



Ontario Growth Secretariat
Ministry of Municipal Affairs and Housing
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**Subject: Amendment #1 to the Growth Plan for the Greater Golden Horseshoe, 2017.
EBR Postings: ERO-013-4504; ERO-013-4505; ERO-013-4506; ERO-013-4507**

File: 552-08

This submission represents the City of Burlington comments in response to the posting of 4 notices on the EBR related to Amendment #1 to the Growth Plan for the Greater Golden Horseshoe, 2017. The Ontario Growth Secretariat released the postings for a consultation period that extended from January 15th to February 28th, 2019.

The submission includes a high level discussion of key comments, detailed comment tables arranged by themes (Appendix A-1), and detailed mapping related to the proposed Provincially Significant Employment Zone mapping (Appendix A-2) and specific mapping issues presented in (Appendix A-3) to support the comments provided.

Key Comments on Proposed Modifications to the Growth Plan, 2017

General Observations

- It is difficult to provide complete comments on Amendment 1 as it is clear that many of the directions established will require other guidance material and supporting documents. Consultations like these would be best supported by details about how the various ongoing provincial initiatives work together to meet the provincial objectives. A road map of these initiatives and related issues would support a more complete understanding of the proposed modifications.
- Amendment 1 presents modifications that will have the effect of weakening the core principles of the strong growth management framework developed to reduce urban sprawl as established in Places to Grow, 2006 and continued in Places to Grow, 2017. The lowering of the density and intensity targets on a region-wide basis, and the

lowering of the barriers to settlement area boundary expansion, will not lead to appropriate growth around Major Transit Station Areas where investments in key transit infrastructure are being made, but will make urban boundary expansions more prevalent increasing the rate at which the Greater Golden Horseshoe as a region adds new urban lands for greenfield development.

- Many lower-tier municipalities have commissioned or completed significant planning analysis and public and stakeholder consultation to establish Urban Structure Plans, which identify areas for intensification, areas that will be protected and areas that will see limited change. This work is necessary to achieve a balance between the various policy objectives of the Growth Plan. This proposed amendment provides little reference to the lower-tier municipality and its role in implementing the Growth Plan.
- Local Planning Appeals Tribunal (LPAT) appeals rely upon staff reports prepared by lower-tier municipal staff in response to a given development application, even when the approval authority is the upper-tier municipality. Amendment #1 proposes the removal of reference to the role of site design and urban design standards. Site design and urban design standards are a key means of making the connection between a site-specific development application, local context and the broader objectives of the Growth Plan, will pose a challenge to demonstrating conformity with the Growth Plan. Municipal Official Plans are the key means of implementing the Growth Plan and policies in the Growth Plan should be written to support implementation through the development of a local vision in upper-, single- and lower-tier Official Plans.
- Amendment #1 does not clarify the role of the lower-tier municipality in employment land planning, specifically, the role in defining employment areas. The City of Burlington recommends that there is a role for the lower-tier official plan in designating lands for employment purposes and developing official plan policies and zoning regulations to guide development in areas that make up employment areas. Lower-tier municipalities have a role in identifying issues and recommending solutions prior to the municipal comprehensive review, where appropriate. A number of recommendations are provided to support clarifying the role of the lower-tier municipality. Instead of three geographic definitions of employment area the objective of the policies of the Growth Plan should be to establish a unified geography for employment areas and a clear policy framework.

Theme 1:

Employment Planning and the identification of Provincially Significant Employment Zones

Provincially Significant Employment Zones (PSEZ)

Proposed Amendment:

The province has identified provincially significant employment zones that would receive enhanced protection for employment uses. To ensure employment areas that are crucial to the province's economy are not converted without a more comprehensive assessment of employment land need, the ministry is proposing to identify provincially significant employment zones that would not be eligible for conversion during the proposed transitional period.

