



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 1, 2019
SUBJECT/REPORT NO:	Provincial Policy Statement Review – City of Hamilton Comments (PED19188) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Heather Travis (905) 546-2424 Ext. 4168
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the City of Hamilton supports the Province’s general directions of the Provincial Policy Statement (PPS) to promote efficient use and management of infrastructure, transit-supportive development with a range of housing options, a strong economy, and protection of agricultural lands.
- (b) That the City of Hamilton does not support the proposed policy direction which emphasizes the provision of a market-based supply of housing (policies 1.1.1, 1.4.3, 1.7.1), and further, connects the justification for a settlement area boundary expansion to the satisfaction of market demand (policy 1.1.3.8).
- (c) That the City of Hamilton does not support the following proposed changes, additions and deletions to the PPS:
 - (i) Revised policies 1.1.3.6 (built form), 1.1.3.7 (phasing) and 1.6.7.2 (transportation infrastructure) which change the policy direction from “shall” to “should”. The previous wording should be maintained;
 - (ii) Proposed policy 1.3.2.5 allowing employment land conversions to occur in advance of the Municipal Comprehensive Review, which should be removed;

**SUBJECT: Provincial Policy Statement Review – City of Hamilton Comments
(PED19188) (City Wide) - Page 2 of 28**

- (iii) Revised policy 1.6.6.3 which identifies private communal water and sewage services to be the preferred form of servicing where municipal services are not available, which is contrary to the Rural Hamilton Official Plan. This revision should be removed;
 - (iv) Deletion of policy 1.6.7.5 which requires that transportation and land use considerations should be developed at all stages of the planning process. This policy should be maintained;
 - (v) Deletion of existing policy 2.3.6.1.b) 2) which requires that Minimum Distance Separation (MDS) formulae be applied when non-agricultural uses (excluding residential) locate in prime agricultural areas, which is intended to provide protection to the agricultural community when a new sensitive land use is introduced. This policy should be maintained;
 - (vi) Revised policy 2.5.2.2 which would allow mineral aggregate extraction to take place in certain natural heritage features where not previously permitted. This revision should be removed;
 - (vii) Proposed policy 4.7 which requires planning authorities to expedite certain priority planning applications. This policy should be removed;
 - (viii) Deletion of existing policy 4.9 (monitoring of Official Plan policies) which recognized that the policies of the PPS represented minimum standards. This policy should remain in the Implementation section; and,
 - (ix) Revised definition of Heritage Attributes which is ambiguous in relation to the wording “must be retained”. This revision should be removed.
- (d) That the City of Hamilton requires clarification and / or additional information to implement the following proposed revisions which should be provided to municipalities prior to finalizing the revised PPS:
- (i) If revised policies 1.1.1, 1.4.3, 1.7.1 and 1.1.3.8 are maintained, the Province should provide guidance and clarification on the meaning of “market-based need” and “market demand”, including a methodology for how these terms will be calculated. In addition, the Province should confirm if, and when, a revised Land Needs Assessment Methodology will be released. The revised PPS policies should not be finalized until after municipalities have had an opportunity to comment on the additional information and revised Methodology.
 - (ii) Clarification on the expectations surrounding revised servicing policy 1.6.6.4 which would require municipalities to review long term impacts of individual

OUR Vision: To be the best place to raise a child and age successfully.

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

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

private services at the time of the Official Plan review, which would require significant resources for municipalities in terms of time and finances. This should not be required as part of the Official Plan review;

- (iii) Additional information on the role of the Special Advisor on Flooding (Section 3), including what role municipalities and conservation authorities can play in the review;
 - (iv) Information on the expectations surrounding reporting requirements and data standards in relation to proposed policy 4.9; and,
 - (v) Additional information on the implementation of the revised definition of “Conserved” and the impact on a municipality’s ability to formally protect heritage resources over the long term in the absence of the requirement to be retained under the *Ontario Heritage Act*.
- (e) That the City of Hamilton provides the following suggestions / revisions regarding the proposed policies:
- (i) Additional wording should be added to Part IV: Vision for Ontario’s Land Use Planning System and Section 1: Managing and Directing Land Use to recognize the reality of climate change and the need for immediate actions to be taken at the provincial and local level to prevent climate change through a variety of actions, including land use planning, energy conservation and planning, sustainable design, servicing, protection of natural features and water systems, transportation considerations, protection of agricultural land, incentives, and other methods;
 - (ii) The following proposed / revised policies, which address the need to respond to the “impacts of a changing climate”, be revised to also address the need for actions to prevent climate change: 1.1.1(i); 1.1.3.2(d); 1.6.1, 1.6.6.1 (b); 1.6.6.7(c); 1.8.1; 2.2.1(c); and, 3.1.3;
 - (iii) The proposed revision to policy 1.1.3.3 is unclear with regards to what constitutes a “significant” supply and should be amended to remove this reference from the policy;
 - (iv) The proposed new policy 2.1.10 regarding the management of wetlands should be amended to provide clarity on the meaning of the word “manage”, either within the policy or through a new definition;
 - (v) If revised policy 2.5.2.2 is maintained, the policy should be amended to remove the reliance on long-term rehabilitation of a natural heritage feature as justification for removal of that feature through mineral aggregate

extraction. Consideration of extraction in a natural heritage feature should instead be based on the ecological value and significance of that feature. If this suggested change is not taken, clarification on how “long-term” rehabilitation is defined is required;

