



**SUBJECT: New Official Plan Review: Rural, Natural Heritage and Sustainability Policy Directions**

**TO: Committee of the Whole**

**FROM: Planning and Building Department**

Report Number: PB-83-16

Wards Affected: All

File Numbers: 505-08-09

Date to Committee: December 15, 2016

Date to Council: December 19, 2016

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**Recommendation:**

Endorse the policy directions, as detailed in Planning and Building department report PB-83-16, which relate to the City's Official Plan guiding principles and land use vision for the rural community, the agricultural system, the natural heritage system, mineral aggregates, cultural heritage landscapes, golf courses, and sustainability for the purpose of developing the New Official Plan; and

Receive the Draft November 2016 Official Plan schedules, as contained in Appendices A - Comprehensive Land Use Plan-Rural Area; B – Provincial Plans and Land Use Designations; C – Agricultural Land Base; D – Natural Heritage System; E to G – Land Use Plans for Kilbride, Lowville and Mount Nemo; and H – Mineral Aggregates of Planning and Building department report PB-83-16; and

Receive the Draft Sustainable Building and Development Guidelines dated November, 2016 and Implementation Summary, as contained in Appendix I of Planning and Building department report PB-83-16; and

Direct the Director of Planning and Building to communicate and engage with the public on the policy directions, the Draft Official Plan schedules and the Draft Sustainable Building and Development Guidelines, prior to bringing forward the New Official Plan; and

Endorse the Potential Strategic Initiatives and Advocacy Matters identified in Section 4.0 of Planning and Building department report PB-83-16; and

Direct the Director of Planning and Building to organize and coordinate a City-wide review of the matters outlined in Section 4.0 of Planning and Building department report PB-83-16 and report back to Council with recommendations following adoption of the New Official Plan.

**Purpose:**

The purpose of this report is twofold:

- First, to present policy directions for the New Official Plan; and
- Second, to identify other initiatives that the City could undertake to support agriculture and the rural community.

The policy directions in this report are related to:

- 1) Policies that will apply throughout the Urban and Rural Areas dealing with natural heritage, mineral aggregates and golf courses; and
- 2) Policies that are specific to the Rural Area dealing with rural community, agriculture and cultural heritage landscapes.

The focus is on protecting and strengthening the rural community. The long term prosperity and viability of agriculture are seen as being central to the future of rural Burlington. The proposed policy directions are designed to balance agriculture and natural heritage conservation as compatible and complementary uses.

The City's New Official Plan is required to be in conformity with the Halton Region Official Plan. The proposed policy directions address this requirement and in some cases go beyond conformity, building on Regional policy to better address Burlington issues, goals and priorities. The policy directions:

- Establish the protection and strengthening of the rural community as the policy framework guiding planning for the Rural Area;
- Introduce a new land use map and land use designations for the Rural Area;
- Identify an Agricultural System with policies to protect agricultural land and support the viability of the System and of individual farm operations;
- Identify a new city-wide Natural Heritage System with policies to maintain and enhance natural heritage and support the securement of environmentally significant lands;
- Incorporate policies to protect mineral aggregate resources, as required by the Province, and establish criteria for evaluating new mineral aggregate applications;

- Require that major development proposals in the Rural Area address the conservation of cultural heritage landscapes; and
- Establish a framework for assessing proposals to expand existing golf courses. or to convert the lands to other uses.

In developing the policy directions and recommendations contained in this report staff considered:

- The City's Strategic Plan;
- Provincial Plans and policies;
- The Region of Halton Official Plan and associated background studies and guidelines;
- The *Halton Region Rural Agricultural Strategy*; and
- The plans and reports published by the Golden Horseshoe Food and Farming Alliance.

These directions address what can be achieved through the Official Plan within the constraints posed by established provincial and regional plans and policies. The tools and powers provided to municipalities through the *Planning Act* essentially are concerned with land use and development and with infrastructure. The Region's *Rural Agricultural Strategy* has identified a number of other priority actions that could be undertaken to support agriculture and the rural community. Later in this report a number of strategic initiatives are identified that could be undertaken by the City in line with its Strategic Plan.

