

**Ministry of Municipal Affairs and Housing  
Provincial Land Use Plans Branch  
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Toronto, ON  
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Canada**

**Date: July 31, 2023**

## **Subject: ERO Posting 019-6813 - Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument**

We are the planning consultants retained by the Owner of 347 Parkside Drive, Waterdown (Hamilton) (“subject lands”). The subject lands are within the Greenbelt Plan area, designated as Protected Countryside, and are partly covered by Natural Heritage System (“NHS”). They directly abut the approved City of Hamilton Urban Boundary (as of November 2022) and have been impacted by a proposed new municipal arterial road. That road will traverse the lands in a curved arc, leaving a fragmented lot fabric for the subject lands. This will leave approximately 5.7 ha of land that, while outside the NHS boundary, remains outside of the urban boundary. The subject lands will therefore be left with no urban development or realistic agricultural use potential (due to their small size and unusual shape). This is illustrated in the figure below.



Figure 1 - Subject Lands

On behalf of the owner of the subject lands we have previously provided comments to the City of Hamilton in the course of its Official Plan review and update exercise, as well as to the Ministry during its review of the Greenbelt Plan Boundary, requesting that the lands be removed from the Greenbelt Plan area and, failing that, highlighting the subject lands as a prime candidate for inclusion in the Urban Boundary that should be permitted to develop for residential uses. Our submissions highlighted the productive use that could be made of the lands by including them within the Urban Boundary, such as developing for new housing forms and tenures that would assist in accommodating forecasted population growth in Waterdown. Even though these submissions were unsuccessful, our position (and the position of our client) remains the same.

We submit these further comments formally under ERO Posting 019-6813 on behalf of our client and for your consideration. In order to prepare these comments, we reviewed the proposed Provincial Planning Statement posted here: <https://prod-environmental-registry.s3.amazonaws.com/2023->

[04/Proposed%20Provincial%20Planning%20Statement,%20April%206,%202023%20-%20EN.pdf](https://prod-environmental-registry.s3.amazonaws.com/2023-04/Proposed%20Provincial%20Planning%20Statement,%20April%206,%202023%20-%20EN.pdf) , and the Proposed Approach to Implementation posted here: <https://prod-environmental-registry.s3.amazonaws.com/2023-04/Proposed%20Approach%20to%20Implementation,%20April%206,%202023%20-%20EN.pdf>

From our review we understand that the intent of the proposed updates is to simplify and harmonize the provincial policy regime; to update policies to be consistent with other initiatives (i.e., recent *Planning Act* changes), particularly those aimed at increasing housing supply; and to generally update provincial planning policies to address a broad range of land use planning issues. We note that the proposed changes are based on the following “five pillars” related to this planning reform:

- **Generate an appropriate housing supply**
- **Make land available for development**
- Provide infrastructure to support development
- Balance housing with resources
- **Implementation (emphasis added)**

We interpret the proposed policies included in the draft Provincial Planning Statement at policy **2.3 – Settlement Areas and Settlement Area Boundary Expansions** as eliminating the requirement for Municipal Comprehensive Reviews. This would simplify the process of municipal urban boundary expansions and allow landowners to seek an expansion of the urban boundary to include their lands without the need for a municipally-initiated Municipal Comprehensive Review. We note the following statement provided on the ERO posting website:

- *Provide a simplified and flexible approach for municipalities to undertake settlement area boundary expansions. Municipalities would be allowed to create new Settlement Areas and would not be required to demonstrate the need for expansion*

These proposed changes removing the need for Municipal Comprehensive Reviews, and the intent behind them, are particularly positive in the context of the subject lands. In fact, those lands serve as an ideal example demonstrating why a simplified approach to urban boundary expansions is beneficial. A more simplified process, eliminating the need for a Municipal Comprehensive Review, would allow landowners to make planning applications legally and realistically to seek such an expansion. Given the small size and location of the subject lands, it makes little practical or economic sense for them to be encumbered by the need for a Comprehensive Review in order to develop for urban use, specifically residential. A potential residential development on the subject lands would be smaller in scale than many standard

subdivisions and/or residential site plan applications. This is precisely the type of small-scale development the proposed Provincial Planning Statement and its associated reforms seem intended to promote as a way to address Ontario's ongoing housing crisis, and the removal of the need for a Municipal Comprehensive Review introduces a new level of flexibility that will ensure such development is feasible and permissible.

By virtue of the potential revocation of A Place to Grow (the "Growth Plan"), we note that the above-referenced policies would seemingly also delete the Growth Plan requirements pertaining to Settlement Area expansions within the Protected Countryside of the Greenbelt Area currently found at **2.2.8.3 k) of the Growth Plan**. In the context of the subject lands, the "five pillars" of the proposed Provincial Planning Statement, and the policy language discussed above regarding a flexible approach to settlement area boundary expansions, the removal of these other detailed policies would also be beneficial. These policies impose a limit on expansion area size to the lesser of 5% of the existing settlement area or 10 ha and limit a maximum of 50% of the expansion area to permit residential use. These limits were challenging and problematic to implement. We are not aware of any rational basis for setting the numeric values in policy in the first instance, and, after adoption there was no guidance provided about possible minor deviations from the metrics. This rendered the policies cumbersome and overly prescriptive for small-scale expansion areas.

Lastly, we wish to note the following wording in the proposed implementation guide:

***Approach to maintain existing Greenbelt policies***

*Should the proposed Provincial Planning Statement come into effect, there is the potential for the revocation of A Place to Grow and the changes made to the Provincial Policy Statement policies to affect the implementation of the policies in the Greenbelt Plan. To address this issue, an amendment is being proposed to the Greenbelt Plan that would indicate that the previous policies in A Place to Grow and the Provincial Policy Statement would continue to apply in those cases where the Greenbelt Plan refers to them. This would ensure that there would be no change to how the Greenbelt Plan policies are implemented if the proposed Provincial Planning Statement comes into effect.*

It is unclear how the proposed implementation approach would impact Settlement Area boundary expansions for Towns/Villages in the Protected Countryside of the Greenbelt Plan. If the same expansion regime remains in place as exists today for such areas, then the result would be that relatively small-scale expansions of Towns/Villages would still be encumbered by the Municipal Comprehensive Review process. That requirement would not exist for most other lands in the province, and such lands would also continue to be subject to the overly prescriptive metrics for expansion size and land use composition that were discussed above. The subject

lands again stand as a prime example of the negative impacts of such an approach. The owner of the subject lands would be left in a position where it could not make a planning application to expand the Urban Boundary and would have to rely on the municipality to undertake a comprehensive review, while there being no planning legislation or regulation that would legally compel the municipality to undertake that process. In our view, this is contrary to the pillars and stated purposes of the Province's reforms, specifically to generate housing supply, make land available for development, and provide for simplified implementation. **It is our submission that this implementation approach must be clarified to state that Towns/Villages expansions into the Protected Countryside areas that are not within the NHS system and are not on lands designated as Prime Agricultural are permitted and are subject to the policies of 2.3 of the Provincial Planning Statement (i.e., treated like other boundary expansions).** It may still be appropriate to provide guidance on the overall size of such expansions, to protect against unnecessary and excessive Rural Settlement Area expansions.

We trust the above comments are helpful in this exercise. We would be happy to discuss in more detail if you wish to contact the undersigned directly. Thank you for the opportunity to provide comments.

A handwritten signature in black ink, appearing to read 'Mike Crough', written in a cursive style.

Mike Crough RPP MCIP  
Principal – Planning, Arcadis