- (vi) If the amendment to the definition of Heritage Attributes is maintained, the wording should be revised to reduce ambiguity, by including wording that explains the purpose for why a feature or element “must be retained” (i.e. must be retained to inform the heritage value of the protected heritage property, etc);
 - (vii) The new definition of Impacts of a Changing Climate should be revised to remove the words “potential for” and the words “and opportunities” which appear to downplay the significance of climate change which is already occurring; and,
 - (viii) The proposed revision to the definition of Significant should be amended to reduce ambiguity, including the replacement of the word “processes” with “criteria”.
- (f) That the City of Hamilton suggests that guidance documents be developed / updated by the Province to assist municipalities in implementing the following new policy directions:
- (i) Guidance on the type, level and expectations of engagement that should be undertaken for a municipality to ensure that it has satisfied the requirements of policies 1.2.2 and 2.6.5 regarding consultation with Indigenous Communities;
 - (ii) Updated Ministry of Environment, Conservation and Parks (MECP) Guidelines D-1 and D-6 to address issues related to land use compatibility between major facilities and sensitive land uses, in accordance with proposed policy 1.2.6.2; and,
 - (iii) Updated MECP D-5 and B-7 Guidelines regarding planning for water and sewage services and determining negative impact arising from proposed development.
- (g) That the City of Hamilton requests that the Province address the inconsistency in definitions amongst provincial planning documents, where applicable, or include a policy in the PPS which states that where a definition within a Provincial Plan exists, the Provincial Plan definition would apply.

- (h) That the City Clerk's Office be directed to forward Report PED19188 to the Ministry of Municipal Affairs and Housing, and this Report is considered the City of Hamilton's formal comments on the Provincial Policy Statement Review.

EXECUTIVE SUMMARY

On July 22, 2019, the Province of Ontario released a revised Provincial Policy Statement (PPS) for review and comment on the Environmental Registry of Ontario. The deadline for the comments is October 21, 2019. The PPS provides broad land use planning direction for the Ontario, with policies relating to efficient use of land and infrastructure, housing, transportation, economic development, and servicing. All land use planning decisions must be consistent with the policies of the PPS.

Staff comments on the proposed revisions are included within this Report and summarized in Appendix "A". Once approved, the recommendations within this Report will be forwarded to the Province as the City's comments on the proposed PPS revisions.

Alternatives for Consideration – See Page 28

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On July 22, 2019, the Provincial Policy Statement Review – Proposed Policies notice was posted to the Environmental Registry of Ontario (ERO) for a 91-day comment period. The commenting deadline closes on October 21, 2019. The proposed policies are an update to the PPS (2014).

The purpose of this report is to provide comments on the proposed PPS changes. Upon approval by Council, this report, including any modifications, will be forwarded to the province as the City's comments on the proposed changes, in advance of the commenting deadline.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

SUBJECT: Provincial Policy Statement Review – City of Hamilton Comments (PED19188) (City Wide) - Page 6 of 28

The PPS is a statement of provincial policies on land use planning and is issued under section 3 of the *Planning Act*. It applies province-wide and sets out the provincial policy direction for matters of provincial interest related to:

- The efficient use and management of land and infrastructure;
- Ensuring the provision of sufficient housing to meet changing needs, including affordable housing;
- Protecting the environment and resources including farmland, natural resources (e.g., wetlands and woodlands) and water;
- Ensuring opportunities for economic development and job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and,
- Protecting people, property and community resources by directing development away from natural or human-made hazards – such as flood prone areas.

The *Planning Act* requires that decisions on land use planning matters be “consistent with” the PPS. The City implements the policies of the PPS through policies in the Official Plans, Zoning By-laws and other planning-related decisions.

While the PPS provides overall policy direction on matters of provincial interest, other provincial plans apply in specific geographic areas of Ontario and build upon the foundation provided by the PPS. In Hamilton, the Growth Plan 2019, the Greenbelt Plans and the Niagara Escarpment Plan are applicable. These provincial plans are to be read in conjunction with the PPS, and generally take precedence over the policies of the PPS in the case of conflict. Where the policies of the provincial plans address the same or overlapping matters as the PPS policies, applying the more specific provincial plan policies satisfies the requirements of the PPS. This policy context is important, as some of policies that are being proposed in the revised PPS have already been introduced in the Growth Plan 2019 (eg. changes related to settlement area boundary adjustments and employment land conversions) and therefore these policies are already applicable within Hamilton’s Growth Plan area regardless of the PPS revisions.

RELEVANT CONSULTATION

The following departments / divisions provided comments on this report:

- Public Works – Hamilton Water, Source Protection Planning
- Public Health – Healthy and Safe Communities

ANALYSIS AND RATIONALE FOR RECOMMENDATION

**SUBJECT: Provincial Policy Statement Review – City of Hamilton Comments
(PED19188) (City Wide) - Page 7 of 28**

The following are the key areas of proposed policy change and the associated staff comments. A complete review of the proposed policy changes and staff response is included as Appendix “A”. Additional proposed policies from staff are included as Appendix “B”.

1. ‘Market-based’ range of housing types:

The policies of the 2014 PPS required municipalities to plan for the provision of a range and mix of residential units. This requirement remains in the proposed revised policies, but there is a new emphasis on the provision of a ‘market-based’ range of housing supply, as per proposed policies 1.1.1 b), 1.43 a) and 1.7.1 b):

“1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate **market-based** range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; (emphasis added).

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected **market-based needs** of current and future residents of the *regional market area*... (emphasis added)

1.7.1 Long-term economic prosperity should be supported by:

- b) encouraging residential uses to respond to dynamic **market-based needs** and provide necessary housing supply and range of *housing options* for a diverse workforce; (emphasis added).”

Further, proposed policy 1.1.3.8 a) links the requirement to satisfy market demand with the justification for urban (settlement area) boundary expansion:

“1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

- a) sufficient opportunities to accommodate growth and to satisfy **market demand** are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon; (emphasis added).”

OUR Vision: To be the best place to raise a child and age successfully.

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

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

There are implications arising from this shift in focus to a market-based provision of housing supply, some of which are not yet fully quantifiable. In part, planning for a market-based range of housing is responsive to the needs of the population and future residents, by theoretically supplying the types of housing that are desired and required by the population. However, there is a concern that planning based on a market-based approach will result in maintaining a market 'status quo' that is primarily based on a perceived desire for low density housing and will do nothing to encourage a shift to an urban form that is based on increased density.