The requirement to conform with provincial and regional plans and policies imposes significant limits on the policy directions that the City can take in its Official Plan. While provincial and regional policies generally support the City's key interests and objectives certain policies may pose challenges for the City. For example, the creation of smaller agricultural lots below 40 hectares in size could enable the development of new urban-oriented forms of agricultural that do not require a large land base, such as organic farming. The Region's Official Plan does not support the creation of smaller agricultural lots. The City may advocate for changes to these policies through the upcoming regional Official Plan Review or through provincial policy reviews as discussed later in this report.

With respect to the Rural Settlement Areas, this report deals only with the policies respecting natural heritage and open space.

### **Strategic Plan**

This report addresses the following elements of the City's Strategic Plan:

- **A Healthy and Greener City** - The City of Burlington is a leader in the stewardship of the environment while encouraging healthy lifestyles. The city supports Halton Region's rural strategy, including support for growing food locally.
- **A Healthier Environment** - Better environmental outcomes that will help to combat climate change, improve quality of life and economic competitiveness, and foster civic pride.
- **A City that Grows** - The City of Burlington's rural areas will be economically and socially active, producing agricultural products and providing rural recreational activities for the city. Initiate and develop a strategy for Burlington's rural areas.

## **Background and Discussion:**

### **Background**

#### **Status of the New Official Plan Project**

On October 31, 2016 Council approved staff report PB 84-16 directing staff to close the Official Plan Review then under way and open the process to prepare a New Official Plan. The report outlined a strategy and process for preparation of the New Official Plan. The draft New Official Plan is to be released in the first quarter of 2017. Upon release of the draft OP staff will initiate a public and stakeholder consultation and engagement process in accordance with the requirements of the *Planning Act*. This report presents proposed policy directions for components of the New Official Plan.

### **Discussion**

Ontario has developed a policy-led approach to planning in which provincial plans and policies establish the framework for planning at the Regional and local levels. Provincial, regional and local plans embody similar policy approaches, particularly in dealing with the natural environmental, agriculture and resource management.

#### **1.0 The Provincial and Regional Planning Context**

Careful consideration has been given to Provincial and Regional plans, policies and regulations in developing the proposed policy directions. A summary of the significant components of the provincial and regional policy context is provided below.

### **1.1. The Planning Act**

The *Planning Act* stipulates that municipalities are to have regard for a number of matters of provincial interest in carrying out their planning responsibilities. These include of the following matters addressed in this report: the protection of ecological and agricultural resources; the conservation and management of natural resources and the mineral resource base; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

The Act requires that:

- Council decisions that affect a planning matter be consistent with the Provincial Policy Statement (PPS) and conform with Provincial plans (i.e., the Greenbelt Plan, the Niagara Escarpment Plan, the Parkway Belt West Plan; and Places to Grow – the Growth Plan for the Greater Golden Horseshoe).
- An Official Plan contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it; and
- Revise its Official Plan as required to conform with provincial plans, or not conflict with them; have regard for matters of provincial interest; and be consistent with provincial policy statements. A municipality is required to revise its Official Plan no less than 10 years after a new Official Plan comes into effect and no less than every 5 years thereafter.

### **1.2. Places to Grow – The Provincial Growth Plan for the Greater Golden Horseshoe 2006**

The Growth Plan directs development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. This policy would apply to the development of mineral aggregate resources.

The Plan indicated that through *sub-area* assessment, the Province, in consultation with municipalities and other stakeholders would identify natural systems, *prime agricultural areas and significant mineral aggregate resources* for the *Greater Golden Horseshoe*, and where appropriate develop additional policies. These sub-area assessments were not carried out however. The Growth Plan largely relies on the Provincial Policy Statement to provide policy direction respecting the natural environment, agriculture and mineral aggregates.

### **1.3. The Provincial Policy Statement 2014 (PPS)**

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The PPS recognizes that Official Plans are the most important vehicle for the implementation of provincial policy. The policies of the Provincial Policy Statement represent minimum standards. A municipal Official Plan may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with the Provincial Policy Statement.

Provincial plans, such as the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe and the Growth Plan for Northern Ontario, build upon the policy foundation provided by the Provincial Policy Statement.

The following policy directions have particular relevance to this report:

### Settlement Areas

Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

### Rural Areas

Healthy, integrated and viable rural areas should be supported. Rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

### Natural Heritage

Natural features and areas shall be protected for the long term. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. Natural heritage systems shall be identified. The PPS indicates that the policies are not intended to limit the ability of agricultural uses to continue.

