external mediation services, both in the interim and as part of the 2004 budget process. Additional staff training in dispute resolution will be required and will also be addressed as part of the 2004 budget.

The Department believes all of these new initiatives recommended in this report implement many of the principles set out in the Mayor’s Open for Opportunities Task Force Report. By providing opportunities for more open communication with both the public and industry; a focused directive for up-front, issue identification; dispute resolution throughout the planning process; having procedures in place for reviewing draft reports with proponents and providing reports to all interested parties more in advance of meeting dates; all work towards improving the approval and decision-making process and building better relationships with all of the City’s stakeholders.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Additional monies for retaining external mediation services and undertaking focused staff training would be required with the implementation of this policy. This is discussed in more detail in the previous section of this report. With the preliminary circulation letter and copies of reports being made available to all public respondents, this will add some additional office expenses related to postage and paper. We may, however, save the costs involved with the notice currently mailed out in the existing process, 14 days prior to the public meeting.

With a successful mediation program, there would be less staff costs and time savings as there would be less OMB Hearings, as well as less deferrals of reports and preparation of various addendum reports/revised recommendations.

Legislative requirements for providing appropriate notice of the public meeting will be adhered to. Planning staff would also be in close consultation with the City's Legal staff when involved with mediation of a formal appeal to the Ontario Municipal Board.

#### **POLICIES AFFECTING PROPOSAL:**

Public participation in the decision making process is a vital component in the consideration of planning approvals. This underlying principle is clearly entrenched in all six (6) Area Municipal Plans as well as the Regional Official Plan. Within each Official Plan, local Council's have established clear policies setting out procedures for notifying, informing and obtaining citizen input to ensure that decisions are made in a manner conducive to responsible government.

More specifically, the Dundas Official Plan, Policy 5.18.1, recognizes the importance and role of citizen participation in shaping the ultimate decisions made by Council. It states "...public input should start early in the process and that the participation process should be based on consensus and mediation..."

#### **CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:**

Corporate Services, Finance and Legal staff were consulted regarding the recommendations contained in this report and no issues or concerns have been raised.

#### **CITY STRATEGIC COMMITMENT:**

Several of the City's values and strategic goals are directly related to this report and the new policy and process recommended.

These include:

"A City Where People Come First": to harness the energy of the citizens of the new City of Hamilton and to fulfil our obligation to be open and accessible, Council commits to communicate clearly and effectively with the public..."

and

"New Opportunities for Public Input and Volunteerism": Council will pursue new and innovative opportunities to enable more people to share their views and contributions to the City, Council and its services".

#### **CONCLUSION:**

This report recommends a new policy directive towards achieving earlier and more effective public participation in the planning approval process. Together with the

introduction of a formal mediation program to assist in resolving disputes on planning matters, it is expected that the City will have more community-based decisions to the benefit of business, the development industry and our residents. Council's support is requested.

:TM

Attach. (1)

**APPENDIX 'A' TO REPORT PD03105**

**EXAMPLE PRELIMINARY CIRCULATION LETTERS**

**Page 1 of 3**



Planning and Development Department, Development Division

Physical Address: 71 Main Street West, 7<sup>th</sup> Floor

Phone: 905-546-4258 Fax: 905-546-4202

May 2, 2003  
XX

FILE: ZAC-XX-

Dear Sir/Madam:

**Re: Preliminary Circulation and Notice of Public Meeting  
Rezoning Application ZAC-XX-XX, McCabe Construction Limited  
144 Stone Road, City of Hamilton, Ward 0**

This is to advise that Hamilton's Department of Planning and Development has received an application to change the zoning of 144 Stone Road to permit a 6-storey apartment building having 48 units and 72 parking spaces.

The current zoning of the property is Agriculture (A) under By-law No. 1958-28. The proposed zoning is Multiple Residential Four (RM-4) Zone.

Before we prepare a staff report for Council consideration, we are extending an opportunity to you to make comments. Any written comments received by the Department prior to May 23 will be considered in the preparation of our staff report. Those persons responding to the Department will be provided a copy of the staff report prior to the public meeting to be held by the Hearings Sub-Committee of City Council. The public meeting date is scheduled for September 2, 2003 at 9:30 a.m. in the Council Chambers, 2<sup>nd</sup> Floor, City Hall, 71 Main Street West, Hamilton.

Should you have any questions, please contact Peter Planner at 905-546-4258.

Yours truly,

Peter Planner, MCIP, RPP  
Senior Planner, Central Section  
Development Planning  
City of Hamilton



Planning and Development Department, Development Division

Physical Address: 71 Main Street West, 7<sup>th</sup> Floor

Phone: 905-546-4258 Fax: 905-546-4202

May 2, 2003  
XX

FILE: 25T-2003-

Dear Sir/Madam:

**Re: Preliminary Circulation of Proposed Plan of Subdivision and  
Notice of Public Meeting  
Application 25T-2003-XX, McCabe Construction Limited  
12 Hillcrest Road, City of Hamilton, Ward 0**

This is to advise that Hamilton's Department of Planning and Development has received an application for approval of a plan of subdivision on 12 Hillcrest Road to create 120 lots for single detached housing, 4 blocks for townhouses, a neighbourhood park and an elementary school site.