Staff Analysis:

Employment Area planning and employment planning in general are complex. The proposed mapping presented as part of this consultation was not supported with a detailed purpose or with sufficient discussion of methodology. Without understanding how the mapping was developed it is not possible to respond in a complete way to the mapping as presented.

Staff do not support the PSEZ mapping as presented. A map and an associated table are provided as Appendices 2 and 3 which describe mapping issues and potential solutions.

Staff Recommendation:

1. Revise the PSEZ mapping to remove or add lands, as recommended in Appendix 3, to reflect, at a minimum existing land use designations and the Region of Halton's Employment Area overlay, in order to recognize existing local approaches to planning for employment.
2. Remove PSEZ mapping from all lands within the City's Mobility Hub boundaries, as depicted on Appendix 2. This is to ensure that the PSEZ mapping does not represent an additional barrier to support greater local autonomy and flexibility for municipalities and to enable municipalities to provide the appropriate supply of housing and jobs near provincial transit investments faster and more effectively.

Upper- and Single-tier municipalities may designate employment areas prior to the next municipal comprehensive review

Proposed Amendment:

Clarification that upper- and single-tier municipalities can designate employment areas at any time before the next municipal comprehensive review, including adding existing lower-tier municipal designations.

Staff Analysis:

This is a helpful clarification. What is the role of the local municipality?

It is critical that the role for the lower-tier municipality is clear. For example, in the case of the City of Burlington, if the Region of Halton were simply to take all employment designated parcels from the in force and effect local Official Plan that are included in the definition of "employment area" it would ignore a series of investigations and analysis related to city designated employment land that have taken place over a number of years. This analysis recommends some redesignations and some employment area additions. This detailed level of analysis is best completed at the local, lower-tier level.

Staff support this policy that would allow the findings of the local exercise that identified lands to be added to the Region of Halton Employment Area overlay in advance of the municipal comprehensive review.

Staff Recommendation:

1. Require upper-tier municipalities to work with lower-tier municipalities to determine the appropriate additions to the upper-tier employment area, if any, in consideration of lower-tier analysis and subject to appropriate criteria.

One-time window

Proposed Amendment:

The proposed policy framework for protecting employment areas would change by allowing employment area conversions to be approved ahead of the next municipal comprehensive review. This proposed amendment would provide flexibility to municipalities who wish to support mixed use development, while maintaining employment area protections where needed.

Staff Analysis:

As written the one-time window allowing employment area conversions does not offer any flexibility or clarity to a lower-tier municipality. Given that work is well underway in most upper-tier municipalities in order to meet the 2022 timeframe for upper and single-tier conformity with the Growth Plan, it is unlikely that resources would be redirected from that work.

The Province could provide clarity to municipalities by stating that redesignation of lands designated only by the lower-tier municipality as employment area are not considered employment conversions.

Detailed comments on the proposed policy modifications are attached as Appendix 1.

Staff Recommendation:

1. The Growth Plan should be modified to clarify that employment lands designated within a lower-tier Official Plan that are not identified in the Upper-tier Official Plan employment areas, are not considered employment conversions.

Theme 2:

Major Transit Station Areas

Proposed Amendment:

A series of changes are proposed to enable the determination of a major transit station area faster so that zoning and development can occur sooner. The proposed modifications, among other things, would allow an upper-, or single-tier municipality to delineate and set density targets for major transit station areas in advance of the municipal comprehensive review.

Staff Analysis:

One of the proposed outcomes of Amendment 1 is the development of more housing and jobs near transit.

The concern raised in the Provincial consultation sessions was that all municipalities (single-, upper- and lower-tier) wanted a clear message from the Province about balancing the Plan's policy direction on Major Transit Station Areas (MTSAs) with the Plan's policy direction on Employment Lands. The proposed modifications, including the intent and the extent of the PSEZ in the area of MTSAs, will need to be significantly revised in order to meet the stated objective of unlocking potential at MTSAs. Additional complications will lead to more uncertainty and delays in moving forward with planning around MTSAs.