Further, it is not clear as to who will define the market need and demand, and what methods would be used to arrive at the definition. Market need and market demand are subjective terms that could be defined based on consumer preference or based on Growth Plan policy direction. For example, one could define the market demand based on the past pattern of building permit issuance for new dwellings. Within Hamilton, over the past 5 years, the building permits issued for new residential units, by type, is as follows: Low Density (single and semi-detached) – 33%; Medium Density (towns) – 36%; and, High Density (apartments) – 28%. If one were to review records over a wider time period (i.e 10 or 15 years), these percentages would likely change. Therefore, determining the market demand could be a subjective process, and clarity is required as to how this determination will be made, and by whom.

The market-based approach could have implications on the completion of the Land Needs Assessment (LNA) which is required as part of the City's Municipal Comprehensive Review (MCR). The LNA will determine how much of the City's future growth can be accommodated within the existing urban area, and how much urban expansion land may be required. In the past, there has been variation in how municipalities completed the LNA. Many municipalities utilized a form of a market-based approach in determining future land need requirements, utilizing assumptions based partially on market preferences in determining future housing mix. In 2018, the Province released a Land Needs Assessment Methodology for the Greater Golden Horseshoe. This Methodology was to be utilized by all municipalities in the completion of the LNA as part of the MCR, thereby ensuring consistency in municipal approaches. The 2018 Methodology was not based on a market-need approach, and instead focussed on the overall quantity of housing rather than an assessment of demand and supply by unit type. The approach under the 2018 Methodology could result in an identification for a lesser overall land need (urban expansion area), but with a future housing mix being comprised largely of higher density housing forms.

It is not yet known if the Province will be releasing a revised Land Needs Assessment Methodology which may reflect the proposed direction of the PPS regarding a market-based housing supply. If the Province does make adjustments to the LNA methodology based on a market-based approach, the implication for the City is that the completed LNA through the MCR may identify a requirement for a larger urban expansion area than under the previous method.

OUR Vision: To be the best place to raise a child and age successfully.

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

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

The City cannot support this revised policy direction without additional information and opportunity for input. The Province should provide guidance and clarification on the meaning of “market-based need” and “market demand”, including a methodology for how these terms will be calculated. In addition, the Province should confirm if, and when, a revised Land Needs Assessment Methodology will be released. The revised PPS policies should not be finalized until after municipalities have had an opportunity to comment on the additional information and revised Methodology. (Recommendations (b) and d(i))

2. Climate change

There is a greater emphasis on the need to respond to the impacts of climate change throughout the proposed policies. A new definition of “Impacts of a changing climate” has been added:

“Impacts of a changing climate: means the potential for present and future consequences and opportunities from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.”

There is reference throughout the revised policies to preparing for the impacts of a changing climate, as related to land use patterns (policy 1.1.1, 1.1.3.2), provision of infrastructure (1.6.6.1), stormwater management (1.6.6.7), watershed planning (2.2.1) and hazard planning (3.1.3).

Please see Appendix “A” for a full listing and details on wording.

Staff is supportive of the greater recognition throughout the document of the need to respond to the impacts of climate change, including the added definition of “impacts of a changing climate”. However, there are no policies within the document which speak to the importance of taking measures now to prevent or avoid climate change. Seeing as the fight against climate change is a race against time, and actions need to be taken immediately to prevent irreversible impacts from climate change, it is an omission in the policies to not include direction to fight and prevent climate change at both the provincial and local levels through a variety of actions. The City of Hamilton, for example, has declared a Climate Change Emergency and established a Corporate Climate Change Task Force, with a mandate to create a corporate-wide climate change adaptation and mitigation work plan. By only addressing the “impacts of a changing climate” in the policies, it leaves the impression that climate change is an inevitability and the only options now are to address the consequences.

Staff suggests that new references should be added to the PPS or certain policies should be strengthened to both recognize climate change exists and to fight climate change through a variety of methods. Staff is suggesting additional wording be added to

both the Vision and the preamble of Section 1: Building Healthy Communities to recognize that actions to prevent and mitigate the impacts of climate change are necessary (see Appendix “B”). (Recommendation (e)(i)) In addition, staff is recommending that numerous policies throughout the document, which address the need to respond to the “impacts of a changing climate”, be revised to also address the need for actions to prevent climate change. This includes policies related to land use, energy conservation, infrastructure and water resources, amongst others. (Recommendation (e)(ii))

Further, with regard to the proposed definition of Impacts of a Changing Climate, staff suggests that the definition could be strengthened by removing reference to “potential for” present and future impacts, as the word ‘potential’ suggests uncertainty and does not acknowledge that impacts from climate change are already occurring. Further, removing the reference to “opportunities” arising from climate change which downplays the significance of the issue. The definition should read as follows:

“Impacts of a changing climate: means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.” (Recommendation (e)(vii))

3. Employment areas and land use compatibility

New policies related to employment areas have been added:

“1.3.2.2 At the time of the official plan review or update, planning authorities should assess *employment areas* identified in local official plans to ensure that this designation is appropriate to the planned function of the *employment area*.

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from *sensitive land uses* to maintain the long-term operational and economic viability of the planned uses and function of these areas.

1.3.2.3 Within *employment areas* planned for industrial and manufacturing uses, planning authorities shall prohibit residential and institutional uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial and manufacturing uses should include an appropriate transition to adjacent non-*employment areas*.”

New policy 1.3.2.2 requires municipalities to assess employment areas at the time of the official plan review to determine that the land use designation is appropriate. Further, both policies speak to the locational relationship between industrial /

manufacturing uses and sensitive land uses to ensure that separation or mitigation between the uses is provided in order to protect the viability of the industrial uses. Further the new policy 1.3.2.3 explicitly requires municipalities to prohibit sensitive uses within industrial or manufacturing employment areas.