The current zoning of the property is Agriculture (A) under By-law No.1979-2. The proposed zoning is Residential One (R-1) for the single detached lots, Multiple Residential (RM-2) for the townhouse blocks, Neighbourhood Park (P-1) for the park and Neighbourhood Institutional (I-1) for the school site. The maps attached show the location of the property and the proposed subdivision concept.

Before we prepare a staff report for Council consideration, we are extending an opportunity to you to make comments. Any written comments received by the Department prior to May 23 will be considered in the preparation of our staff report. Those persons responding to the Department will be provided a copy of the staff report prior to the public meeting to be held by the Hearings Sub-Committee of City Council. The public meeting date is scheduled for September 2, 2003 at 9:30 a.m. in the Council Chambers, 2<sup>nd</sup> Floor, City Hall, 71 Main Street West, Hamilton.

Should you have any questions, please contact Peter Planner at 905-546-4258.

Yours truly,

Peter Planner, MCIP, RPP  
Senior Planner, Central Section  
Development Planning  
City of Hamilton

## ***5. Models for Integration***



## 5. Models for Integration

The integrated process applies to:

- Official Plans,
- Official Plan Amendments,
- Secondary plans adopted as Official Plan amendments,
- Community improvements plans,
- And plans of condominiums and subdivisions.

In essence, where there is the potential for infrastructure to be required to service a land use proposal, the integrated process can be applied. The following describes how the integrated process blends the requirements of both the Planning Act and the Class EA document.

Official Plans, Secondary Plans and Community Improvement Plans are planning applications that are likely to be initiated by the City Planning and Economic Development department as these are planning documents that provide the framework for land use planning and site specific land use applications.

Developers are more likely to make planning applications for specific developments such as plan of condominiums and subdivisions. These types of plans are often accompanied by Official Plan Amendments and Rezoning applications specific to a piece of property. In most cases these planning areas are relatively small and in other cases they can encompass an area as large as a secondary plan.

There are no specific Planning Act requirements for the process that is used to develop any of the planning documents as it is assumed that

professional planners will apply appropriate planning models depending on the issues and the community needs. The Planning Act specifies minimum notification and consultation requirements for all types of applications.

The MEA Class EA document, on the other hand requires the application of a decision-making process that at first glance appears to be a rational comprehensive model. In fact, the documents advocates the use of whatever planning model/consultation is appropriate for the specific projects or plans being undertaken as long as, at a minimum, specific elements of the problems solving approach (i.e. identification of problem/opportunity, identification and evaluation of alternatives etc.) is taken that provides opportunity for public involvement at specific stages of decision-making. In other words, there is a lot of flexibility in how planning Act and MEA Class EA projects are developed as long as the minimum notifications are provided and there is opportunity for appeal.

Although both the Planning Act the MEA Class EA provide for a minimum mandatory level of involvement of stakeholders and the general public, the intent of both processes is to be as efficient and cost effective as possible. A well managed process that involves the public and other stakeholders at key decision-making points in the process however, will be more efficient and take less time than a project that included only the minimal required participation regardless of the community interest involvement. In some cases, the minimal required participation will appropriate while in other cases it will not be. The

Project Coordinator, in consultation with the Project Study Team must decide the appropriate level of public consultation to carry out.

It is preferable for a municipality to carry out integrated planning at an Official Plan or Secondary Plan level as this is the stage where it is most logical to address master plans for infrastructure to determine the suitability of the land for development and servicing. Although the City is carrying out several Master Plans, there will be situations where Master Plans and Secondary Plans have not been carried out or where one has been done but not the other. In these cases, it will not be feasible to carry out integrated planning as one has been done before the other.

Figure 5-1 shows the five phases of an integrated planning process. Each phase is discussed in detail below.

The following sections provide a guide to developing integrated models that are appropriate for the specific types of application being sought.

### ***5.1.0 Official Plan, Official Plan Amendments, Secondary Plans adopted as Official Plan Amendments and Community Improvement Plans***

#### ***5.1.1 The City as a Proponent***

The City becomes a proponent for Planning Act applications when it is in the public interest to do so e.g. for overall Official Plans, Secondary Plans and community Improvement Plans. It is possible but not usual for the City to be a proponent on site specific plans of

condominium or subdivisions as the city is not usually the developer of properties.

#### ***5.1.1.1 Official Plans***

The city is in the Process of consolidating the Regional Official Plan, and the local Official Plans that existed prior to amalgamation. In order to do this, a new Official Plan is being developed in conjunction with infrastructure master plans in a program called GRIDS (Growth Related Integrated Development Strategy). This is a high level look at where growth should occur in the new City and the infrastructure needed to support it. At this level it is appropriate that the City develop infrastructure master plans for roads, wastewater and water. The study is coordinating land use planning and infrastructure (wastewater, water, drainage and transportation) planning.