The amendment also proposes to simplify requirements related to establishing alternative density targets at multiple stations along a single priority transit corridor. This requirement established in the Growth Plan, 2017, required multiple stations along a priority transit corridor within an upper-, or single-tier municipality to be considered together to establish an alternative target. The removal of this requirement relieves the Region from considering every MTSA along a given priority transit corridor at the same time and this should in turn mean that upper-, single or lower-tier municipalities should be able to delineate the station areas and establish targets independently, per the direction of the Growth Plan and relevant supporting guidance material (with appropriate modifications).

If this, and the modifications suggested in relation to the PSEZ are not incorporated, it is likely that while development may occur around MTSA's before the municipal comprehensive review, the ability to guide that development in a coordinated and well thought out manner could be at risk. It is unlikely that upper- and single-tier municipalities would consider delineating MTSA's in advance of the municipal comprehensive review as this work has already been established in work plans underway. On the ground this could mean that in a two-tier municipality MTSA's will not be delineated and approved until 2022. Beyond that lower-tier conformity exercises would be required, which are not universally sheltered from appeal, as well as local secondary plan development and approval.

Staff Recommendation:

1. Modify policy to empower a lower tier municipality to delineate its own MT SA boundaries through study that responds to the provincial direction in policy and guidance documents. This would support unlocking MTSA's and link the work directly to the local planning exercise that will be the means of meeting the various objectives of the MTSA policies.

Theme 3:

Agricultural and Natural Heritage Systems

Proposed Amendment:

The proposed changes relate to how the Agricultural and Natural Heritage System mapping are implemented. Changes include:

- the Natural Heritage System for the Growth Plan does not apply until it has been implemented in upper- and single-tier official plans;
- prior to Provincial mapping coming into effect the Growth Plan policies for protecting prime agricultural areas and natural heritage systems and features will apply to municipal mapping;

- allowing upper- and single-tier municipalities to refine the provincial mapping in advance of the municipal comprehensive review;
- once implemented in official plans, further refinements may only occur through a municipal comprehensive review.

Staff Analysis:

The proposed changes to policy respond to a series of concerns highlighted in previous Halton Area Planning Partnership (HAPP) submissions to the Province on the Coordinated Plan Review (2017) and through feedback provided to the province in relation to the City of Burlington's Official Plan project. Through these submissions Burlington conveyed that the provincial Natural Heritage System and Agriculture System mapping should not take effect until it has been incorporated into the Upper Tier Official Plan through the Municipal Comprehensive Review Process, as supported by local planning study, analysis and public consultation. Staff supports the proposed changes to the Growth Plan that support this direction. We understand however that the policy modifications to the Growth Plan do not apply to the Greenbelt Plan and Niagara Escarpment Plan areas. As a result Burlington would still need to include the unrefined provincial Agriculture and Natural Heritage System maps in our new Official Plan if it is approved prior to the Region's Municipal Comprehensive Review. This would result in the inclusion of both the provincial mapping and the Region's mapping in the Rural and North Aldershot Planning Areas, leading to confusion for landowners in these areas. Staff recommends that this is addressed along with some other minor modifications to improve clarity and define implementation processes related to the provincial mapping.

Staff Recommendation:

1. The policy changes made to the Growth Plan (summarized in the 3 bullet points above) should also apply to the provincial Natural Heritage System and Agriculture System mapping in the Greenbelt Plan and Niagara Escarpment Plan Areas.
2. Once the provincial mapping has been incorporated into the upper tier plan through a municipal comprehensive review, permit refinements through other Planning Act Applications in order to reflect site specific studies, such as Environmental Impact Assessments (EIAs).
3. Clarify that once the provincial mapping has been incorporated into the upper tier plan through a municipal comprehensive review, that there is no need for the municipality to submit a request that the Provincial mapping be updated. Provincial approval of the mapping through the municipal comprehensive review acknowledges the local modifications appropriate.