There are also changes proposed to the policies of section 1.2.6 regarding land use compatibility, particularly separation between sensitive land uses and major facilities (manufacturing uses, transportation corridors etc). The revised policy 1.2.6.1 requires that major facilities and sensitive land uses shall be planned and designed to avoid, or if avoidance is not possible, minimize and mitigate potential adverse effects, whereas the current policy 1.2.6.1 requires sensitive land uses and major facilities to be “designed, buffered and/or separated from each other:

“1.2.6.1 *Major facilities and sensitive land uses should* ~~shall~~ be planned to ensure they are appropriately designed, buffered and/or separated from each other **and developed** to prevent avoid, or if avoidance is not possible, minimize and mitigate **any potential adverse effects** from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term **operational and economic** viability of *major facilities in accordance with provincial guidelines, standards and procedures.*”
(deleted text in strikethrough, added text is **bolded**).”

Further, a new policy 1.2.6.2 has been added:

“1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall ensure that the planning and *development of sensitive land uses* adjacent to existing or planned industrial, manufacturing, or other uses that are particularly vulnerable to encroachment are only permitted if:

- a) alternative locations for the proposed *sensitive land uses* have been evaluated and there are no reasonable alternative locations; and
- b) potential impacts of these uses are minimized and mitigated in accordance with provincial guidelines, standards and procedures.”

The new policy provides direction for situations where avoidance of adverse effects is not possible. The new policy states that in planning for new sensitive land uses adjacent to existing or planned industrial or manufacturing uses, alternative locations must be evaluated and impacts must be mitigated and minimized.

Regarding proposed policies 1.3.2.2 and 1.3.2.3, staff has no concerns with these new policies. Through GRIDS 2 / MCR, the City will be reviewing employment lands, consistent with policy 1.3.2.2. Further, the City’s UHOP already contains policies prohibiting sensitive uses within employment areas (not solely the areas planned for industrial or manufacturing uses).

The proposed revision to policy 1.2.6.1 addresses the planning of major facilities and sensitive land uses. The revision requires that major facilities and sensitive uses should be planned so that adverse effects are avoided, or if not possible, minimized or mitigated. The previous requirement for appropriate design, buffering and separation has been removed. Further, the in-effect policy requires adverse effects to be mitigated, whereas the proposed revision allows for minimization or mitigation of adverse effects. The new proposed policy 1.2.6.2 provides further direction on the planning of sensitive uses adjacent to industry or manufacturing by requiring that alternative locations be considered. Staff notes that the City's UHOP already contains strong policies in this regard (E.5.2.7.1(b)) which provides for the protection of both sensitive land uses and industrial uses. It is important for both nuisance and public health protection to avoid conflict by establishing appropriate buffer areas between major facilities and sensitive land uses.

Further, the above revised policies reference "provincial guidelines, standards and procedures". The Province's existing guidelines ("D-Series") on compatibility between industrial and sensitive land uses date to the 1990s. Staff note that these guidelines should be updated to provide new direction on this issue particularly in light of the proposed revisions to policy 1.2.6.1 above. (Recommendation (f)(ii))

4. Employment Land Conversion

A new policy regarding employment land conversion has been added:

"1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing *employment areas* may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally-significant by a regional economic development corporation working together with affected upper- and single- tier municipalities and subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the *employment area*; and
- c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses."

This policy is similar to policy 2.2.5.10 of the Growth Plan 2019 which permits certain employment land conversions to occur in advance of the MCR, provided the lands are not identified as a Provincially Significant Employment Zone. However, the Growth Plan

policy includes an additional criteria which is a requirement for the converted lands to maintain a significant number of jobs.

Staff does not support policy 1.3.2.5 regarding conversion of employment lands outside of the MCR. Staff provided similar comments during the review of the new Growth Plan. Staff notes that, at present, the following employment areas have not been identified as PSEZs and therefore would be subject to conversion in advance of the MCR: Flamborough Business Park, Ancaster Business Park, West Hamilton Innovation District (WHID), Dundas industrial area, Hester industrial area. The City is meeting with the province to discuss adding Flamborough, Ancaster and WHID as PSEZs through phase 2 of the Province's identification exercise. (Recommendation (c)(ii))

5. Settlement area boundary adjustments

A new policy has been added to the settlement area policies:

“1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of *settlement area* boundaries outside a *comprehensive review* provided:

- a) there would be no net increase in land within the *settlement areas*;
- b) the adjustment would support the municipality's ability to meet *intensification* and *redevelopment* targets established by the municipality;
- c) *prime agricultural areas* are addressed in accordance with 1.1.3.8 (c), (d) and (e); and
- d) the *settlement area* to which lands would be added is appropriately serviced and there is sufficient reserve *infrastructure* capacity to service the lands.”

This policy is very similar to the policy (2.2.8.4) added to the Growth Plan 2019 which allows for adjustments of settlement area boundaries outside of the comprehensive review process. The policy permits these adjustments provided there is no net increase in land within the settlement area, which is interpreted as meaning that the corresponding land area must be removed from the settlement area boundary for every area of land added.

Of note, in the Growth Plan 2019, another new policy (2.2.8.5) was added which permits privately-initiated settlement area boundary expansions (as opposed to ‘adjustments’) in advance of the MCR, without the requirement for no net increase in land area, and up to a maximum of 40 ha for each application. This policy has not been duplicated in the proposed PPS revisions, meaning that the allowance for settlement area boundary expansion (not ‘adjustments’ as per the PPS policy above) is only permitted in Greater Golden Horseshoe municipalities.

Through the City comments on the Growth Plan 2019, staff had expressed concern over the allowance for any settlement area boundary expansions to occur prior to the MCR. However, the more significant concern in the Growth Plan policies was the permission to allow privately-initiated boundary expansions (2.2.8.5) and less concern over the permission for the boundary adjustments (2.2.8.4). As the policies are already finalized in the 2019 Growth Plan, the addition of policy 1.1.3.9 into the PPS does not create significant concern.