The GRIDS program is the model that the City has chosen for coordinating the development of Official Plans and Infrastructure Master Planning. It is a decision-making model in that it proposes to define the environment (social, economic and natural/physical), the issues and opportunities that face the City, the options for future growth, and the infrastructure that would be require to support each option. All options will be evaluated using environmental criteria and a preferred growth management strategy will be adopted.

#### ***5.1.1.2 Official Plan Amendments and Secondary Plans Developed as Official Plan Amendments***

The City typically would be a proponent when Secondary Plans are developed as Official Plan Amendments (OPAs). In

this case, the City Planning and Economic Development Department would initiate the OPA and decide, in consultation with the Public Works Department if there needed to be infrastructure planning associated with it. The secondary plan would be developed in the following way:

**Phase 1 - Identify issues and opportunities (both land use and infrastructure)**

- At this stage the City could request public input on the issues and opportunities as per the MEA Class EA through an initial Notice of Project Initiation circulated in the Hamilton Spectator (Local newspaper with general circulation) and through local newsletters distribute to those who live in and adjacent to the area and to landowners in and adjacent to the area

***Deciding on need for consultation at this stage:***  
Often, this is the stage that is most controversial in project development. If the community and key stakeholders do not agree on the need for the project, all other stages of the project will experience resistance and it will be hard to establish support for the final decisions. Therefore, the Project Coordinator should determine the value of and need for consultation at this phase of the project.

**Phase 2 - Identification and Evaluation of Land Use and Infrastructure Options**

- Define the environment within and adjacent to the secondary planning area

- This will help to define issues and opportunities and will be the basis for the evaluation of alternative development options.
- Although not required, it is often helpful to have members of the community and other stakeholders (including government agencies, review, add and confirm the description of the environment within and adjacent to the study area. They can often improve on staff's work through knowledge they have acquired by living or working in area. This will improve the decision-making at a later date.
- Identify land use options and the infrastructure needed to support each option
  - Practically, land use designated/development options should be developed based on an understanding of the existing environment and the need to solve specific issues or take opportunities.
  - Although not required, it is often helpful to have the community and stakeholders provide input to the development of options/alternatives and to confirm the feasibility and applicability of those alternatives developed by the city. Again, the intention of participation at this point is to develop a better data base and to provide for more effective decision-making at a later date.
- Evaluate land use options and associate infrastructure
  - At this stage, the type of infrastructure needed to support

- each land use option will be identified but the specific infrastructure may not be identified i.e. the need for and specific location of a collector road may be identified but the size and capacity of the road may not have been developed.
- The environmental conditions can be used to develop criteria for evaluation the options. Although not required, if there is interest, community members and stakeholders should be asked to participate in developing the evaluation framework and/or providing input to the evaluation. Identify a preferred land use option and infrastructure.
  - At this point, the MEA Class EA requires that the public and review agencies be provided with an opportunity to review the work date. The Class ea schedules for the preferred infrastructure projects are identified at this state i.e. Schedule A, B and C projects would be identified.
  - The Planning Act specifically requires a public meeting at this point unless the Official Plan provides for another process for public involvement. At this point, the City does not have specific process for public involvement for OPAs specified in its Official Plan.
  - The public meeting notification should also refer to the Class EA projects that are being developed in conjunction with the Secondary Plan.
  - If the infrastructure only includes Schedule B projects, the City will proceed to Council who will

make a decision on the OPA and infrastructure projects. The City will provide notice of the adoption of the OPA and the ability for appeals to the OMB.

- At the end of this stage, if OPA has been approved without appeals, the Schedule B projects can be considered to be approved.
- If the infrastructure master plan includes Schedule C projects, the City should continue with Phases 3 and 4 before a report is sent to council to adopt the secondary plan as an OPA.

### **Phase 3 - Identify design alternatives (land use and/or infrastructure)**

The City should continue with the OPA process to the completion of the Schedule C Class EA projects if there is the potential for a Schedule C project to influence the location and feasibility of specific land uses. In this case, the land use may be refined depending on the specific requirements of the design of the infrastructure. For example, it may be determined in Phase 2 that the source of water for the new land uses has been determined to be a new water system. In the Design phase, the alternative water systems would be identified and evaluated. The possible options (limit growth, expand existing water system or use individual wells for each property) would affect the capacity of the land use and may affect the types and locations of land uses.

- Alternative designs for the infrastructure are developed and if necessary, refinements made to the preferred land use options

- The environment to be affected by the alternative designs is further defined.
  - It may be necessary to obtain additional information and data on the aspects of the affected by the alternative designs that are being considered. This may require additional collection of data and information.
  - At the end of this stage, the City will have identified all Schedule C projects and the land use plan designations. The City will also receive Council approval of the Secondary Plan and the Class EA projects.

