THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Urban Hamilton Official Plan – Changes and Responses to Comments (PED09164(a)) (City Wide) (Item 8.1)

   (Clark/Ferguson)
   (a) That approval be given to Official Plan Amendment No.____ of the former Region of Hamilton-Wentworth, Official Plan Official Plan Amendment No.____ of the former Town of Ancaster Official Plan; Official Plan Amendment No.____ of the former Town of Dundas Official Plan; Official Plan Amendment No.____ of the former Town of Flamborough Official Plan; Official Plan Amendment No.____ of the former Township of Glenbrook Official Plan, Official Plan Amendment No.____ of the former City of Hamilton and, Official Plan Amendment No.____ of the former City of Stoney Creek Official Plan, to delete the existing policies and land use designations, as contained in Appendix “A” to Report PED09164(a).

   (b) That approval be given to the adoption of a new Official Plan, to establish new land use designations and policies for Urban Hamilton, as contained in
(c) That approval be given to text and Schedule changes for the Urban Hamilton Official Plan, attached as Appendix “D” to Report PED09164(a), and as amended by Committee on June 22, 2009, respecting clarification of parking requirements in Dundas, and to add Upper James/Rymal as a Node, as shown below:

(i) to include new policies to recognize Hamilton’s transportation and logistics sector as an economic and goods movement gateway; to allow for the preparation of a secondary plan for the Bayfront area; to allow a limited range of commercial uses on lands designated Employment Area-Shipping and Navigation;

(ii) to change land use designations to reflect requests for the Employment designations (Nos. 1050 to 1090 Upper Wellington Street and Pier 22);

(iii) to update Schedule B – Natural Heritage System to include minor changes to linkages an a core area;

(iv) to update secondary plan maps to reflect the current status of development applications, update existing land uses and incorporate an additional policy;

(v) to provide clarification to definitions, policies and Schedules; and,

(vi) to correct typographical errors and land ownership (i.e. Hamilton Port Authority).

(vii) to include correction respecting parking in Dundas, being a Modification to site specific policy in Volume 3 - UDOS-2 (Southeast corner of Dundas Street and Cootes Drive, Dundas) specifying that the only permitted use be changed from "automobile parking" to "parking".

(vii) to establish a Node at Upper James Street and Rymal Road, and include the following policies pursuant thereto;

- to redesignate the Arterial Commercial and the Neighbourhoods Designations within the Node to Mixed Use Medium; and,
- to create an area specific policy to allow for the continuation and expansion of the existing arterial commercial uses within the Node.

(d) That the General Manager, Planning and Economic Development Department, be hereby authorized and directed to prepare the requisite by-law to amend the
Official Plans and to adopt a new Official Plan, in a form satisfactory to the City Solicitor, for presentation to Council.

(e) That the items in regard to Community Beach Ponds be identified as complete and be removed from the Economic Development and Planning Committee’s Outstanding Business list.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

(i) Two sets of Minutes in the Agenda were transposed with two dates, June 10th and June 11th, being in the wrong order.

(ii) Added communications circulated this morning:

- Joel D. Farber, Fogler, Rubinoff LLP, respecting Airport Employment Growth District and the New City of Hamilton Official Plan

- John Mackenzie, Director, Strategic Asset Management, Ontario Realty Corporation, respecting Provincial Land Northwest of Second Road and Rymal Road (Eramosa Karst Area)

- Mary Catharine Lawlor, President, Harbour West Neighbours respecting Hamilton’s Proposed New Urban Official Plan


The Clerk noted that Joanne Hickey-Evans, Manager of Policy Planning, will comment on the correspondence, as part of her presentation on the Urban Official Plan.

(Mitchell/Clark)
That the June 22, 2009 Agenda, of the Economic Development & Planning Committee, be approved, as amended.

CARRIED
(Mitchell/Pasuta)
That the added Items of correspondence be received.  

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)
There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

3.1.1 June 10, 2009

(Bratina/Pasuta)
The Minutes of the June 10, 2009 Economic Development and Planning Committee meeting, be approved, as presented.  

CARRIED

3.1.2 June 11, 2009

(Bratina/Pasuta)
The Minutes of the June 11, 2009 Economic Development and Planning Committee meeting, be approved, as presented.  

CARRIED

3.1.3 June 16, 2009

(Bratina/Pasuta)
The Minutes of the June 16, 2009 Economic Development and Planning Committee meeting, be approved, as presented.  