Theme 4:

Intensification and Density Targets

Proposed Amendment:

Proposed reductions related to residential intensification targets and designated greenfield density targets, measured across the upper- or single-tier municipality.

Staff Analysis:

The City of Burlington supported the targets established in the Growth Plan, 2017.

The City of Burlington context is unaffected by this change. Both targets are measured over the entire upper tier municipality. There is little remaining Designated Greenfield Area within the City to which this target density would apply. These lands have been or will soon be planned. Since there is little remaining Designated Greenfield Area the majority of growth in the municipality occurs within the Built Up Area. This means that almost all residential growth within the City of Burlington constitutes intensification.

While the minimum intensification target and the targets for Designated Greenfield Areas are no longer proposed to increase over time the forecast of people and jobs within Growth Plan, 2017 remain the same. This will impact the rate at which new land is required to be designated for urban purposes, which will mean more urban sprawl.

Staff Recommendation:

The City of Burlington supports the targets established in the Growth Plan, 2017.

Theme 5:

Small Rural Settlements

Proposed Amendment:

The proposed changes create a new category of settlement area. This modification clarifies that there is a sub-category of settlement area that is specifically excluded from the definition of Designated Greenfield Area. The policy also identifies the possibility to consider minor rounding out of small rural settlements.

Staff Analysis:

This modification responds to issues highlighted in the HAPP submission on the Land Needs Methodology which highlighted the need to recognize that small scale, privately serviced areas of rural character should not be considered part of the Designated Greenfield Area. This issue was previously addressed by modifying O.Reg 311/06, which is proposed to be further modified to acknowledge this issue has been addressed now through changes to the Growth Plan policy language. This issue has no impact within the City of Burlington. Staff support the Region of Halton suggestion that the policy should indicate that consideration of minor rounding out should be assigned to the upper-tier municipality.

Staff Recommendation:

The City of Burlington supports the addition of a rural settlement definition and modifications to the definition of Designated Greenfield Area.

Theme 6:

Settlement Area Boundary Expansions

Proposed Amendment:

A variety of proposed modifications are proposed to enable local municipal decisions on reasonable changes to settlement area boundaries in a timely manner so as to unlock land faster for residential and commercial development.

Staff Analysis:

These policies enable some municipal flexibility to change settlement area boundaries outside of a municipal comprehensive review, provided specific criteria are met. These proposed policies would provide greater flexibility to address issues related to settlement boundary issues. Staff generally support the additional flexibility but suggest that the policy should clarify that this policy applies only to an upper- or single-tier municipality.

Staff Recommendation:

1. Policies should be modified to make it clear that any proposed expansion must be initiated by an upper- or single-tier municipality given the importance of ensuring an integrated approach to managing growth, including the efficient, orderly, and cost effective provision of infrastructure.

Theme 7:

Other Issues

Language

- The appearance of market demand being introduced into the discussion of housing is troubling. While the market might be demanding single family homes it is not the best way to accommodate the population forecasts or to achieve other policy objectives such as development at transit supportive densities. A definition of market demand and other supportive guidance would be required to support the addition of this concept.
- The return of language “encouraging intensification generally throughout the delineated built up area”. It is unclear what kind of impact this will have on the implementation of local urban structure plans. This modification could undermine the ability of a municipality to direct intensification to MTSAs and other areas supported by appropriate investments in infrastructure and public service facilities.

