

## Appendix B – Planning Policy Context

### Provincial, Regional and Local Planning Context

Staff have carefully considered Provincial, Regional and local plans, policies and regulations in preparing the draft new OP. Legal requirements to have regard for, conform to, or be consistent with these documents have played an important role in establishing the context for policy development. However, it should be noted that a municipality may adopt policies that are more stringent than provincial plans and policies, unless doing so would conflict with any of the policies or objectives of those documents.

A general overview of this planning context is provided below, with those elements that are most relevant to the new policy directions presented in this report being described in more detail. For a more detailed description of those policies, plans and regulations of relevance to the policy directions presented in earlier staff reports reference should be made to those earlier reports. The list of previous staff reports can be found in Appendix D of this report (PB-01-17).

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### Planning Act

The *Planning Act* requires, municipalities, when dealing with their responsibilities under the *Act*, to have regard to a wide range of matters of provincial interest including: protection of ecological systems, including natural areas, features and functions; promotion of development that is designed to be sustainable; support of public transit and to be oriented to pedestrians.

The *Planning Act* also requires that:

- all planning decisions by Council shall be consistent with the Provincial Policy Statement (PPS) and conform with provincial plans (Greenbelt Plan, Niagara Escarpment Plan, Places to Grow – Growth Plan for the Greater Golden Horseshoe);
- an Official Plan contain goals, objectives and policies established to manage and direct physical change and the effects on the social, economic and natural environment;
- requires a municipality to review its official plan not less frequently than every five years (extended to 10 years for a new official plan as per Bill 73).

All matters of Provincial interest are addressed in the draft new Official Plan. The draft new Official Plan is consistent with the PPS, and conforms to the Greenbelt Plan, the Niagara Escarpment Plan as well as Places to Grow.

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## **Provincial Policy Statement**

On February 24, 2014 the Province released the *Provincial Policy Statement, 2014* (PPS, 2014) which came into effect on April 30, 2014. The PPS recognizes that Official Plans are the most important vehicle for the implementation of the PPS. As noted above Council decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*.

The stated vision of the PPS is that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

The PPS provides policy direction respecting the following topics:

### **Building Strong Healthy Communities**

- Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
- Coordination among Planning Authorities and Levels of Government
- Land Use Compatibility – planning to prevent or mitigate adverse effects on sensitive land uses from major facilities and ensure the long-term viability of major facilities.
- Employment, including the protection of employment areas and provision for a diversified economy.
- Housing, including providing for an appropriate range and mix of housing types and densities required to meet projected requirements.
- Public Spaces, Recreation, Parks, Trails and Open Space – promoting healthy, active communities by providing for a full range and equitable distribution of recreation opportunities and for active transportation.
- Infrastructure and Public Service Facilities – providing infrastructure in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs and is coordinated and integrated with land use planning.

- Long-Term Economic Prosperity – supporting and promoting a wide variety of economic development.
- Energy Conservation, Air Quality and Climate Change – including support for reduced greenhouse gas emissions and for climate change adaptation.

### **Wise Use and Management of Resources**

- Natural Heritage – protecting natural features and areas and natural heritage systems
- Water – protecting, improving or restoring both the quality and the quantity of surface and ground water.
- Agriculture – protecting prime agricultural areas and agricultural uses and permitting agriculture-related uses and on-farm diversified uses.
- Minerals and Petroleum
- Mineral Aggregate Resources – including policies protecting mineral aggregate resources and respecting mineral resource extraction operations and their rehabilitation.
- Cultural Heritage and Archaeology – conserving significant built heritage resources and significant cultural heritage landscapes and archaeological resources.

### **Protecting Public Health and Safety**

- Natural Hazards – regulating development on hazardous lands, such as floodplains, and on hazardous sites.
- Human-Made Hazards – including contaminated lands and waters and lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations.

### **Implementation and Interpretation**

The PPS includes direction related to this report in the following sections:

- Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
- Housing
- Infrastructure and Public Service Facilities
- Long Term Economic Prosperity
- Energy Conservation, Air Quality and Climate Change

The policies discussed below have particular relevance:.

### **Settlement Areas**

Land uses within a settlement area should incorporate a variety of densities and mix of uses that use land and infrastructure efficiently, minimize negative impacts to air quality and climate change, support transit and active transportation and include a range of opportunities for *intensification* and *redevelopment*.

### **Intensification and Redevelopment**

The PPS states, in part, that:

*Planning authorities shall identify appropriate locations and promote opportunities for 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 (Section 1.1.3.3).*

### **Role of Upper and Lower Tier Municipalities**

The PPS highlights the role of the upper tier municipality in consultation with the lower-tier municipality. Together, along with other municipal partners, population, housing and employment projections are allocated to each lower tier municipality. The local vision for growth and development, specifically Intensification areas including nodes and transit corridors must be developed in conformity with the Regional Official Plan.