**Phase 4 - Notice of Completion for Class EAs and Notice of Adoption of the Secondary Plans as an OPA**

- An OPA Notice of Adoption can be placed in a newspaper to meet both requirements for notice. A request for an appeal can be heard at any time for Planning Act applications. There is no point of appeal for Schedule A, B or C Class EA residential projects that are integrated.
- The MEA Class EA document states that infrastructure projects developed under the integrated process and planned as designed as per sec. A.2.9 are considered to be Schedule A projects and cannot be appealed.
- The final report referred to in Figure 5-1 is the staff planning report that would be submitted to Council for the Planning Act application. The documentation of the work that has been done to support Section A.2.9 of the MEA Class EA (i.e. integration) should also be available and summarized in the Final Report.

**Phase 5 - Detailed Design and Construction**

When all approvals have been received, detailed design for the preferred Class EA infrastructure projects can be carried out and construction can take place.

**5.1.1.3 Community Improvement Plans**

Where Community Improvement Plans require infrastructure, the same process as described in sec. 5.1.1.1. should be followed.

**5.1.2.0 Developer as a Proponent**

**5.1.2.1 Official Plans and Community Improvement Plans**

Developers will not be proponents of Official Plans or Community Improvement Plans as the development of these plans are the functions of a municipality.

**5.1.2.2 Secondary Plans as Official Plan Amendments**

Developers may want to develop secondary plans approved as Official Plan Amendments when they own a large block of land and they want to facilitate the development of plans of subdivision or condominium. In these circumstances, the City must determine who will be the proponent of the secondary plan and its associated infrastructure.

The City could determine that the developer must pay for the secondary plan and associated infrastructure plans but the City will do (or manage the development by consultants) of the planning work. In this case, the above procedure (Sec. 1.1) would apply and the City would be the Lead and the City and the developer would be co-proponents.



The City could alternately require that the developer prepare the Secondary plan. In that case, the City would have to decide who would be the proponent of the infrastructure. If the developer is deemed to be the proponent of both types of plans, they would only required to carry out Class EA planning for Schedule C projects. There are not guidelines for how secondary plans must be developed. The City could require that the developer follow the process described in sec. 1.1 above.

**5.1.2.3 Official Plan Amendments as part of a Plan Subdivision or Condominium**

Plans of Subdivision and Condominium are often accompanied by Official Plan Amendments and Rezoning applications. In this case the Official Plan Amendment applies to a specific property as opposed to a broader planning area. Refer to sec. 5.1.2.4 for the discussion of planning models associated with plans of subdivision and condominium.

**5.1.2.4 Plans of Subdivision and Condominiums.**

It is logical that infrastructure projects should be planned in conjunction with subdivisions to ensure that the development is a feasible and reasonable approach. Where Official Plans and Secondary plans have been integrated with infrastructure plans, subdivision plans should have the basis upon which to justify that they can be developed in an efficient and effective way.

Where Class EAs must be developed after plans of subdivision are draft plan approved, there is the risk that the drafts will need to be amended to reflect the

results of the Class EAs. It is therefore, much more time and cost effective and therefore in the public interest to understand the infrastructure requirements concurrently as the plans of subdivision are being developed.

As mentioned earlier, municipalities are rarely the applicants of plans of subdivision. However, they can be proponents of infrastructure associated with plans of subdivision. Where infrastructure is being integrated with plans of subdivision, the proponenty of the infrastructure should be decided at a very early date in consultation with SEP.

Council has recently adopted a “Public Participation and Mediation in the Planning Approval Process” (PD03104 in Appendix 4-3). This report recognizes the importance of early notification and consultation with key stakeholders prior to submission of an application. However, no consultation is required with the public until after the project is submitted, reviewed by staff and signed off by the General Manager of Planning and Economic Development. A public meeting is then held on the application.

If the applicant is certain that there will be no likelihood of a Schedule C project, a plan of subdivision can proceed without the need for integration under the Class EA process as the private sector is not required to use the MEA Class EA for Schedule A and B projects. However, if there is the possibility that infrastructure offsite will need to be upgraded or developed to support the planning application, the private sector developer should consult with the City to determine if there is a ?

Where infrastructure (Schedule C ) is being planned concurrently (i.e. integrated) with a plan of subdivision the proponent must understand that the consultation requirements are somewhat different for Class EAs than for subdivisions.

The Planning Act does not specify the type of planning process that must be used to develop a plan of subdivision and condominium. However, it does specify the type of information that is required to be submitted to an approval authority for a plan of subdivision. In addition to what is specified in the Planning Act, the Act states (sec. 18) that “An approval authority may require that an applicant provide such other information or material that the approval authority considers it may need.” The City of Hamilton is approval authority for Plans of Subdivision.

Where a plan of subdivision or condominium is being integrated with a Schedule C project (or Schedule B where the city is the proponent and the developer carries out the project on behalf of the City), the process must ensure that the requirements of sec. A.2.9 of the MEA Class EA are documented for the infrastructure. This means that:

- Consultation on infrastructure must occur at a minimum in Phases 2, 3 and 4
- All aspects of the environment relevant to assessing the impacts on infrastructure must be identified
- Infrastructure alternatives must be identified and evaluated for effects on the environment
- Clear documentation must be provided for the decisions on the infrastructure. It can be integrated

with the planning documentation or it can be separate background document to the planning application.

