June 26, 2009

Attention: Mayor and Members of Council

Regarding: URBAN OFFICIAL PLAN
TWENTY ROAD LANDS

We are the planning consultants for the Twenty Road East Landowners Group. We would like to take this opportunity to address some issues that have arisen as a result of discussions at the Economic Development and Planning Committee meetings this past week.

ELFRIDA FUTURE URBAN GROWTH DISTRICT

The Elfrida Special Policy Area (future urban growth district) was deleted from the Rural Official Plan by the Province in its approval decision. The Provincial Ministry cited concerns relating to public and landowner uncertainty with an expectation all lands in the area will be urbanized, as well as its position that urban expansions should be implemented after comprehensive reviews, not as an interim step via special policy areas.

Despite the policy concerns of the Province and the fact that there is currently no need for an urban expansion for the City of Hamilton, the City continues to refer to the Elfrida area in the text of the draft Urban Official Plan as a “Future Urban Growth District”.

During the June 22, 2009 Economic Development and Planning Committee meeting, planning staff stated that a letter was received from the Province dated June 3, 2009, commenting on the draft Urban Official Plan. In that letter the Province did not make any comment with respect to the status of the Elfrida Future Urban Expansion Area. Based on the provincial staff’s silence on the matter, staff have concluded that the provincial ministry supports the references to Elfrida in the text of the Urban Official Plan. It is our contention that silence from the Ministry in the June 3, 2009 letter does not equate to support for the draft Urban Official Plan inclusion of the Elfrida area as a “Future Urban Growth District”.

Further, regardless of whether the Elfrida area is identified by text or by map, such identification provides it with special status. It is this special status that the Ministry has objected to, as do our clients. It is our contention that any statement in the Official Plan with respect to future expansion areas, should identify all possible areas to be included in a future comprehensive review, so that no particular area receives special status. Furthermore, all possible future urban expansion areas should be evaluated based on
the information, development conditions and planning policy as those exist at the time of the review. As we have stressed in the past, the basic principle of defining an area for urban expansion when urban expansion is not currently needed or justified is inappropriate and contrary to provincial policy.

It was mentioned at Committee that the Twenty Road lands will be considered during the 5 year review. However, this does not confer any special status or circumstance to the Twenty Road lands, as all future growth options and all lands should properly be considered for urban expansion at each 5 year review, if an urban expansion is warranted at that particular time.

Staff indicated that the Twenty Road lands are not appropriate for future urban expansion as its size is not large enough to accommodate all the potential future growth needs. Future urban expansions do not need to be focused in one area only. A combination of the Twenty Road lands and other potential expansions, should be analyzed together, not separately to best determine where growth should occur to meet provincial policy. Discounting the Twenty Road lands based on their size is not appropriate planning.

PROTECTION OF PRIME AGRICULTURAL LAND

One of the major components of provincial policy when considering urban expansions is the protection of agricultural land. Hamilton’s LEAR analysis identified the majority of the Elfrida lands as ‘Prime Agriculture’ while the Twenty Road lands were identified as ‘Non-Prime Agriculture’ or ‘Rural’.

Section 1.1.3.9 of the Provincial Policy Statement states:

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:

   c) in prime agricultural areas:
      1. the lands do not comprise specialty crop areas;
      2. there are no reasonable alternatives which avoid prime agricultural areas; and
      3. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas

The fact Elfrida was selected as a future expansion area without first considering all reasonable alternatives on lower priority and non-prime lands is in contravention of provincial policy and will form a portion of any challenge to the development of the Elfrida area at the OMB.
CONCLUSIONS

- The reference to Elfrida should be removed from the Urban OP in order to conform with provincial policy and provincial comments. The reference to a future urban expansion area creates public and landowner uncertainty with respect to future urban uses and land value.
- The basic principle of defining an area for urban expansion when urban expansion is not currently needed or justified is inappropriate.
- Council should allow decisions on the location for future urban expansion to be made at the time the need for an expansion has been identified, based on up to date and relevant information.
- When analyzing future expansion areas, provincial policy requires that municipalities first consider lower priority and non-prime agricultural lands and only expand to prime agricultural areas, such as Elfrida, when no reasonable alternatives exist.
- In order to achieve a fair and unbiased approach, the Twenty Road lands and Elfrida should both be considered appropriately during the next 5 year review.

Sincerely,

Gatzios Planning + Development Consultants Inc.

Maria Gatzios, MCIP RPP

Copy to: Tim McCabe, City of Hamilton Planning
Susan Rogers, Susan D. Rogers Law
Carmen Chiaravalle, Twenty Road East Landowners Group

OFFICE OF THE CITY CLERK

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