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## **Places to Grow**

*Places to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)* includes a wide ranging set of policies intended to assist in managing growth in the GGH to 2031. The *Growth Plan* directs growth to the *built up areas* which are defined as areas within the urban boundary but are not considered designated greenfield areas.

### **Guiding Principles of the Growth Plan**

The guiding principles of the *Growth Plan* are intended to guide decisions on how land is developed, resources are managed and public dollars invested:

- Build compact, vibrant and complete communities.
- Plan and manage growth to support a strong and competitive economy.
- Protect, conserve, enhance and wisely use the valuable natural resources of land, air, water for current and future generations.

- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.
- Provide for different approaches to managing growth that recognize the diversity of communities in the GGH.
- Promote collaboration among all sectors – government, private and non-profit – and residents to achieve the vision.

The *Growth Plan* sets out the following policies with respect to managing growth:

### **Managing Growth**

Population and growth will be accommodated within the built up area and focused in intensification areas. The Plan identifies key areas where intensification shall be accommodated:

- Urban Growth Centres
  - Planned to achieve 200 people and jobs
  - An area for investment in institutional and region wide public services as well as commercial, recreational and cultural uses
  - Transit
  - High density and major employment centre
  - Accommodate a significant share of population and employment growth
- Major Transit Station Areas and Intensification Corridors
  - Accommodate higher residential and employment densities to support existing or planned transit service
  - Incorporate a mix uses including office, institutional, commercial and residential wherever appropriate.
- Employment Lands
  - Provide for an appropriate mix of employment uses
  - Support a wide range of economic activities and ancillary uses with any necessary infrastructure
  - Plan for, protect and preserve employment areas

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### **The Greenbelt Plan**

The Greenbelt Plan designates a broad band of green space, farmland, vibrant communities, forests, wetlands, and watersheds surrounding the designated urban areas as permanently Protected Countryside. In Burlington the Protected Countryside

Area includes lands within North Aldershot, those lands in the Rural Area that lie outside the Niagara Escarpment Plan and lands within the Bronte Creek valley in the Urban Area. The Plan includes policies to :

- Protect against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;
- Identify a Natural Heritage System and give permanent protection to the natural heritage and water resource systems; and
- Provide for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses. In Burlington these policies have relevance for the mineral aggregate extraction and for the Rural Settlement Areas.

The *Greenbelt Act* requires that all municipal planning decisions must conform to the *Greenbelt Plan*.

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## **The Niagara Escarpment Plan**

The Niagara Escarpment Plan (NEP) encompasses most of Burlington's Rural Area plus lands along the northern edge of the North Aldershot Planning Area. The City may adopt more stringent policies provided that they do not conflict with the NEP.

The purpose of the Escarpment Plan is to maintain the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure that only such development occurs as is compatible with that natural environment. Most of the Niagara Escarpment Plan Area in Burlington is designated Escarpment Natural Area, Escarpment Protection Area or Escarpment Rural Area. While these designations differ in the uses that are allowed, broadly speaking the permitted uses are limited to agriculture and small scale accessory uses, existing uses, single detached dwellings, transportation and utilities, recreation and a limited range of other non-agricultural uses.

While *Places to Grow* and the *Greenbelt Plan* are implemented through municipal planning documents and through municipal planning decisions within almost all of the Niagara Escarpment Plan Area in Burlington development is regulated by the Niagara Escarpment Area, rather than through municipal zoning. However, the Commission takes City policies and regulations into account in making decisions and the City does exercise planning authority to development proposal requiring an amendment to the City's Official Plan, such as new or expanded aggregate operations.

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## **The Parkway Belt West Plan**

The Parkway Belt West Plan designates lands to create a multi-purpose utility corridor, urban separator and linked open space system. The area covered by the Plan is divided into two general land use categories, the Public Use Area and the Complementary Use Area. Public Use Areas are defined as areas presently used for infrastructure and open space related land use, or to be predominantly used for those purposes in the future. Complementary Use Areas are to be predominantly used for private uses that aid in the Parkway Belt West Plan's objective of preserving the country landscape and encouraging land uses such as agricultural, recreational and institutional pursuits that do not require intense urbanization.

The Plan contains specific policies protecting the Bronte Creek Valley In Burlington, both as a natural feature and as a public open space for recreation.

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## **Emerging Provincial Plans**

On May 10, 2016 the Province initiated a second round of consultation related to the Coordinated Land Use Planning Review by releasing a series of revised policies specific to each Provincial Plan including *Places to Grow*.