6. Planning horizon and land supply

Revisions are proposed to the policies to reflect a change in the planning horizon from twenty to twenty-five years:

“1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to ~~20~~ **25** years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure* and *public service facilities* **and employment areas** beyond a ~~20~~ **25**-year time horizon.

1.3.2.7 Planning authorities may plan beyond ~~20~~**25** years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.” (deleted text in ~~strike through~~, added text is **bolded**).”

Further, policy 1.4.1 regarding housing supply is proposed to be changed to an increased requirement for municipalities to maintain a 12 year supply for housing (up from 10) and up to a 5 year serviced land supply:

“1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of ~~40~~ **12** years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and

OUR Vision: To be the best place to raise a child and age successfully.

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

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.”

Regarding the proposed change in the planning horizon from 20 to 25 years, staff is not concerned about this change. In relation to the City’s ongoing GRIDS 2 / MCR process which is planning to the year 2041, staff notes that policy 1.1.2 above states that “where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.” The Growth Plan 2019 establishes a time horizon of 2041 for land use planning in the Greater Golden Horseshoe. Therefore, the proposed change to the PPS policy will not have an impact on the planning horizon of GRIDS 2 / MCR. The proposed change to the PPS is a long range planning change that will allow flexibility in the future when the Province updates the Growth Plan forecasts after this MCR.

Regarding the proposed change to the land supply and serviced supply requirements, staff has no immediate concerns with this change. These requirements are based on units available through intensification and redevelopment as well as new units proposed through Registered, Draft and Pending Plans of Subdivision. The following chart identifies the 2018 unit supply in the City’s Vacant Residential Land Inventory (VRLI):

Planning Status:	Units
Registered Plans of Subdivision	4,632
Draft Approved Plans of Subdivision	11,458
Pending Plans of Subdivision	5,112
Potential Development outside of a Plan of Subdivision	9,568
Total	30,770

As noted in the table above, the City’s VRLI identifies a total unit supply of 30,770 units. Based on an average of approximately 2,400 new units being constructed per year (annual average of building permits for new units), the City’s overall land supply would be approximately 12.5 years based on the VRLI supply. Of important note, the VRLI supply does not include units created through intensification, which would increase this supply further.

With regard to serviced land supply requirements, generally the units within Registered and Draft Approved Plans of Subdivision are considered to be serviced supply. With the units noted above in Registered and Draft Approved Plans, plus an additional 1,815 units in 2019 Priority Processing for Draft Plan Approval, the total serviced supply in the VRLI is 17,905 units. Again, based on an average of 2,400 new units being constructed each year, this would equate to a serviced land supply of 7.3 years, not including future new intensification units not captured by the VRLI.

While the City's intensification unit supply is being updated through the GRIDS 2 / MCR intensification update, and therefore exact numbers are not known at this time, with the combination of intensification and greenfield unit supply, the City will not have an issue conforming to the extended supply requirements.

7. Air rights and transit-supportive development

The definition of transit-supportive has been modified to add reference to air rights development, in proximity to transit stations and corridors. Further the housing policies (1.4.3) include reference to providing an appropriate range of housing options and densities through transit-supportive development including potential air rights development. Air rights development refers to the use of the space ("air") above a railyard, rail line or other transit corridor for development, including potential residential, mixed use, or park development.

Further, policy 1.1.3.3 is proposed to be revised as follows:

"1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for ***transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment*** where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure and public service facilities* required to accommodate projected needs."

Staff supports the addition of the recognition of air rights development as providing opportunity for transit supportive development but note the concept of air rights development over transit areas has not been proposed in Hamilton to date.

With regard to the proposed revision to policy 1.1.3.3 above, staff supports the promotion of opportunities for transit-supportive development and intensification, but notes that the proposed revision to policy 1.1.3.3 is unclear with regards to what constitutes a "significant" supply and range of housing through intensification and redevelopment. The word significant in this regard could be interpreted very broadly and is open to subjective interpretation. Staff suggests removing this language from the revised policy. (Recommendation (e)(iii))

8. Transportation

The PPS proposes to delete policy 1.6.7.5 that requires that transportation and land use integration be considered at all stages of the planning process. A planning process has many facets ranging from the initial Official Plan policies that are applied on a city-wide level down to an individual site assessment. In land use planning decisions, at any stage of the planning process, it is important to ensure that land use supports transportation systems and vice versa and that individual developments contribute to the City's overall planning and transportation goals and financial sustainability.

Staff does consider transportation and land use matters together. However, with the recent changes to the LPAT, the tribunal does not have to consider these relationships between transportation and land use decisions and the impact on each other. Staff suggests this policy be retained. (Recommendation (c)(iv))

9. Cultural heritage

The changes in relation to cultural heritage are reflected in a number of revised definitions. Some of the changes raise questions as to the intent behind the change and the implementation of the revised definition. The proposed revisions to the definitions are below (deleted text in ~~strikethrough~~, added text is **bolded**):

Conserved: means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained ~~under the Ontario Heritage Act~~. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment **that has been approved or adopted by the planning authority or decision-maker**. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Heritage attributes: means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and **that must be retained**. **Attributes** may include the property's built, **constructed**, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (~~including~~ **g.** significant views or vistas to or from a protected heritage property).

Significant: means

e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. **Processes for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act. National and international criteria are established by the**

certifying bodies for the important contribution they make to our understanding of the history of a place, an event, or a people.

