



**SUBJECT: Grow Bold: Changing the City's Official Plan Review to Burlington's New Official Plan Project**

**TO: Committee of the Whole**

**FROM: Planning and Building Department**

Report Number: PB-84-16

Wards Affected: All

File Numbers: 505-08

Date to Committee: October 6, 2016

Date to Council: October 31, 2016

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**Recommendation:**

Direct the Director of Planning and Building to close the City's Official Plan Review process conducted under Section 26 of the *Planning Act*, and to open the process to prepare the City's New Official Plan, conducted under Section 17 of the *Planning Act*; and

Confirm that the Municipal Comprehensive Review currently underway will remain ongoing with the New Official Plan process to consider employment land conversions, and is not to consider urban boundary and/or rural settlement area expansions; and

Direct the Director of Planning and Building to refer all policy research, analysis, studies, staff reports and community feedback undertaken and received as part of the Official Plan Review be considered within the New Official Plan process; and

Direct the City Clerk to forward the resolution of City Council, subject to endorsement of the recommendation to prepare a New Official Plan, to the Region of Halton, the Town of Milton, the Town of Oakville, the Town of Halton Hills and the City of Hamilton.

**Purpose:**

The purpose of this report is to recommend that the City close its current Official Plan Review without revising its Official Plan and to commence preparation of a New Official Plan under Section 17 of the *Planning Act*.

This report addresses all Strategic Plan priorities.

## **Background and Discussion:**

Under the *Planning Act*, municipalities have two options when undertaking a Municipal Comprehensive Review (MCR):

- 1) to update an existing Official Plan (OP) under Section 26 of the *Planning Act*; or,
- 2) to repeal an existing plan and introduce a new OP under Section 17 of the *Planning Act*.

A Municipal Comprehensive Review (MCR) is defined by *Places to Grow: Growth Plan for the Greater Golden Horseshoe, 2006* as: “An official plan review, or an official plan amendment, initiated by the municipality that comprehensively applies the policies and schedules of this Plan.” The MCR is the process through which a municipality can consider fundamental changes to its urban structure, such as employment land conversions or urban boundary expansions.

The current Official Plan Review (OPR) was initiated in 2011 (staff report PB-87-11) with Council’s endorsement of a proposed process for the OPR. Subsequently in 2012, Council held a special meeting (under Section 26 of the *Planning Act*), and approved the general project scope (staff report PB-44-12) and the OPR work plan and engagement plan (staff report PB-53-12). The decision to update the existing OP was based on a review of internal and external issues at the time, which identified a project scope consisting of city-wide matters, ward-specific matters, conformity to senior plans, and a range of technical issues. The scope of work was subsequently revised by Council in 2013 and 2016, through reports PB-89-13 and PB-09-16, respectively.

Since 2012, there have been numerous City, Regional and Provincial updates which have occurred that resulted in either the need for an expanded scope of work for the OPR or modified the legislative environment and corporate strategic direction under which the OPR was being undertaken. These factors together have led to staff’s recommendation to prepare a New Official Plan (New OP). These factors are outlined in more detail in the section below.

## **Reasons for Preparing a New Official Plan**

Staff are recommending the development of a new Official Plan for several reasons:

### **1) Strategic Plan**

In February 2016, Council approved Burlington City’s *Strategic Plan* to 2040. The *Strategic Plan* introduced four key pillars under which the City’s future direction will

be based upon:

- i) A City that Grows;
- ii) A City that Moves;
- iii) A Healthy and Greener City; and,
- iv) An Engaging City.

These pillars will be introduced as foundational elements within the New Official Plan, within the context of the applicable policy documents and legislation, through changes to the underlying vision and principles of the Plan. Also, these changes will ensure that the New OP is effectively positioned to serve as a means for implementing Council's strategic priorities through policy and provide clear direction on land use, growth management and infrastructure.

## **2) Emerging Urban Structure and Intensification Framework**

In July 2016, Council endorsed an urban structure and intensification framework. Development of policies related to this urban structure and framework require the creation of New OP policies. Rather than integrating the policies within existing sections of the OP, new sections will be generated.

## **3) Shift from Greenfield Community building to Grow Bold**

The existing Official Plan includes several foundational policy references that best relate to a greenfield community. The New OP will make the clean departure to include a new vision, policies and schedules that align with a community that is focused on accommodating growth within the existing urban boundary and demonstrate a commitment to "Grow Bold".

## **4) Conformity to Region of Halton OPA No. 38**

At the outset of the City's OPR, the Region of Halton was completing its Official Plan Review (Region of Halton Official Plan Amendment (ROPA) No. 38). The implications of ROPA No. 38 to the City's OPR were not known at the time. As the amendment progressed at the OMB in segments, staff have considered its implications to the City's OPR process.

Since 2012, a majority of appeals related to the Region of Halton's ROPA No. 38 have been resolved and are now in force and effect. As a result, staff are preparing new or modified policies and schedules regarding agricultural activities and the natural heritage system in order to achieve conformity with ROPA No. 38. This conformity exercise will require substantively new policies in the City's OP.

Collectively, the changes identified above have significantly modified the context surrounding the review of the City's OP. In order to effectively respond to these changes and to ensure that the OP remains a progressive and relevant document to direct growth and implement Council's strategic priorities, staff are recommending that the current process be closed without amendment to the City's OP, and that preparation of a new Official Plan be commenced and brought forward to Council.