CARRIED

(d) Urban Hamilton Official Plan – Changes and Responses to Comments (PED09164(a) (City Wide) (Item 8.1)

Joanne Hickey-Evans, Manager of Policy Planning, provided a PowerPoint presentation respecting Hamilton’s proposed Urban Official Plan. Ms. Hickey-Evans’ comments included, but were not limited to, the following:

- The purpose of today’s presentation was to highlight organization of the staff report, then focus on major or newly raised issues, resulting from public consultation.

- Appendix A – the staff report includes the Official Plan Amendments, which are required to delete the existing policies for the Urban Area. Plan includes the deferral of the West Harbour and WHID, these deferrals will be repealed once the Ontario Municipal Board appeals are resolved.
Appendix B is the New Urban Hamilton Official Plan.

Appendix C summarizes the public input by meeting date.

The four additional items of correspondence that were put before Committee today were not captured in Appendix C. The correspondence from Joel Farber relates to lands outside the urban boundary and the correspondence from John MacKenzie of the Ontario Realty Corporation references the issue of the Eramosa Karst Conservation Area and the designation of the feeder area.

There are 3 major issues raised in public responses related to growth management:

(a) Request for additional Node at the intersection of Rymal and Upper James, since it is located at an intersection of a primary and secondary corridor.

- Staff consider that the intersection of two corridors does not automatically mean an area will become a Node, since other factors must be considered.

- The potential for increased density exists in the area on the east side of Upper James, lands are arterial commercial, land uses that cater to the automobile borne trade, have large lots which is uncharacteristic of many of the commercial arterial areas. However, density along Rymal, and in the neighbourhoods adjacent, very low density and some of the development is relatively new, especially as you move eastward.

- Staff identified other community nodes, which serve as focal points to the former municipalities and other areas, which have existing policies that support mixed use or other areas where there is redevelopment potential for more residential. Creating too many nodes has the potential to undermine the targeted intensification at other nodes.

(b) Request to delete the Elfrida node from the text of the Plan.

- GRIDS identified two nodes for future growth, based on an integrated planning process that considered the triple bottom line in the decision making process. The Province supported adding the description of the two areas in text.

- Other requesters wanted the Twenty Road area either as an additional area of expansion or instead of Elfrida Node. Again, staff recommends no changes to the respecting the Elfrida Node, and no addition of Twenty Road as an urban boundary expansion.
c) Clarification respecting employment land conversions

- Although staff did not support the employment land conversions, Committee and Council in their deliberations considered other factors that influenced them in their decision making process regarding the Municipally Initiated Comprehensive Review for employment lands.

- Staff advised that there are three conversions not four. The Penady site was not designated industrial in the local OP’s and therefore, was not considered as a conversion. There were a number of reasons for adding the sites:

  - There was not an immediate need for expansion to the urban boundary; they would not undermine the viability and operation of the existing employment area, the need for additional arterial commercial uses, there are opportunities for increased assessment and jobs in the near term.

  - Request respecting Hester and Upper Wellington - Based on meetings with the landowners of the three properties, known as 1050-1090 Upper Wellington, they wish to be designated Employment. Therefore, the comprehensive redevelopment policy is no longer applicable and will be removed. The land owners on Hester Street and properties on Upper Wellington on the north side are satisfied with the neighbourhood’s designation and the recognition through a site specific policy to allow both the existing and limited employment and commercial uses.

Two new policies have been added to the employment designations.

- Industrial Land – to allow for the development of a Secondary Plan for lands or portions within the Bayfront area. Through the Secondary Plan, the boundaries of the area, the permitted uses, the design criteria and other strategies for redevelopment would be identified.

- With respect to shipping and navigation, the Official Plan policies do address the matter of urban design requiring them to adhere to the applicable policies of the urban design section. In terms of additional uses, within this designation, their letters patent only allow them to have limited retail and restaurant uses, which serve the local tourism industry and the users of the Port. Pier 22 has now been identified as shipping and navigation.

- In response to transportation and logistics, which is commonly referred to as goods movement, new Official Plan policies have been added to the strong economy and transportation sections of the OP to recognize the importance, as individual transportation uses as well as their combined efforts, which make Hamilton an important economic gateway.
• Secondary Plans and Site Specific Policies

- There are some changes proposed to the secondary plans to recognize recent Council approvals as well as to ensure the approved Plan is in place. Staff identified that there were two areas where the changes were inadvertently made, prior to the public process being completed.

- The North End Neighbours requested the deferral of the West Harbour pending resolution of the appeals. Staff had already proposed a deferral for this area pending the resolution of OMB appeals.