### Agriculture

Prime agricultural areas shall be protected for long-term use for agriculture and shall be designated by municipalities in their Official Plans. Permitted uses in prime agricultural areas are agricultural uses, agriculture-related uses and on-farm diversified uses. All

types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Lot creation is limited to agricultural uses, agriculture-related uses, surplus farm dwellings subject to criteria, infrastructure and lot adjustments for technical or legal reasons. The only non-agricultural uses permitted are the extraction of minerals, petroleum resources and mineral aggregate resources and limited non-residential uses.

### Mineral Aggregate Resources

Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified. As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible. Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required in applications for new or expanded mineral aggregate applications.

Mineral aggregate resource extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts. Conservation of aggregate resources shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible. Progressive and final rehabilitation shall be required as aggregate extraction is completed to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. In prime agricultural areas, on prime agricultural land aggregate extraction may be permitted provided that the site will be rehabilitated back to an agricultural condition.

### Cultural Heritage and Archaeology

Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

### Sustainability

Planning authorities shall protect, improve or restore the quality and quantity of water.

Development shall be directed away from areas of natural hazard where there is an unacceptable risk to public health or safety or property damage, and not create new or aggravate existing hazards.

Planning for stormwater management shall promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development, and maximize the extent and function of vegetative and pervious surfaces.

Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions and climate change adaptation through sustainable land use and development patterns.

#### **1.4 The Niagara Escarpment Plan (NEP)**

The Niagara Escarpment Plan encompasses most of rural Burlington plus lands along the northern edge of the North Aldershot Planning Area. The purpose of Plan is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. Thus it has been interpreted to be an “environment first” plan.

The objectives of the Plan are:

1. To protect unique ecologic and historic areas;
2. To maintain and enhance the quality and character of natural streams and water supplies;
3. To provide adequate opportunities for outdoor recreation;
4. To maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
5. To ensure that all new development is compatible with the purpose of the Plan;
6. To provide for adequate public access to the Niagara Escarpment; and
7. To support municipalities within the Niagara Escarpment Plan Area in their exercise of the planning functions conferred upon them by the *Planning Act*.

The Plan includes the following land use designations within rural Burlington:

- Escarpment Natural Areas (ENA)- the most natural Escarpment features, stream valleys, wetlands and related significant natural areas and associated cultural heritage features
- Escarpment Protection Areas (EPA) - Escarpment features that have been significantly modified by land use activities such as agriculture or residential

development, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance.

- Escarpment Rural Areas (ERA) – minor Escarpment slopes and landforms and other lands in the vicinity of the Escarpment necessary to provide an open landscape, and/or are of ecological importance to the environment of the Escarpment.
- Minor Urban Centre - rural settlements, villages and hamlets.
- Mineral Resource Extraction Area - includes pits and quarries licensed pursuant to the *Aggregate Resources Act* and areas where aggregate extraction may be permitted.

In Burlington development in most of the Niagara Escarpment Plan Area is regulated by NEC development control, not by municipal zoning. Zoning is only in effect in part of the Mount Nemo settlement area. Thus the Niagara Escarpment Plan plays a very important role in rural Burlington.

Most of rural Burlington is within the ENA, EPA or ERA designations. While these designations differ in the uses that are allowed, broadly speaking the permitted uses are restricted to agriculture, small scale uses accessory to agriculture, existing uses, single detached dwellings, some recreation uses transportation and utility facilities, and a limited range of other non-agricultural uses. The Plan sets out criteria to be considered in evaluating an application for new development of a permitted use. These criteria address, among other matters, water resources, natural features, agriculture, mineral resources, heritage, recreation and visual impact.

### **1.5 The Greenbelt Plan 2005**

The Greenbelt Plan designates a Protected Countryside Area which, in Burlington consists of those lands in Rural Burlington that lie outside the Niagara Escarpment Plan Area plus lands in North Aldershot as shown in Appendix B. The Greenbelt Plan is intended to provide permanent protection to the agricultural land base and the ecological features and functions occurring on this landscape.