The date of release for the emerging revised Provincial Plans is unknown at this time. The City will work closely with the Region of Halton in the case of changes to the Provincial Plans that do not rely on the intervening Regional Official Plan Amendments. An example of this would be if the *Places to Grow* establishes a standard that is expected to be applied without any associated transition policies. It is expected that other modifications, such as changes to the *Greenbelt Plan* or the *Niagara Escarpment Plan* or, more specifically, the incorporation of the *Places to Grow* population and employment allocations to 2041 and other associated policy changes will be implemented after the Regional process which will shift the planning horizon to 2041.

The draft New Official Plan has been written to conform to the existing Plans with the 2031 timeframe.

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## **Region of Halton Official Plan**

The Halton Region OP establishes a Regional Structure includes: Settlement areas, the Agricultural System and the Natural Heritage System. This Regional Structure is presented in Map 1 of the Regional Official Plan. The Region of Halton established in policy:

- population and employment distributions;

- intensification and density targets; and
- phasing.

These items were established for each local municipality and for the Region as a whole to 2031. Together these numbers represent a growth management strategy for the Region which, along with the policies of the plan, maintain and enhance the established Regional Structure. The Regional Structure consists of the following mutually exclusive land use designations:

- Urban Area
- Agricultural Area
- Hamlets
- Mineral Resource Extraction Areas
- Regional Natural Heritage System
- Regional Waterfront Parks
- North Aldershot Policy Area

The draft New Official Plan addresses each of the components of the Regional Structure and the associated policies established the Regional Plan. The draft new Official Plan has been developed in conformity with the Regional Plan but does not employ the same mutually exclusive structure in the Urban Area, opting instead to capture the elements of the Regional Structure in the new Urban Structure, policies that apply to all areas of the Plan, and in some cases through the specific land use designations and their associated policies. This approach respects the mutually exclusive Regional Structure framework while suiting the approach to the emerging needs of the city.

The Region's current Official Plan was adopted by Regional Council in 2009 and substantially approved by the Ontario Municipal Board in 2015. The Region has now commenced a new review of its Official Plan. The following subject areas are to be reviewed in-depth: 1) Urban Systems and Growth Management Analysis; 2) Rural and Agricultural Systems Analysis; 3) Natural Heritage System; 4) Climate Change Mitigation and Adaptation; 5) Additional Studies to Address ROPA 38 Settlements; and 6) Implementation Tools. The additional studies are to include a policy review and the development of recommendations to update the North Aldershot Policy Area. The Region envisions that draft and final Regional Official Plan amendments will be completed in Spring 2020.

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## Existing Burlington Official Plan

Burlington's existing OP was approved by the Region of Halton on March 5, 1997. A city-wide Official Plan Review was initiated in 2002, adopted by Council on October 10, 2006 and substantially approved by the Ontario Municipal Board by October 24, 2008. The OP has undergone several housekeeping consolidations over the past seven years; the most recent consolidation is dated July 2015.

The existing OP has set a strong foundation to guide growth and development in the city, which includes direction to grow to the existing urban boundary and protect the rural area, a system of land use designations and the identification of intensification areas. The new Official Plan will build upon this foundation by retaining many of the existing elements, such as maintaining the current urban boundary, while proposing transformative shifts to others to achieve the goal of growing up, not out. Several of the key shifts are summarized in the policy directions in this report.

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## Strategic Plan

Through the city's [Strategic Plan](#), approved in April 2016, Burlington City Council has made the decision to grow up or intensify in focused or key urban areas, making efficient use of land and existing infrastructure, curbing sprawl and protecting the rural area. The plan strongly articulates the new mandate of the city to actively city-build and identifies a clear vision to:

- Direct population growth through targeted intensification that will build neighbourhoods that are environmentally friendly, infrastructure-efficient, walkable, bikeable and transit-oriented, and provide transit supportive densities.
- Direct growth towards mixed-use areas and along main roads with transit service, including Mobility Hubs, the Downtown and Uptown.
- Reinforce the city's strong position to protect the existing urban-rural boundary.
- Improve transportation and connectivity with public transit that is efficient, greener convenient and useable, complete streets, better walkability and cycling.
- Produce better environmental outcomes:
  - combat climate change and become carbon neutral,
  - implement the Community Energy plan addressing energy conservation, generation and availability
  - protect and enhance the natural heritage system a fundamental component of the city's urban and rural areas
  - increase the urban forest and tree canopy

- exercise leadership in storm water management and low impact development.
- Improve the health of residents, positively impacting on resiliency and quality of life;
- Ensure that Burlington's rural areas will be economically and socially active, maintaining a prosperous agricultural sector and rural recreational opportunities while protecting rural Burlington's natural and cultural heritage and water resources.
- Provide accessible multi-use parks and green spaces and a trail system linked to the city's park network, to neighbourhoods, to the city's rural area and the waterfront and to other regional systems.
- Ensure that the waterfront remains clean, safe and usable.

Work undertaken during the Strategic Plan Review, including the visualization of various density scenarios and associated market assessments regarding intensification in Burlington, has been an important input into the development of the new directions contained in this report.