- Instances where phrasing such as “where/as appropriate” and “or equivalent” should either be removed or modified to explicitly state as determined by whom/ through what process/ based on which criteria. For example, 3.2.6(c) “a comprehensive water or wastewater master plan or equivalent, informed by watershed planning or equivalent has been prepared to:”, will the provincial watershed planning guidelines be amended to provide direction as to what is considered equivalent?
- “Urban sprawl” is a recognizable, common term that helps the public visualize the type of development that the Growth Plan seeks to avoid. “Unmanaged growth” softens the perception and creates a wider window for what may be considered acceptable development.
- Replacing language such as “a clean and healthy environment, and social equity” with “an approach that puts people first” implies that the two concepts are mutually exclusive. While the term “cleaner environment” is included in newly added content, there is a clear distinction between the terms “clean” and “cleaner”. With the removal of the term “healthy”, this statement is considerably weakened, placing less emphasis on the importance of ecological integrity and resilience.

Implementation and Transition Policies

There are a number of opportunities to clarify roles and support the implementation of the Growth Plan, 2017. A series of specific suggestions are provided in the attached comment table under the theme: Other Issues in Appendix 1.

Key Comments on Proposed Modifications to Regulations

Proposed Modification to O.Reg 311/06 (Transitional Matters – Growth Plans)

Proposed Amendment:

Changes to the transition regulation are proposed to ensure alignment with Amendment 1 to the Growth Plan, if approved. The proposed changes include updating references to the Growth Plan as well as deleting provisions that had been recently added to the regulation supporting the implementation of the phased-in designated greenfield area density target and land needs assessment methodology.

In addition to the proposed regulation changes, feedback is also being sought on whether there are specific planning matters, currently in process, that should be addressed through this transition regulation.

Staff Analysis:

While it is recognized that deleting the provision addressing the phased-in designated greenfield area density target is required to reflect changes proposed in Amendment 1, the City reiterates its position that it is supportive of the targets established in the Growth Plan, 2017.

The City of Burlington is also supportive of proposed changes to the Growth Plan with respect to small rural settlements, which if approved, negates the need for the existing provision in the regulation supporting the land needs assessment methodology.

With respect to Growth Plan transition matters, please refer to comments from the City of Burlington in Appendix 1.

Staff Recommendation:

Please refer to the detailed tables reflecting the City's comments on specific policy changes, as it relates to proposed changes to the regulation.

Proposed Modification to O.Reg 525/97(Exemption for Approval – Official Plan Amendments)

Proposed Amendment:

The proposed change to the regulation is to facilitate the proposed amendments to the Growth Plan which would allow municipalities to make changes to their official plan to implement the Agricultural System for the Greater Golden Horseshoe mapping or the Natural Heritage System for the Growth Plan mapping in advance of their next Municipal Comprehensive Review. The change to the regulation would require the Minister's approval for any official plan amendments seeking to implement the mapping.

Staff Analysis:

This regulation under the *Planning Act* exempts certain municipalities from the need to obtain the Minister's approval for official plan amendments. The list of municipalities to which this exemption applies is included in the regulation.

This regulation does not apply to the City of Burlington, as Halton Region is the approval authority for amendments to the City's official plan.

Staff Recommendation:

The City of Burlington has no comments on the proposed change.

Conclusion

The City of Burlington is supportive of the initiative taken to identify challenges to implementing the Growth Plan. Many of the topic areas identified have posed challenges in planning at the local level in a two-tier system. There are a number of opportunities to identify a key role for lower-tier municipalities to support the implementation of the policies of the Growth Plan.

Please accept the detailed cover letter, tables and mapping as the City of Burlington's comments with a focus on providing clarity, and with attention to the Province's stated desired outcomes related to Amendment 1 to the Growth Plan, 2017. Given the tight timelines for consultation the City of Burlington may submit additional comments after the February 28th deadline, pending Council approval of the staff report and attached submission on March 25, 2019.

Thank you for providing the City of Burlington the opportunity to comment on these policy and regulation modifications.

Respectfully submitted,



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Attached:

- Appendix A-1: Detailed Comments Table by Theme
- Appendix A-2: Map: Comparison of Halton Region Employment Area overlay with Draft Provincially Significant Employment Zones mapping
- Appendix A-3: Provincially Significant Employment Zones mapping issues table