The Plan sets out the three key policy areas in the Protected Countryside designation: 1) the Agricultural System; 2) the Natural System; and 3) Settlement Areas. The Natural System is made up of a Natural Heritage System (NHS) and a Water Resource System that often coincide. Only the Natural Heritage System is mapped in the Greenbelt Plan. In the Protected Countryside:

- Within prime agricultural areas normal farm practices and a full range of agricultural, agriculture-related and secondary uses are supported and permitted.

- The full range of existing and new agricultural, agriculture-related and secondary uses and normal farm practices are permitted within the Natural Heritage System. Non-agricultural uses would not be permitted where the NHS is within a prime agricultural area as in Burlington's Rural Area. Where the NHS is not in a prime agricultural area, non-agricultural uses may be permitted subject to certain conditions.
- Development or site alteration, including agriculture, is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System, including any associated vegetation protection zone. This applies to features such as significant woodlands, wetlands and permanent and intermittent streams. Expansions to existing agricultural buildings and structures and farm and non-farm dwellings, together with accessory uses, are permitted in *key natural heritage features* however.
- Infrastructure is permitted in the Protected Countryside but is to avoid and minimize impacts on key hydrologic features and key natural heritage features.
- Mineral aggregate operations also are permitted within the Protected Countryside except for significant wetlands, significant habitat of endangered species and threatened species, and significant woodlands unless the woodland is occupied by young plantation or early successional habitat. New mineral aggregate operations may only be permitted in other key natural heritage hydrologic features and any associated vegetation protection zone where specific conditions respecting water resources and natural heritage have been addressed. The Plan also includes detailed requirements for rehabilitation on sites where mineral aggregate extraction has been completed.

### **1.6 The Halton Region Official Plan**

The rural and natural heritage policies and mapping in Regional Official Plan Amendment 38 (ROPA 38) largely have now been approved. This means that those policies and the associated mapping have been determined to be consistent with the PPS and in conformity with Provincial plans. Thus the City, in bringing its OP into conformity with these components of the Region's OP, will be meeting the requirement for conformity with the PPS and the existing Provincial plans.

The rural land use designations contained in ROPA 38 represent a significant change from the designations in place in the Region's previous OP. The Region's 2006 Official Plan identified a Rural System and a Greenlands System in rural Burlington. The Rural System in Burlington encompassed the majority of the lands in the rural area and included the following designations: Escarpment Protection Area; Escarpment Rural Area; Agricultural Rural Area; Hamlet; Mineral Resource Extraction Area. The

Greenlands System included environmentally significant lands in the Urban and Rural Areas and North Aldershot with the following designations: Environmental Sensitive Area; Escarpment Natural Area; Greenlands A and Greenlands B; and Regional Waterfront Park.

The Region's current OP, through ROPA 38, established a new set of designations in rural Burlington: Natural Heritage System; Agricultural Area, Mineral Resource Extraction Area; and Hamlet. The Natural Heritage System encompasses about 70% of rural Burlington. Key Features (i.e., significant natural heritage features) make up half of the NHS in Burlington with the remainder being identified as enhancement areas, buffers and linkages supporting the resilience, ecological functions and stability of the Key Features and the NHS as a whole.

Land uses permitted in these designations are similar to those permitted in the previous OP. Non-farm uses are directed to settlement areas. Existing agricultural uses are permitted within the Key Features in the Natural Heritage System. Elsewhere in the Natural Heritage System, and in the Agricultural Area, the Plan permits all types, sizes and intensities of agricultural operations plus a variety of on-farm businesses.

ROPA 38 brought significant changes in the Environmental Impact Assessment (EIA) requirements applying to agriculture. Under the previous ROP an EIA was required for any development within a natural feature, or with the potential to impact on a natural feature. This included agricultural uses. The policies left it to be determined through the plan review process whether a proposed building near a natural feature had the potential to impact that feature and would require an EIA. The current ROP provides clear direction, specifying that new agricultural buildings with a footprint of less than 1,000 square meters only require an EIA if located within a key natural feature or within 30 meters. The requirement for an EIA for larger agricultural buildings (i.e., over 1,000 square meters) applies throughout the Natural Heritage System and thus over a much larger area than under the previous ROP. However, the current Plan also introduced a policy committing the Region to assisting the proponent of a new agricultural building requiring an EIA by scoping the EIA and/or by providing financial aid and/or in-kind assistance.