## **Strategy/process**

While significant progress has occurred within the context of the OPR with respect to policy research, analysis, community feedback, staff reports and related policy directions, Council has not made any statutory decisions under Section 26 of the *Planning Act* to revise the Official Plan. There are no statutory impediments to the preparation of a New Official Plan and all of the work undertaken as part of the OPR can be used to inform the preparation of the New Official Plan. It is recommended that, rather than revising the Official Plan, Council direct that a New Official Plan be prepared for the reasons set out in this report.

### Scope Considerations

Although staff are recommending that the OPR process conclude without any revisions to the Official Plan and that a New Official Plan be prepared pursuant to Section 17 of the *Planning Act*, staff are recommending the project scope remain the same as it was for the OPR. The city-wide issues, ward-specific issues and technical issues (e.g. policy conformity matters) that were identified as part of the Official Plan Review process should remain as the scope for the New OP and ongoing MCR process.

Further, with respect to the ongoing MCR process and the New Official Plan, the City will continue to focus on employment land conversions. No urban boundary or rural settlement expansions are being considered as part of the New Official Plan. This is a continuation of Council's long-standing commitment to protecting the firm urban/rural boundary, as articulated in past and current strategic plans and existing OP, and as included in the assumptions of various OPR studies conducted to date.

### Timing Considerations

The closure of the OPR project commenced under Section 26 of the *Planning Act*, followed by the commencement of a New Official Plan project prepared under Section 17 of the *Planning Act* should not impact the timing of bringing the New OP

forward for approval. This is because the project scope of the OPR remains the same for the New OP, and because the research and analysis and community feedback conducted as part of the OPR to date will not be lost. This information is directly transferable to the New Official Plan. Council directions made as part of the OPR to date will inform the preparation of the New Official Plan.

#### Amendments to the New OP

As staff near the Q1 2017 timeframe for release of the draft New OP, and the Q3 2017 timeframe for Council adoption of the New OP, there may be a few matters that will require further analysis, and/or public and stakeholder consultation. Rather than delaying the delivery of the New OP, staff will recommend that a topic-specific amendment be prepared. Notwithstanding this option, staff are committed to bringing forward the majority of urban and natural heritage amendments to achieve conformity to the Region's Official Plan and making the important changes to align with the Strategic Plan as part of the New OP.

Further amendments to the New OP will be required in the future to implement the Mobility Hub Area-Specific Plans. Also, future amendments will be required as part of a conformity exercise to the Region's Official Plan, and to the revised provincial plans during the City's next review of the Official Plan. It would be at that time that the City's growth projections will be amended to 2041. Future amendments to the City's New Official Plan brought forward within the two year window of Regional approval would require a Council resolution in order to be considered, as per the requirements of *Bill 73*.

#### **Options considered**

Given the reasons outlined in the report above, staff are of the opinion that the policy context, among other matters, has changed from when the Official Plan Review commenced. The findings of the research, community feedback, implications of ROPA. 38, and the changes resulting from the City's Strategic Plan have shaped staff's opinion that the interests of the City and of the public are best served if the City prepares a New OP in accordance with Section 17 of the *Planning Act* rather than revising its current Official Plan. Staff is of the opinion that that adoption of the New OP will result in a policy document that will be current, will reflect Burlington's change from a greenfield community to a built-out community and will provide greater clarity as to the goals and objectives of the City to the year 2031.

### **Financial Matters:**

No further dollars are required to support the delivery of the New Official Plan.

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### **Connections:**

Planning and Building staff have consulted with Legal staff and Region of Halton staff regarding the closure of the Official Plan Review process and the commencement of preparation of a new Official Plan. Regional and City Legal staff have provided advice and support to proceeding in this manner.

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### **Public Engagement Matters:**

Upon delivery of the Omnibus Policy Directions and Draft Policies report scheduled for Council's consideration in early Q1 2017, staff will initiate a robust public and stakeholder consultation and engagement process in accordance with Section 17 of the *Planning Act*.

The initiation of the OPR project began, as discussed above, with an internal and external assessment of issues related to Official Plan policies. The key public element of the external assessment were two open house sessions and the Statutory Public Meeting in May 2012. The open houses were designed to provide an opportunity for citizens to learn about the Official Plan Review and to contribute to the scope discussion. This opportunity established the scope and looked across the various sections of the Official Plan.

Since the broad initial scope discussions, public and stakeholder consultation has occurred as part of the various sub-components within the review of the OP and has informed the various directions reports endorsed by Council to date. Engagement conducted as part of the Strategic Plan is also informative to the New Official Plan Project. With the release of the Omnibus report, staff will conduct a variety of engagement strategies to receive feedback on the draft Official Plan policies. This engagement will be coordinated as part of the Grow Bold communication strategy and undertaken in conjunction with internal and external communication resources. Staff will also ensure that consultation and engagement will be conducted in accordance with the requirements of Section 17 of the *Planning Act*.

**Conclusion:**

Conducting a process which includes the eventual repeal of the City's existing Official Plan and replacing it with a new Official Plan will ensure that Burlington's OP is well positioned to respond to various Provincial, Regional and City updates which have occurred since 2012, and will result in a more transformative plan to effectively guide Council's decision making with respect to land use, growth management, infrastructure and other strategic priorities to 2031.

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Respectfully submitted,

Andrea Smith, MCIP, RPP  
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**Notifications:**

Region of Halton – Ron Glenn, MCIP, RPP, Director of Planning and Chief Planning Official

**Report Approval:**

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.