Staff provides the following comments on these revised definitions:

Conserved – The removal of the wording “under the Ontario Heritage Act” establishes more options to conserve heritage resources than formal designation under the Ontario Heritage Act. While adding flexibility to conserve each heritage resource on a case by case basis, this may also weaken a municipality’s ability to formally protect heritage resources over the long term. Staff requires further information on the anticipated application of this revision prior to confirming support for this change. (Recommendation (d)(v))

Heritage Attributes – The added wording of “must be retained” increases ambiguity. Does this imply that only attributes that are essential to the continued existence of the structure “must be retained” because they are critical to the building’s survival? For example, non-structural features such as windows may not be fundamental to a building’s existence but do contribute to an understanding of its cultural heritage value. This change raises concern that such features would not be considered as heritage attributes since they could be removed without jeopardizing the building’s structural existence and may not satisfy the “must be retained” part of the definition. Further, there is a question as to what extent attributes must be retained. Staff finds that this sentence is incomplete and would benefit from added wording explaining the purpose for why a feature or element “must be retained” (ie. must be retained in order to inform the heritage value of the protected heritage property, etc).

Staff further notes that this definition of “heritage attributes” is not consistent with the definition in the *Ontario Heritage Act* (including the changes introduced from Bill 108) as the *Ontario Heritage Act* does not include the statement “must be retained”. Furthermore, the *Ontario Heritage Act* enables a Municipal Council to consent to applications for the alteration of heritage attributes, thus, heritage attributes may not always be fully retained. Adding the “must be retained” wording may limit Council’s ability to review and consider applications for alterations. Staff does not support the proposed change to this definition, but should it be maintained, clarity as to the intent of “must be retained” is required (as per above). (Recommendations (c)(ix) and (e)(vi))

Significant – The revision to the definition raises concern that the addition of the wording “processes for determining cultural heritage value or interest are established by the Province...” means that a heritage resource is only “significant” if it meets certain Provincial processes/criteria. Before the addition of this wording, it was possible for municipalities to determine if a resource has cultural heritage value (ie. through a heritage inventory, etc.). It is not clear if this is still possible. The wording of this added sentence is ambiguous and its intent needs to be clarified. Further, the word “processes” may be the wrong word and should be changed to “criteria”. A “criteria”

OUR Vision: To be the best place to raise a child and age successfully.

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

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

would help to determine if a resource has cultural heritage value while a “process” would indicate how to arrive at its recognition. (Recommendation (e)(viii))

10. Natural heritage

A new policy has been added to section 2.1 – Natural Heritage regarding wetlands not identified as provincially significant:

“2.1.10 Municipalities may choose to manage *wetlands* not subject to policy 2.1.4 and 2.1.5, in accordance with guidelines developed by the Province.”

This policy appears to be addressing a gap in the existing policies related to the protection of non-significant wetlands. Non-significant wetlands play an important ecological role.

There is also a proposed amendment to the policies under section 2.5 – Mineral Aggregate Resources related to extraction within certain natural heritage features. The second paragraph in the policy below is new:

“2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

Outside of the *Greenbelt Area*, extraction may be considered in the natural heritage features listed in section 2.1.5, 2.1.6 and 2.1.7, provided that the long-term rehabilitation can demonstrate no *negative impacts* on the natural features or their *ecological functions*.”

The effect of this addition to the policy would allow for mineral aggregate extraction to be considered in certain natural heritage features (except for coastal wetlands and Provincially Significant Wetlands in southern Ontario) provided the long-term rehabilitation can demonstrate no negative impacts.

Regarding the new proposed policy 2.1.10, staff is supportive of the general direction of this policy as it recognizes the importance of protecting non-significant wetlands. However, staff notes that the policy is not worded clearly as it is not clear what is meant by the phrase “manage” wetlands. It would be beneficial to add a definition of “manage” in this context either within the policy itself or as an added definition. The policy indicates that guidelines will be developed, and staff notes that these guidelines should be developed in consultation with municipalities. (Recommendation (e)(iv))

Staff is not supportive of the addition of a new clause to policy 2.5.2.2 which weakens the protection for natural heritage features. This policy applies outside of the Greenbelt Area only. Within Rural Hamilton, there are no areas identified in the Rural Hamilton Official Plan as potential aggregate resource areas located outside of the Greenbelt,

and therefore this policy change will likely not have a significant impact within the City. However, if the Province is going to consider the removal of natural heritage features for aggregate, decisions should be based on the significance of the feature, not its long-term rehabilitation potential. There are also questions about implementation, for example, how is “long-term rehabilitation” defined? The rehabilitation could be so far in the future (50-100 years or more) that it is almost impossible to fully predict the success of the rehabilitation. In addition, there are no mandatory timelines for when rehabilitation must begin. Staff is not supportive of the inclusion of this policy, but recommend that if this policy is to be considered, removal of a natural heritage feature should be based on the ecological value and significance of the feature and not on rehabilitation potential. (Recommendations (c)(vi) and (e)(v))

11. Natural Hazards and Special Advisor on Flooding

Section 3 of the PPS addresses Public Health and Safety, including policy direction on natural hazards (e.g. flood hazards, karst areas, unstable soils). The revised PPS policies released for review include the following note at the beginning of Section 3:

“(Note: policies in this section related to natural hazards are subject to ongoing review by the Province’s Special Advisor on flooding. Further changes may be considered as a result of this review.)”

The description of the proposed changes on the Environmental Registry notes that the current policies related to natural and human made hazards will be maintained while work by the Special Advisor is underway. There is no indication of the timing of this work, how the review of the Special Advisor will be undertaken, or when results are expected for release.

Staff notes that there is a lack of information surrounding the review by the Special Advisor and that further information should be provided, including what role municipalities and conservation authorities can play in this review. Natural hazard planning is even more important in light of the potential impacts of climate change bringing more severe storms and potential flood risk. (Recommendation (d)(iii)).

12. Agriculture

A revision has been made to proposed policy 2.3.6.1 regarding the introduction of non-agricultural uses in prime agricultural areas, with the deletions noted below in strikethrough:

“2.3.6.1 Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:

- a) extraction of *minerals, petroleum resources and mineral aggregate resources*, ~~in accordance with policies 2.4 and 2.5~~; or
- b) limited non-residential uses, provided that all of the following are demonstrated:
 - 1. the land does not comprise a *specialty crop area*;
 - ~~2. the proposed use complies with the *minimum distance separation formulae*;~~
 - ~~3.~~ **2.** there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land ~~to be designated~~ to accommodate the proposed use; and”

The deletion of interest is the removal of the requirement for new non-agricultural uses within the prime agricultural area to comply with the Minimum Distance Separation (MDS) formula. The MDS formula identifies required setbacks between sensitive land uses and livestock facilities.