ROPA 38 also includes policies supporting agriculture, protecting natural heritage and enhancing the open landscape quality and open space character of the Escarpment, and establishing a rigorous policy framework for reviewing applications for new or expanded mineral aggregate operations.

## **2.0 Local Context**

### **2.1 The Current Official Plan**

The City's current OP was approved by the Region of Halton on March 5, 1997. A city-wide Official Plan Review was initiated in 2002 and substantially approved by the Ontario Municipal Board in October, 2008. The policies and mapping conformed with the Region's 2006 Official Plan. The OP has undergone several housekeeping consolidations since then; the most recent consolidation being dated July 2015.

The current OP provides a strong policy base for protecting agricultural land and farm operations, maintaining and enhancing natural heritage, and protecting mineral aggregate resources and addressing mineral aggregate development. The Plan does not conform with the Region's OP and, in particular, does not incorporate the Region's Natural Heritage System. In addition, there is a need to address other issues that have emerged and to make enhancements to existing policy approaches.

### **2.2 The City's Strategic Plan**

Burlington recently adopted a new Strategic Plan for the period 2015 – 2040. The Strategic Plan sees the City of Burlington as a leader in the stewardship of the environment while encouraging healthy lifestyles. Better environmental outcomes that will help to combat climate change, improve quality of life and economic competitiveness and foster civic pride.

The Plan envisions Burlington's rural areas as economically and socially active, producing agricultural products and providing rural recreational activities for the city. It indicates that the City will initiate and develop a strategy for Burlington's rural areas. This strategy will consider economic, social, cultural and environmental factors in support of the rural community, the agricultural industry and natural heritage and water resources. In addition, the Strategic Plan expresses support for Halton Region's *Rural Agricultural Strategy*, including support for growing food locally.

## **3.0 Policy Directions**

This section of the report presents proposed policy directions to ensure that the City's Official Plan is in conformity with the Halton Region OP. In some cases, though, the proposed directions go beyond conformity to recommend enhanced policy approaches.

**Table 1 - Policy Directions Summary**

<b>Direction</b>	<b>Nature of Direction</b>	<b>Page</b>
<b>A</b>	Establish the protection and strengthening of the rural community as the policy framework guiding planning and development in the Rural Area, with associated mapping and policies.	<a href="#">15</a>
<b>B</b>	Incorporate mapping identifying the boundaries and land use designations of the provincial Plans in effect in Burlington.	<a href="#">22</a>
<b>C</b>	Identify the Agricultural System and update mapping and policies to protect the Agricultural Land Base and support the long term viability of the Agricultural System and farm operations.	<a href="#">23</a>
<b>D</b>	Identify the Natural Heritage System and put policies in place to maintain and enhance natural features and ecological functions.	<a href="#">31</a>
<b>E</b>	Establish a policy framework to ensure that the City's interests are satisfactorily addressed in applications for new or expanded mineral aggregate operations and during and after extraction operations, and also adopt policies and mapping to protect known mineral aggregate resource deposits and existing mineral aggregate operations to comply with provincial requirements.	<a href="#">41</a>
<b>F</b>	Adopt policies requiring that the conservation of cultural heritage landscapes is addressed when major development is proposed in the Rural Area and attach associated mapping.	<a href="#">47</a>
<b>G</b>	Incorporate policies respecting golf courses.	<a href="#">49</a>
<b>H</b>	Establish city-wide policies on environmental sustainability.	<a href="#">51</a>

## **DIRECTION A: RURAL COMMUNITY**

**Establish the protection and strengthening of the rural community as the policy framework guiding planning and development in the rural area:**

- i. Identify the protection and strengthening of the rural community as a guiding principle in the Land Use Vision section of the Official Plan integrating agriculture, the natural environment, resource management, an open landscape, rural settlements and cultural heritage and incorporate supporting policies in the OP.**
- ii. Adopt the Land Use Map and designations for the Rural Area.**
- iii. Incorporate policies directing non-farm development to Settlement Areas.**
- iv. Introduce policies addressing protection of the Agricultural System, the Natural Heritage System and Cultural Heritage Landscapes in planning and designing infrastructure and utilities.**
- v. Enable the City to develop and implement a Community Improvement Plan for the Rural Area.**
- vi. Incorporate policies requiring that development in the Rural Area be on private, on-site water and wastewater services.**