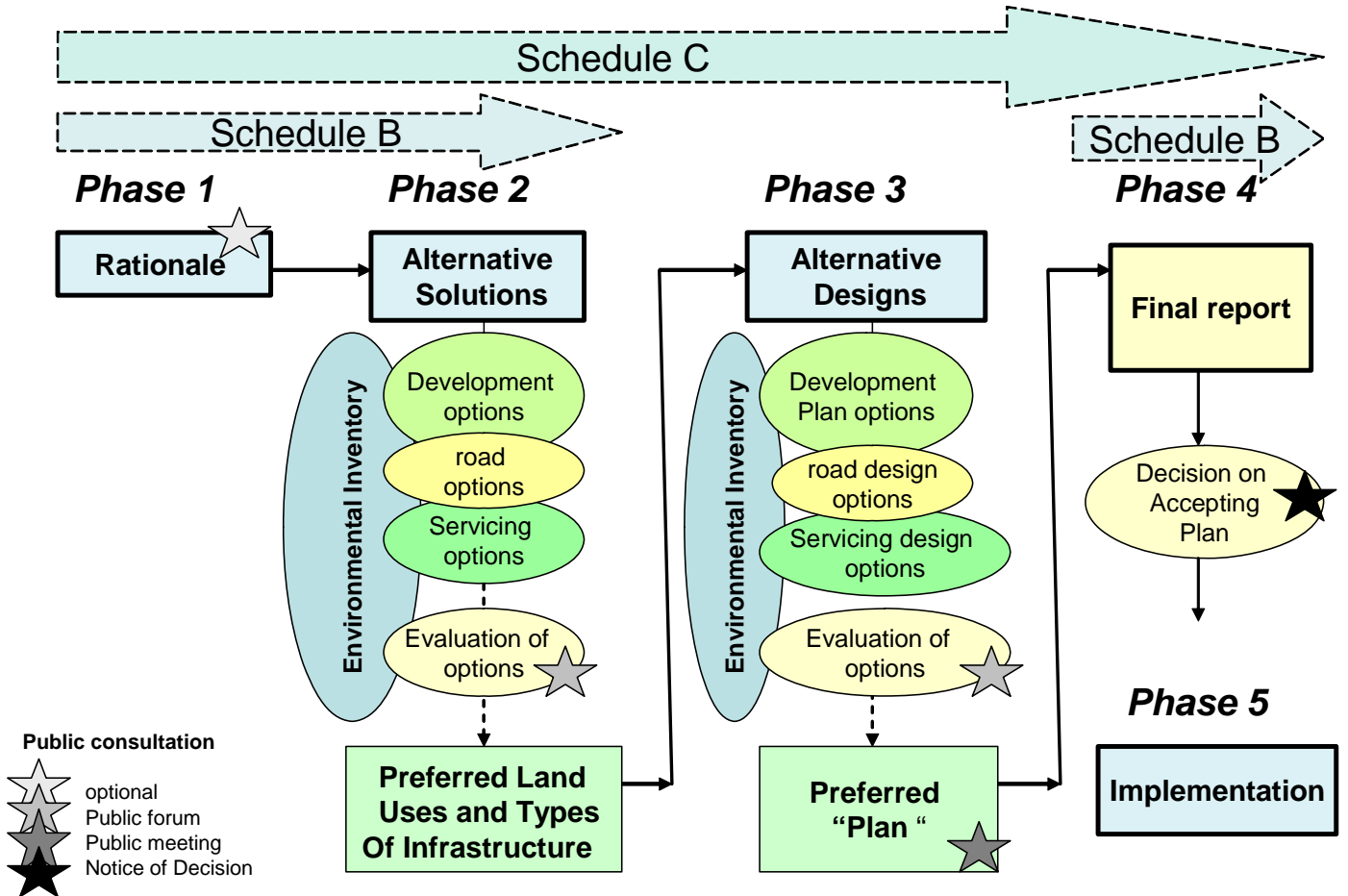
Documentation in an integrated planning process must consist of the following:

- Purpose, problem or opportunity
- Public consultation
- Alternative solutions and their evaluation
- Preferred solution and its physical location and dimensions
- Mitigation measures and commitments made during the planning process

- It must incorporate the phases of decision-making for Schedule C projects (problem identification, alternative solutions, and alternative designs)
- A summary of how the integration met the Class EA provisions must be provided to the Environmental Assessment and Approvals Branch, Project Coordination Section, Ministry of the Environment.

As with the Class EA process, a developer can choose to wait until the minimum mandatory notices are provided before carrying out consultation with the public and stakeholders or can choose to develop the project in a more proactive way. For a Class EA project there are three minimum mandatory notice points while for a subdivision there are two points.