Staff does not support the deletion of this policy. When a new sensitive land use is introduced, the application of MDS setbacks to the location of the new use provides a protection to existing agricultural operations. Maintaining the viability of agricultural operations is a key goal of the PPS and the Rural Hamilton Official Plan. This requirement should be maintained. (Recommendation (c)(v))

13. Servicing

Changes are proposed to the servicing policies, particularly for rural areas without municipal sewage and water services. The policies of Section 1.6.6 – Sewage, Water and Stormwater identify a servicing hierarchy for the preferred method of providing services to new development. The existing PPS policies as well as the proposed revisions generally identify the preferred order of servicing as follows (most preferred to least preferred): municipal services, private communal services, individual on-site services, partial services (combination of municipal / communal and individual services). While this general hierarchy has been maintained in the proposed revisions, the changes appear to remove the flexibility for the municipality to support the type of servicing preferred within its jurisdiction. The changes are as follows (deleted text in ~~strikethrough~~, added text is **bolded**):

“1.6.6.1 Planning for *sewage and water services* shall:

- a) ~~direct and~~ accommodate ~~expected~~**forecasted** growth ~~or development~~ in a manner that promotes the efficient use and optimization of existing:
 - 1. *municipal sewage services and municipal water services*; and

OUR Vision: To be the best place to raise a child and age successfully.

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

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

2. *private communal sewage services and private communal water services*, where *municipal sewage services and municipal water services* are not available **or feasible**;

e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. **For clarity, where *municipal sewage services and municipal water services* are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.**

1.6.6.3 Where *municipal sewage services and municipal water services* are not provided ~~available~~, municipalities may allow the use of **planned or feasible *private communal sewage services and private communal water services* are the preferred form of servicing for multi- unit/lot development to support protection of the environment and minimize potential risks to human health and safety.**

1.6.6.4 Where *municipal sewage services and municipal water services* or *private communal sewage services and private communal water services* are not provided ~~available~~, **planned or feasible**, *individual on-site sewage services and individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, ~~these~~ ***individual on-site sewage services and individual on-site water services*** may ~~only~~ be used for infilling and minor rounding out of existing development.

At the time of the official plan review or update, planning authorities should assess the long-term impacts of *individual on-site sewage services and individual on-site water services* on the environmental health and the character of rural *settlement areas*...and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.

1.6.6.5 *Partial services* shall only be permitted in the following circumstances:

- a) where they are necessary to address failed *individual on-site sewage services and individual on-site water services* in existing development; or
- b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.

Where *partial services* have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in *rural areas* in municipalities may be permitted where this would represent a logical and financially viable connection to the existing *partial service* and provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In accordance with subsection (a), the extension of *partial services* into *rural areas* is only permitted to address failed *individual on-site sewage* and *individual on-site water services* for existing development.”

The primary area of concern with these policy changes is the change in the language which appears to remove the flexibility for municipalities to determine the preferred form of servicing within their boundaries. For example, the wording of policy 1.6.6.3 has been changed from “municipalities may allow the use of” private communal services to private communal services “are the preferred form of servicing for multi-lot / unit development” where municipal services are not available. This requirement is contrary to the current direction of the Rural Hamilton Official Plan (RHOP) which does not support the use of private communal services due to financial risk to the municipality should these systems fail. Staff does not support the re-wording of policy 1.6.6.3. (Recommendation (c)(iii))

The additional paragraph added to policy 1.6.6.4 above regarding individual on-site services raises concerns and requires clarification. The addition to the policy would require municipalities to assess the long term impacts of individual on-site services on the health and character of Rural Settlement Areas (RSAs) at the time of an OP conformity or update. Most of the City’s 19 RSAs are serviced by individual systems. The requirement to assess the long term impacts of the services within each of these RSAs is likely to be a significant undertaking in terms of gathering and assessing data, undertaking field work on private property, etc. There is also a financial cost to this work and who is responsible for paying for this work to be completed. There are 19 RSAs and these assessments would take longer to complete than the OP conformity or updates.

Staff does not support tying these assessments to the OP updates/conformity. Additional information on this requirement is needed to fully understand the implications for the municipality to undertake such assessments. (Recommendation (d)(ii))

While the change to policy 1.6.6.5 regarding partial services (combination of municipal and individual on-site services) is supported because it allows the municipality to use the test of ‘no negative impact’ when evaluating development, it is noted that the Province (MECP) must release updated D-5 and B-7 Guidelines to assist municipalities with identifying and evaluating negative impact. The current guidelines date to 1996 and do not address sensitive surface and groundwater features. (Recommendation (f)(iii))

14. “Shall” to “should”

There are several policies which have been modified through a change in the direction from “shall” to “should”. In planning policy, the difference between a ‘shall’ direction and a ‘should’ direction is significant, as ‘shall’ represents a mandatory requirement while ‘should’ represents an encouraged direction.

The following are examples of this type of proposed change:

“1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and ~~shall~~**should** have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

1.1.3.7 Planning authorities ~~shall~~**should** establish and implement phasing policies to ensure:

- a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
- b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.

1.6.7.2 Efficient use ~~shall~~**should** be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.”

For the policies above, the direction being provided by the policies relates to efficient use of land and infrastructure. These are important themes and especially critical as municipalities throughout the province are grappling with financial challenges and the future unknown implications of climate change. The directions of these policies to promote efficient use of land through compact form and mixed density and efficient use of existing and planned infrastructure can assist with addressing these challenges.