### Issues:

It has been evident that there is a strong interest in maintaining the rural character of Burlington's countryside and the sense of community, not only among rural residents but among the residents of the City as a whole. This was evident in the concerns raised by the community in response to major development proposals such as the expansion of Nelson Quarry and plans for the Niagara to GTA Corridor that threatened the rural character of the area. It was evident in the vision and in the following themes that emerged from the Rural Summit that the City held in 2012:

- The future of agriculture;
- Protection of the natural environment;
- Sustainable growth, directed to settlement areas;
- Transportation concerns, particularly heavy traffic;
- Community cohesiveness;
- Development of eco-tourism compatible with the rural setting;
- Conservation of the area's cultural heritage.

These concerns all touch on elements of what gives rural Burlington its distinctive character.

However, rural Burlington faces challenges that, individually and in combination, threaten to erode the rural character of the community such as:

- Urban growth and the demand for rural properties;
- The difficulties faced by farmers in a setting with nearby urban development;
- The demand to expand mineral aggregate operations;
- Plans for major infrastructure serving the Greater Toronto Area and beyond; and
- The growth in traffic on rural roads.

#### Background:

The City's existing Official Plan recognizes that rural Burlington has a distinctive character, consisting of agriculture and other resource industries, natural areas and small rural settlements. It does not establish rural character as a policy framework integrating planning for the rural area, however.

The Provincial Policy Statement (PPS) indicates that rural areas are important to the economic success of the Province and our quality of life. It states that healthy, integrated and viable *rural areas* should be supported through a number of policy directions including building upon rural character, and leveraging rural amenities and assets.

One of the stated objectives of the Niagara Escarpment Plan is to maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery. The Plan aims to maintain the remaining natural features and the open, rural landscape character of the Escarpment and lands in its vicinity.

The Regional Official Plan identifies landscape permanence as Halton's fundamental value in land use planning, guiding its decisions and actions on land use changes. In its vision Halton will always consist, in large measure, of three principal categories of land use:

1. settlement areas with identifiable communities;
2. a rural countryside where agriculture is the preferred and predominant activity, and

3. a natural heritage system that is integrated within settlement areas and the rural countryside, to preserve and enhance the biological diversity and ecological functions of Halton.

Thus establishing the protection and strengthening of rural character and rural community as the policy framework guiding planning for the rural area aligns with Provincial and Regional planning policies. It provides an integrated approach that addresses not just the elements that make up the rural community, such as agriculture or rural settlements, but also the linkages among them. It is concerned with the community as a whole and its interrelationships with its natural environment, rather than dealing with each element individually.

#### **i. Maintaining Rural Community**

The character of the rural community is shaped by agricultural activity, the natural environment, rural settlements and rural non-farm development, mineral aggregate operations, roads and other infrastructure, recreational activities, and rural Burlington's cultural heritage. The economic viability of farming is central to the future of the rural community. Large scale non-farm land uses, such as major infrastructure or aggregate development, can detract from the character of the rural community.

The existing Official Plan contains policies addressing specific components of the rural community such as agriculture or rural settlements. Rural community provides a broader policy framework looking beyond the individual elements that make up rural character to the impacts on the community and the landscape as a whole. It means a shift in perspective, to identify and address the forces that would erode the rural community, such as major infrastructure development.

#### Proposed Policy Direction

The City will incorporate the protection and strengthening of the rural community in the Official Plan's Guiding Principles and Land Use Vision. In addition, policies will be introduced outlining the defining components of rural community and establishing the protection and strengthening of the rural community as the policy framework guiding planning in the Rural Area and as a lens for guiding planning decisions.

#### **ii. The Land Use Map**

The City is required to ensure that the land use designations and mapping in its OP are in conformity with the Halton Region Official Plan. The Regional Structure Map in the Halton OP shows the following designations in rural Burlington: Agricultural Areas, Regional Natural Heritage System, Hamlets, and Mineral Resource Extraction Areas. In addition it identifies the boundaries of Provincial Plans affecting rural Burlington.

It should be noted that agriculture is recognized and supported as a compatible and permitted use within the Regional Natural Heritage System (NHS) subject to some conditions. The lands identified as Agricultural Area represent about 40% of the land area in which agriculture is permitted with the remainder being within the NHS.