- NEN also requested addition of 30 kmh limit, within the North End and inclusion of policies respecting children. Speed limits are operational issues and so they are not appropriate for inclusion in the OP. The future vision for the OP is to have communities that would be supportive of all age groups, in financial and physical terms, and this includes children.

- Two policies were suggested to make redevelopment easier, staff are in agreement with both and have made the appropriate revisions;
  
  o The first was to include a specific policy encouraging the adaptive reuse of the existing building stock; and,

  o The second policy is to allow for increases in density over 200 persons per hectare for smaller sites along arterial roads, provided the other policies of the Plan can be met. In some circumstances, small sites can easily exceed the 200 units per ha, even though their built form may be of a medium density height.

• There are a few proposed Schedule Changes:

  Schedule “A” - Provincial plans, one area in Waterdown south, identified by the Niagara Escarpment Plan as the Waterdown policy area. This special policy allows for the revision of the designations, based on the sub-watershed study. However, NEC staff has indicated that the Greenbelt Act eliminated this policy. It is staff's suggestion the designations of this area be deferred until such time as the issue can be resolved.

  Schedule B – Natural Heritage System, additional information was received and some small changes to linkages and removing a stream outside a core area have been undertaken. Appendix D-3 of Report PED09146(a) identifies the specific location.
Committee discussed the staff report and had additional information supplied by staff.

Questions and comments raised included, but were not limited to, the following:

Councillor Bratina – following approval of new “OP”, is there any possibility of tweaking it?

Staff response:
– will have 5 year review
- staff can interpret policies
- opportunities exist when OP received back from Ministry
- policies may be enhanced through future Official Plan Amendments and Secondary Plans

Councillor Ferguson – are owners at Hester/Upper Wellington satisfied with revisions?

Staff response:
- their request for maintaining existing industrial/employment is included in final document. Staff has spoken to them and will send an email to confirm.

Councillor Ferguson – likes the staff approach on the conversion of the industrial sites to commercial.

Councillor Mitchell – Issue of Twenty Road lands, can they be included, like Elfrieda. Many things being built in that area, would be courteous to landowners in the area, how and why was it not included, thinks both areas should be treated in similar way.

Staff response:
- designations are based on GRIDS, Council chose Elfrieda as future Urban Boundary Expansion, and not Twenty road area, staff following Council direction
- Later, in Five Year Review of OP, can look at Twenty Road; when we can justify an urban boundary expansion, it will be looked at
- Elfrieda was included in Rural OP, but removed by Province, and City did not object
- No peer review of Elfrieda versus Twenty Road, since process was part of GRIDS.

Councillor Mitchell – like staff approach on Penady development, has Province accepted this Council direction?
Staff response:
- Penady is part of future discussions with Province. Provincial staff did not have complete information on employment lands conversions when they commented on these in letter of June 3, 2009
- As approval authority for OP, staff works closely with Provincial staff
- Province did not have any changes on City’s proposed growth management policies, they were silent on these matters.

Councillor Clark – recalled that Elfrida Node originally on map in Rural OP, Province did not consider it appropriate, and suggested it be placed in text of Urban OP. Will Twenty Road be in next 5 year Review?

Staff response:
- yes, City did as Province suggested, Elfrida represents a geographic intention of the next growth area. When expansion is needed, staff will do all the required detailed studies, and will need full information for Elfrida and Twenty Road.

Councillor Clark –
- comfortable with balance of OP
- questioned ORC information at recent public information centres respecting Karst lands, ORC misrepresented City position on lands, and referenced the old studies
- where are we with ORC - are we staying with the current mapping in OP?

Staff response:
- staff not recommending any changes based on ORC comments - no change to mapping of Karst areas

Councillor Clark – thanked staff and Hamilton Conservation Authority for good decision, ORC input frustrating, apparently too many people at ORC commenting on our OP. Prefers all Karst land to be included but OK with staff position.

Councillor Ferguson suggested the matter of adding Twenty Road could be referred to Council.

Councillor Clark commented that the Committee had agreed to a process of public meetings, then Committee deliberation and recommendation to Council.

Councillor Mitchell expressed concerns that Node needed at Elfrida and at Twenty Road, if removing lands from Karst area, they can be added at Twenty Road. He requested Committee to include Twenty Road.
The following Motion was placed on the floor:

Mitchell/Pasuta
That Twenty Road be included as a future urban boundary expansion area in the New Urban Official Plan.