**Figure 5 – 1 Integrated Planning Process**



## ***6. Implementation***



## **6. Implementation**

### **6.1.0 Budgeting**

The Public Works Department has a process in place to accommodate requests for infrastructure projects associated with Planning Act applications. The budgeting process identifies during the annual budget reviews, projects that will be developed by the City in the following year and on a five year capital budgeting plan. The following sections indicate how this budgeting process works and how infrastructure associated with Planning Act applications would be considered.

#### **6.1.1 City Initiated Project**

The Asset Management Section of the City of Hamilton Public Works Department, Capital Planning and Implementation Division, maintains and infrastructure management program that reports on the condition of the City's infrastructure and schedules the need for further study or rehabilitation work.

Once the need is scheduled, such as the need to repair a road/bridge, the Strategic and Environmental Planning Section of the same Division is advised and may initiate an Environmental Assessment study before proceeding with the works, depending on the scale and scope of the project.

The Water and Wastewater Division of the City of Hamilton Public Works Department oversees when improvements are required for most water and wastewater works. Once a project has been identified, the Strategic and Environmental Planning Section is advised to determine and, where appropriate, initiate the Environmental Assessment process. The Public Works

Department may also initiate Storm Drainage and Watercourse Improvement Studies as well as Traffic calming projects. The Strategic and Environmental Planning Section advises on the applicability of the Class EA to these initiatives when they have been identified and will either Project Manage or provide support to the EA component of each project.

Planning and Economic Development currently circulates Official Plan Amendments and Subdivision Applications to the Strategic and Environmental Planning Section (SEP), at which time the Section advises on the need for EA studies and the opportunity for an integrated planning process.

#### **6.1.2 Developer Initiated Projects**

Developers are encouraged to discuss the project proponenty with the City as early as possible in their project planning in order to sort out the scheduling for the project(s) where the City is expected to take on proponenty. In order for the City to budget resources to an infrastructure project(s) associated with a planning application, the City must receive a request at least one year in advance. This allows time for the project(s) to be placed on the budget by the Asset Management Section.

If the developer does not have sufficient time to include the project(s) on the City's budget, the developer will be expected to finance and plan the project for the City i.e. front load the financing. This can be recouped at a later time as per the development charges process. The City will maintain proponenty and will provide input and monitoring to the project but will not fund the work at this time or carry out the Class EA work.

The developer will be expected to carry out the work under the guidance of City staff and to standard applied to City Class EA projects.

The developer should contact the Planning and Economic Development section as early in their planning as possible in order to ensure that they are included in the City budget process.

### ***6.2.0 Project Transfer to Detailed Design and Construction***

#### ***6.2.1 City Initiated Projects***

Upon completion of the Class Environmental Assessment process, the Strategic and Environmental Planning Section (SEP) will forward the Environmental Study Report or Project File to City Staff in charge of implementation.

The Class EA report identifying commitments and recommendations are first forwarded to the Asset Management Section to verify the budget and schedule for the project. The Asset Management Section will determine if the study has resulted in additional costs. They will then forward the Class EA report to the Design and Construction Division to implement the project as per the commitments in that document. **If projects are significantly modified during construction, this can result in the requirement to amend the Class EA for all or part of the project.**

#### ***6.2.2 Developer Initiated Projects***

Developers are advised that design and construction activities must conform to the commitments included in the Class EA report. See section above.

### ***6.3.0 Completing Class Environmental Assessment Requirements***

#### ***6.3.1 City Initiated Projects***

It is important that design and construction staff provide input to the Class EA as it is being developed to ensure that the alternatives assessed and the mitigation recommended are feasible and implementable. If there are fundamental changes to the design and construction after the projects are approved, an amendment to the Class EA may be required. Refer to the MEA Class EA for amending procedures.

#### ***6.3.2 Developer Initiated Projects*** *See above*

#### ***6.4.0 Post Approval Integration***

The City will coordinate the development of infrastructure with Plans of Subdivision and Condominiums i.e. where infrastructure is required to support approved land use plans, it will be scheduled to be complementary and coincide with the subdivision construction. This will require that the developer communicate the timing of the construction at least one year in advance of the construction season so that the necessary road, wastewater or water projects can be budgeted and the detailed design completed.

Developers should be aware that class EA projects are approved for a five year period. After the five year period, if the Class EA project has not been constructed it must be reviewed and if necessary revised to reflect current standards and environmental conditions.

As the infrastructure developments are part of the Planning Act Applications,

Development Review Staff will monitor the implementation of the Class EA requirements for subdivision and condominium applications. In order to do so, they will work and consult with the SEP who will be responsible for clearing any conditions of approval related the Class EA projects.





## ***7. Roles and Responsibilities***



## **7. Roles and Responsibilities**

### **7.1.0 Government Agencies**

The following section identifies how government agencies (federal, provincial and municipal) will be involved in review of integrated documents.

#### **7.1.1 Review by Federal and Provincial Agencies (including Conservation Authorities)**

The City is a delegated Authority for plans of subdivisions and condominiums but not for Official Plan Amendments (OPAs) (including secondary plans and community improvement plans). This means that for subdivisions plans and condominiums, there is no requirement to circulate draft plans to provincial agencies. However, it is still necessary to determine if there are any federal agencies that may have interest in the project.