#### Proposed Policy Direction

The City will adopt a new Land Use Map incorporating the Regional land use designations as shown in Appendix A. This Map identifies Agricultural Areas, the Natural Heritage System, Rural Settlements, and Mineral Resource Extraction Areas as well as the boundaries of the Provincial Plans. The individual land use designations are discussed in more detail later in this report.

### **iii. Directing Non-Farm Development to Settlement Areas**

The development of non-farm uses, such as residences, in the rural area takes agricultural land out of production and can put upward pressure on the price of agricultural land. It creates the potential for conflicts over normal farm practices, impacting the farmer's ability to farm. Similarly, it can have negative impacts on the natural heritage system, on cultural heritage and on other rural resources.

#### Proposed Policy Direction

The City will direct non-farm development to the Rural Settlement Areas and the Urban Area unless specifically permitted by the Plan. Uses that would be permitted would be limited. They would include home occupations and home industries, single detached dwellings on existing lots, agriculture-related uses and on-farm diversified uses, including agri-tourism, located on a commercial farm and secondary to the farm operation. This would achieve conformity with the Region's OP.

The City also would continue to restrict lot creation outside Rural Settlement Areas and prohibit the creation of new residential lots.

#### **iv. Infrastructure**

Infrastructure development, such as the construction of new highways, can have some of the most significant impacts on the rural community, and on agriculture and the natural environment. The City does not have approval authority over most of these projects. Official Plan policies can play a useful role, though, in setting out the City's policies respecting infrastructure and establishing a sound basis for the City to respond to proposed projects.

The City's current Official Plan permits transportation and utility facilities in the Rural Area subject to an assessment of their impacts. In the Escarpment Natural Area, only essential transportation and utility facilities are permitted. The Plan does not indicate how the results of the studies assessing impacts are to be used in decision-making and does not establish guidelines or criteria indicating what impacts are acceptable.

In the Regional Official Plan transportation and utility facilities area are permitted uses in the Agricultural Area. Within the Natural Heritage System and Mineral Resource Extraction Areas only essential facilities are permitted. The proponent of a project with a potential impact on adjacent agricultural operations (e.g., farms) is required to carry out an Agricultural Impact Assessment. An Environmental Impact Assessment is required for public works projects in or adjacent to the Natural Heritage System.

#### Proposed Policy Direction

The City will adopt policies:

1. To permit, in the Rural Area, only essential linear infrastructure such as roads for which need has been demonstrated and it has been established that there is no reasonable alternative.
2. To indicate that new or expanded infrastructure should avoid Key Natural Heritage Features, Prime Agricultural Areas and significant impacts on Cultural Heritage Landscapes.
3. To require that the proponent prepare the following studies:
  - a. An Environmental Impact Assessment if the proposed infrastructure would be wholly or partially inside or within 120m of the Natural Heritage System;
  - b. An Agricultural Impact Assessment if the proposed infrastructure would be within the Agricultural Land Base shown on Appendix C;

- c. A Cultural Heritage Landscape Impact Assessment if the proposed infrastructure project is major and is located within the Cultural Heritage Landscape Study Area; and
  - d. A Social Impact Assessment.
4. To require that infrastructure be located, designed and constructed to minimize impacts on the rural community and specifically on the Agricultural System, the Natural Heritage System, and Cultural Heritage Landscapes and on other existing and potential future City transportation and utility facilities.
5. To state that where studies have concluded that the proposed infrastructure project will result in widespread adverse and long term impacts that cannot be mitigated to the satisfaction of the City, and that other technically and financially feasible alternatives exist that would have less negative impact on the Rural Area, the City shall:
  - a. not approve the proposed infrastructure project; or
  - b. if the proposed infrastructure project is proposed by another agency, not support the project in comments, submissions or recommendations.

**v. Community Improvement Plan (CIP)**

The development of a Community Improvement Plan (CIP) would enable the City to implement strategic initiatives supporting the rural policies in the City's Official Plan. A CIP would be developed in collaboration with the rural community to address community concerns and the community's vision. It could include programs to:

- Provide financial assistance to farmers wishing to expand or change their operations or to develop on-farm businesses to supplement on-farm income;
- Offer financial assistance to protect and preserve heritage resources, including the conversion of farm buildings to other uses;
- Offer incentives to improve commercial buildings in the Rural Settlement Areas; and
- Improve infrastructure, parks and recreation facilities, signage and streetscaping. An example might be the improvement of access points to the Bruce Trail.