Committee discussed the Motion.

Staff advised that if the area was added to the OP, it would provide more expansion area than is needed, would also weaken City case for Elfrida.

Councillor Clark noted that as 40 hectares taken out of Eramosa Karst area, this could be used for housing elsewhere. However, noted that Elfrida expansion may not be needed for 10, 15 or even 20 years, and that when expansion is needed, a comprehensive review must take place, all boundaries around Elfrida may shift and Twenty Road area may be needed.

Mr. McCabe responded that the land area could be added to the Elfrida area, would become part of the comprehensive planning area. In addition, depending on development within Urban Area, possible that might not need to change plan at the Five Year Review stage.

At 12:45 p.m., Committee recessed for lunch.

At 1:15 p.m., Committee resumed.

Mr. McCabe explained that a comprehensive review will be needed in 2016, Elfrida not needed now, but was a Council decision to include it, through the Rural Official Plan process. A benefit of including Elfrida as a text reference provides some continuity as to future, minimizes speculation.

Councillor Clark asked if we could take Elfrida out of Plan, as an alternative to putting Twenty Road in, that is, exclude both.

Mr. McCabe noted that was the request of Susan Rogers and Twenty Road owners, staff preference is to include Elfrida, but second choice is omit both.

Councillor Mitchell repeated his concern to leave Elfrida in, decision already taken, and add Twenty Road.

Councillor Bratina asked why inclusion of Elfrida and other issues, being discussed was not made clear during GRIDS process.

Councillor Clark asked are there legal ramifications if we take out Elfrida?

Mr. McCabe – don’t know legal ramifications, but Elfrida inclusion reflects Council decision, addition of Twenty Road adds confusion, don’t need both.
Councillor Clark – staff position defendable, keep Elfrida and look at Twenty Road in Five Year Review of OP.

Mr. McCabe clarified that Urban Boundary Expansion is growth management while Nodes relate to urban structure, part of Nodes and Corridors concept. Explained Upper James/Rymal could be designated as a Node.

The Chair then called the question on the amendment;

That Twenty Road be included as a future urban boundary expansion area in the new Urban Official Plan.

The Motion was DEFEATED on a Recorded Vote, as follows:

Yeas: Mitchell, Pasuta, Duvall, Bratina
Total: 4
Nays: Clark, Ferguson, Pearson, Whitehead
Total: 4
Absent: McHattie
Total: 1

Councillor Whitehead, seconded by Councillor Duvall, moved a Motion to add Upper James and Rymal as a Node in the Urban Official Plan, as outlined on page 6 of the staff report.

Tim McCabe advised that within the proposed Node, all the existing car dealerships must remain legal.

Committee discussed the Motion, and then approved it.

Councillor Duvall asked if an extension of Upper Wentworth to Twenty Road was envisaged.

Staff did not have this information.

Committee then approved the staff recommendation, as amended.

Staff confirmed that the Committee recommendation will proceed to Special Council on June 29, 2009 for debate and approval. This will meet the Provincial requirements. The by-law to approve the Official Plan will then be included on the Bill List of Council for July 9, 2009.

Councillor Whitehead requested an update on the Monster Homes By-law, and parkland policies, with regard to inequities in some areas.

Mr. McCabe explained that the Monster Homes issue would be included in the new Comprehensive By-law, which staff is now finalizing.

Ms. Hickey-Evans confirmed that the new Urban Official Plan includes appropriate parkland policies, respecting types and standards.
Councillor Whitehead continued to express concerns about the issue and it was agreed that he would discuss the issue with staff, after the meeting.

Chair Pearson noted that this had been the most perfect process so far for a major project. The Chair thanked staff for the huge amount of work undertaken, and thanked her Council colleagues for their diligent attendance and work at this special series of Committee meetings.

Councillor Ferguson thanked Chair Pearson for her leadership in the Official Plan process.

Councillor Clark advised that hunting of animals, including deer, rabbits and turkeys in the Eramosa Karst area is now happening. He said hunters are using crossbows and pointed out the danger to all the users of the area, particularly as crossbows go right through an animal, and keep on going.

Councillor Clark agreed to raise the question at Council.

Chair Pearson confirmed that there would be no meeting of Committee on June 23, 2009 as Committee had finished their deliberations on the new Urban Official Plan.

(e) ADJOURNMENT (Item 13)

(Ferguson/Pasuta)
On a Motion, the Economic Development and Planning Committee adjourned at 2:07 p.m.

Respectfully submitted,

Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
June 22, 2009