Regardless of delegated authority the Planning Act stipulates several public and private agencies (school boards, gas companies, hydro companies etc) that must be contacted unless they specify otherwise (see section 4.0).

Some federal agencies have delegated part of their authority to other agencies (e.g. Conservation Authorities (CAs) have been delegated federal Fisheries Act authority up to a certain point in decision-making depending on the CAs expertise. In the case of the Fisheries Act, the CA could determine that the Department of Fisheries and Oceans does not have an interest in the project as a result of their screening).

For Class EAs, there has been no delegation of provincial review to the City or any other municipality.

Therefore, for Class EAs that are being integrated with Planning Act applications there is a requirement to:

- Advise the Ministry of the Environment, Regional EA Coordinator at the start of the project and determine how they want to be involved in the project
- Advise adjacent affected municipalities at the start of the project and determine how they want to be involved.
- Advise any other federal or provincial agencies that may have an interest (based on a screening chart in Appendix 3 of the MEA Class EA) and contact them at a minimum at the mandatory contact points.
- Provide to the MOE, Environmental Assessment and Approvals Branch, Project Coordination Section a summary of how the project (s) has met conditions A) through F) in section A.2.9 of the MEA Class EA including copies of the mandatory public and agency review.
- Provide review agencies with the opportunity to comment on a draft copy of the Environmental Study Report/Project File.
- Provide review agencies with an opportunity to comment on the final Environmental Study Report/Project File when it is posted for 30 day review.
- Provide review agencies with the detail and information that they require and in a timely manner. It would be unreasonable to expect review agencies to access information at e.g. the local library.
- Document review agencies responses in the Project File or ESR

For Scenario B and C projects, the Development planners will determine if there is the potential for infrastructure related Class EAs and identify, in consultation with SEP, the review agencies that should be invited to the pre-consultation meeting. In these situations, review agencies will also be considered for participation on the project/technical team.

Section A.3.6 of the MEA Class EA should be referred to for specific direction on involving review agencies.

*“It is suggested that proponents establish early in the planning process what the information needs will be for specific review agencies who will have an interest in a particular project and set out a procedure to satisfy those needs” (MEA Class EA sec. A.6)*

### **7.1.2 Role of Ministry of the Environment Staff**

#### **West Central Region EA Coordinator**

This is the first point of contact with the Ministry of the Environment. The Coordinator should be contacted at the beginning of the project to:

- Provide assistance in understanding the Class EA requirements of an integrated approach
- Request attendance and participation in Steering Committee meetings if applicable to the project
- To Coordinate the comments form MOE on the project

The EA Coordinator should be kept informed of any issues that arise on the project as MOE could be contacted by members of the public or other interested parties and they will sometimes be required to prepare briefing notes to the Minister or senior management of MOE. In the event that there is an appeal on coordinated Class EA projects, the EA Coordinator will be contacted and asked to provide their comments on how the issues were addressed in the Class EA. For integrated projects there are no appeals to MOE.

#### **Environmental Assessment and Approvals Branch**

The project Coordination Section deals with appeals on complex Class EA projects. They also monitor the implementation of the MEA Class EA and in particular the integrated process is an area that they are specifically interested in. They will be contacted in two circumstances:

- If there is an appeal on a Class EA project that is being “coordinated” but not integrated.
- When the project is completed, a summary of how the integrated process has met conditions A) through F) in section A.2.9 of the MEA Class EA and copies of the mandatory public and review agency notification.

This information is requested so that the Ministry can monitor whether or not the integrated process is meeting the requirements of the MEA Class EA process.

## **7.2.0 Role of Developers**

### **Class EA Responsibilities**

As mentioned previously, developers can be proponents or co-proponents in an integrated process for Schedule C projects. If they are proponents then they are responsible for meeting the requirements of the Class EA process.

This means, in part, that they are responsible for:

- Meeting the requirements of sec. A.2.9 of the MEA Class EA
- Ensuring that the review agencies are identified and contacted
- Ensuring that mandatory notices are provided
- Resolving any issues with review agencies or the public as they arise
- Dealing with MOE on appeals
- Preparing documentation
- Advising MOE how the requirements for an integrated approach have been met
- Funding the development of the Class EA documents

### **Communication with City Staff**

The developer should contact the City staff as early as possible in their project planning to determine if any of the servicing will require compliance with the Class EA process. It is the responsibility of the developer to understand the Class EA requirements and to determine, before the meeting with City staff, if the Class EA requirements are applicable.

If the servicing is likely to result in a Schedule B or C project (s), the developer should contact the City to determine proponentcy. This could be discussed at a pre-consultation meeting. A decision can then be made to determine how the Class EA



## ***8. Appeal Process***



## **8. Appeal Process**

There is one appeal process applicable for integrated projects and that appeal is through the Planning Act. When the notice is provided for Adoption of a Planning Act Application and Completion of the Class EA project, the notice will indicate the appeal process to the OMB. (see sample integrated Notice of Adoption). The Planning Act application may be appealed but not the associated Class EA project(s). If the Planning Act application is appealed to the OMB, the Class EA project(s) is not approved until the OMB decision approves the Planning Act application. If the Planning Act application is not approved, the Class EA project(s) is not approved.