With a change from “shall” to “should” and coupled with recent LPAT reform, policy directions have changed from being “required” to “suggestions.” The LPAT will have the ability to consider developments lower in density which do not make efficient use of land, infrastructure or public service facilities. In many cases, this change in wording has shifted planning approvals from a municipal led approach to a developer led one.

The importance of retaining “shall” rather than “should” is even more important because the province is proposing to delete policy 4.9 which expressly permits municipalities to be more restrictive than the PPS, where no conflicts occur.

It is staff's opinion that, for the policies identified above, the 'shall' direction of the existing policies should be retained. (Recommendation (c)(i))

15. Consultation with Indigenous Communities

Proposed revisions to policy 1.2.2 regarding consultation with Indigenous communities has strengthened the policy with new language changing the consultation from an 'encouragement' to a 'shall' (requirement):

"1.2.2 Planning authorities **shall** engage with Indigenous communities and coordinate on land use planning matters." (emphasis added)

A similar change is made with regard to policy 2.6.5 which states that planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

This language is stronger than the policy language in the Growth Plan 2019 (policies 5.2.3.3 and 5.2.3.6) which encourages planning authorities to engage with First Nations and Metis communities.

It is staff's common practice to engage with members of the Indigenous community on land use planning matters. Staff routinely engages with the Indigenous community on planning studies including long range planning (official plan review, growth management strategy), secondary plans, and other special planning studies.

To ensure that engagement is meaningful and productive and there is a consistent approach amongst municipalities, staff suggests the Province provide guidelines or direction on the type, level and expectations of engagement that should be undertaken for a municipality to satisfy this policy. (Recommendation (f)(i))

16. Expediting Applications

A new policy has been added to the implementation section regarding streamlining the approval of development approvals for priority applications:

"4.7 Planning authorities shall take action to support increased housing supply and facilitate a timely and streamlined process for local development by:

- a) identifying and fast-tracking priority applications which support housing and job-related growth and development; and
- b) reducing the time needed to process residential and priority applications to the extent practical."

The policy requires municipalities to take action to identify and fast track priority applications which support housing and job-related growth and to reduce the time needed to process these applications.

Staff does not support the inclusion of this policy which directs municipalities on how to allocate already limited resources in the fast-tracking of certain applications. All applications are a 'priority' so the City has been using an Open for Business approach for several years including streamlining all planning processes, assigning special staff teams to process large commercial and industrial site plans, providing guidelines (e.g. tree protection guidelines, etc.) to ensure applicants understand what the City requires. Further, staff notes that under Bill 108, the legislated timelines for decision making on development applications would already be reduced and the ability to reduce these timelines even further for certain applications is not realistic. Staff recommends that this proposed policy be removed. (Recommendation (c)(vii))

17. Implementation and Interpretation

There are several changes proposed to section 4 – Implementation and Interpretation. Most of the changes relate to the moving of many the existing section 4 policies to the 'front' of the Plan, being Part I: Preamble, Part II: Legislative Authority, or Part III: How to Read the PPS. These front sections set the context for the PPS, but do not form part of the policies under Part V.

One of the policies which has been deleted from section 4 and is now found only in Part III is former policy 4.9:

“4.9 The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.”

Another existing policy that has been modified is former policy 4.15 (now renumbered to 4.9):

“4.9 Municipalities are encouraged to ~~establish performance indicators to monitor~~ **and report on** the implementation of the policies in their official plans, **in accordance with any reporting requirements, data standards and any other guidelines that may be issued by the Minister.** (deleted text in ~~strikethrough~~, added text is **bolded**).”

Staff has concerns about the removal of policy 4.9 out of the Implementation section. This section states that municipalities can go beyond the minimum standards of the PPS as long as municipalities do not conflict with any PPS policy. This policy is important to municipalities, to ensure that regional and local priorities are addressed.

Hamilton relies on this policy to protect locally significant natural areas and species through our Environmentally Significant Area policies. Further, it is a clear statement, particularly a Local Appeal Tribunal (LPAT) hearings, that a municipality has the authority to develop policies that are more restrictive than what the PPS states. Staff recommends that this policy be retained in the PPS in its current location (4.9). (Recommendation (c)(viii))

The importance of retaining this policy is even more important because the language of many policies have been revised to change from “shall” to “should”.

Regarding the proposed policy 4.9 (formerly policy 4.15), staff supports the requirement for monitoring and reporting on implementation of Official Plan policies. However, staff has concerns about the addition to this policy which reads as if the Province will be telling municipalities how to monitor and report on their own municipal planning documents. Without the benefit of knowing what these provincial reporting requirements might entail, it is difficult to comment on this policy. More information is required. (Recommendation (d)(iv))

18. Consistency of definitions

There are several revisions proposed to definitions in the PPS. Many of these definitions are also found in the Growth Plan and Greenbelt Plan. It has long been a concern of staff that there is inconsistency in the definitions utilized in the different provincial planning documents. One of the outcomes of the Co-ordinated Provincial Plan Review which commenced in 2015 and culminated in 2017 was an improvement in the consistency of definitions amongst the documents. Staff notes that it is concerning that new and amended definitions are now being proposed in the PPS which are not reflected in the updated Growth Plan 2019 which was recently released in May of this year, nor in the 2017 Greenbelt Plan. The following are examples of definitions which are proposed for revision in the PPS but have not been revised in the other recently updated Plans:

- Built heritage resources
- Conserved
- Cultural heritage resources
- Habitat of endangered species and threatened species
- Negative impacts
- On-farm diversified uses
- Public service facilities
- Transit-supportive

The Province needs to address the inconsistency in definitions amongst provincial planning documents, where applicable. Alternatively, a policy can be included in the

PPS which states that where a definition within a Provincial Plan exists, the Provincial Plan definition would apply. (Recommendation (g))

ALTERNATIVES FOR CONSIDERATION

Council could direct staff to modify or add to the comments which will be forwarded to the Province as the City's official comments on the PPS changes.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Summary of proposed PPS policy changes

Appendix "B" – Additional policy changes proposed by staff