For plans of subdivisions and condominiums, the City is the delegated authority for approval and can make the decision to delay the final review and approval while any issues associated with the Class EA projects are being discussed, mediated or negotiated.

Planning Act applications can be appealed within the regulated appeal period and there is no time limit for the applicant to appeal a denial but must be accompanied by reasons for the appeal and a fee. There is a 20 day appeal period for Official Plan Amendments and also appeal periods for subdivisions (from the date of the Notice of Draft Approval).

### **8.1.0 Ministry of the Environment (MOE)**

In an “integrated” process, the Ministry of the Environment is not involved in appeals because the infrastructure is

approved as long as the Planning Act application is approved. The Ministry will review the documentation provided on the integration to ensure that the requirements of the MEA Class EA process have been incorporated into the Planning Act application. If they deem that the requirements have not been met the appeals (Part II Order) can be made to MOE on the infrastructure.

In a “Coordinate” Class EA staff in the Environmental Assessment and Approvals Branch (EAAB) will make the recommendation to the Minister of the Environment on how to deal with appeals.

City Staff or developers (whoever is the proponent) should ensure that the EAAB staff are immediately provided with a copy of the ESR or Project File and any information on the issues raised and how they were attempted to be addressed prior to the appeal. It is useful to keep track of this information throughout the project so that it is quickly available in the event of an appeal.

### **8.2.0 Ontario Municipal Board (OMB)**

The OMB is responsible for dealing with appeals associated with the Planning Act. They also need to be aware, in making their decisions, of the servicing approvals needed in order to make the Planning Act applications viable. For integrated projects, they need to be made aware of any Class EA project associated with the application.

### **8.3.0 Joint Board under the Consolidated Hearings Act**

The MEA Class EA process does not provide for hearings to be held when there are appeals. Therefore, a Joint

Board (Ontario Municipal Board and Environment Review Tribunal) would not be applicable for appeals under both the Planning Act and the Class EA process. In addition, the Environmental Protection Act does not require hearings under most circumstances if an EA under the Environmental Assessment Act has been completed. The Consolidated Hearings Act applies to projects that require hearings under two or more pieces of provincial legislation.



## ***9. Monitoring***



## 9. Monitoring

### 9.1.0 *Evaluating and Updating the Guide*

The Guide will evolve and be modified as experience with the process is obtained by City staff and as decisions are made on the interpretation of the Municipal Engineers Association (MEA) Class EA by MEA and the Ministry of the Environment.

The Strategic and Environmental Planning (SEP) section will take responsibility for coordinating the review and modifications to the Guide. This will be particularly important in the first year of its use as questions arise and further clarification may be needed based on experience with different types of planning applications.

The Study Team will meet as needed to review the experience with the Guide and respond to major questions that arise.

The Study Team consists of:

- The Manager of Strategic and Environmental Planning, Public Works
- Senior Project Manager, Strategic and Environmental Planning, Public Works
- Manager of Community Planning and Design, Planning and Economic Development
- Director of Development and Real Estate, Planning and Economic Development
- Manager, Planning and Economic Development
- Senior Project Manager, Legislative Approvals, Development Planning Section, Planning and Economic Development

- Supervisor, Air, Pesticides and Environmental Planning, West Central Region, Ministry of the Environment
- EA Coordinator, Air, Pesticides and Environmental Planning, West Central Region
- Manager (or Sr. Planner as designate), Community Planning & Development, Municipal Affairs and Housing
- Senior Case Manager (to be contacted directly if there are any questions regarding the appeal process but will probably not attend meetings), Ontario Municipal Board

The Guide will be made available on the internet with a note that the Guide will likely change over time to respond to continuous improvements and changes in legislation improvements and changes in legislation, policies and other guidelines.

### 9.2.0 *Training*

All staff in Planning and Economic Development and Public Works who will be reviewers or project managers on Class Environmental Assessment projects or Master Plans, or planning applications for Official Plans, Official Plan Amendments, secondary plans and rezoning will be required to become familiar with this Guide.

Where there is sufficient staff to warrant a training session, the Strategic and Environmental Planning section will organize it.

### ***9.3.0 MEA and MOE Monitoring***

The MEA Class EA document requires that the City and developers provide:

- 1) A summary of how specific integrated projects have met conditions A) through F) in section A.2.9 of the MEA Class EA document and
- 2) Copies of the mandatory public and agency notification

to:

Ministry of the Environment,  
Environmental and Assessment and  
Approvals Branch,  
EA Project Coordination Section,  
1 St. Clair Avenue West, 14<sup>th</sup> Floor  
Toronto, Ontario M4V 1L5

The Municipal Engineer's Association (MEA) received this information from MOE on the integrated process and includes this information in its annual monitoring report. It is the basis for the MEA to decide if changes are needed to the Class EA document.