The Region's Official Plan now includes policies enabling the Region to participate in local CIPs that implement its Official Plan policies and is developing guidelines to assist

in determining which local programs it may wish to participate in. It has been proposed that these would include programs:

- supporting and promoting agriculture; and
- protecting and preserving cultural heritage resources.

The City's existing Official Plan policies only provide the City with the authority to develop and implement CIPs for the urban area.

#### Proposed Policy Direction

The City will adopt CIP policies in its Official Plan enabling it to develop and implement a CIP for the Rural Area.

#### **vi. Water and Wastewater Services**

The Region's Plan requires that all development in the Agricultural System be only on the basis of private, individual well and water supply and waste water treatment systems. This is similar to the policy approach in the Region's existing OP.

#### Proposed Policy Direction

The City will specify that all development in the Rural Area must be on private, individual water and wastewater systems, in conformity with the Region's OP.

## **DIRECTION B: PROVINCIAL LAND USE PLANS**

**Incorporate mapping identifying the boundaries and land use designations of the provincial Plans in effect in Burlington.**

A number of the policy directions presented in this report apply to land use designations set out in Provincial plans, particularly the Niagara Escarpment Plan and the Greenbelt Plan. It therefore is necessary to include mapping showing these plans and their designation in the OP.

### Proposed Policy Direction

The City will add a map to the OP showing the boundaries of the Provincial plans and their land use designations. This would be in conformity with the Halton Official Plan.

## **DIRECTION C: THE AGRICULTURAL SYSTEM**

**Identify the Agricultural System and include mapping and policies to protect the Agricultural Land Base and support the long term viability of the Agricultural System and farm operations.**

- i. Identify the Agricultural System.**
- ii. Establish mapping identifying the Agricultural Land Base and Prime Agricultural Areas.**
- iii. Adopt policies providing enhanced protection for the Agricultural Land Base.**
- iv. Permit home occupations and cottage industries and agriculture-related uses and on-farm diversified uses including agri-tourism.**
- v. Include policies addressing land use compatibility between agricultural and non-agricultural uses.**
- vi. Incorporate the Region's policies respecting horticultural trade uses.**
- vii. Continue to require Agricultural Impact Assessments for non-farm development but broaden them to include impacts on the Agricultural System.**
- viii. Incorporate mapping identifying Prime Agricultural Areas and policies to protect them.**

### Issues:

Over the course of the past decade the Region has done extensive research into the state of the agricultural industry in Halton, first as part of its Official Plan review and more recently in developing the *Halton Region Rural Agricultural Strategy*. It has found that agriculture in Burlington faces challenges that are affecting its long term viability and sustainability. These challenges include:

- Competition for land, with a significant amount of agricultural land being owned by non-farmers. Land prices up have been driven above levels that are economically viable for agriculture, making it very difficult for existing farms to expand or new farmers to become established.

- With the growth in non-farm ownership, farmers are able to expand their operations by renting land, but do not have the incentive or sense of security to invest in improvements.
- There has been a major decline in the number of farms and in the amount of land being farmed. While the average farm size in Ontario has been increasing, in Burlington there has been little change from 40 years ago.
- There are increasing land use conflicts between farm and non-farm land uses such as traffic, trespassing, vandalism and complaints about odours and noise.
- Infrastructure and services required by farmers are insufficient.
- Traffic on local roads makes it difficult to move machinery and produce.

At the same time, Burlington's location in close proximity to large urban centres creates potential opportunities. These opportunities include:

- Developing new types of farming catering to specialized urban markets such as organic produce, ethnic vegetables, herbs, and the equine industry.
- Developing additional agriculture-related uses and on-farm diversified uses to supplement household income through:
  - manufacturing of value-added agricultural products such as jams and juices;
  - retailing of farm products such as fruits and vegetables or flowers; and,
  - agri-tourism.

In 2011, Burlington had gross farm receipts of \$2,886 per acre, well above the Ontario average of \$939 per acre and well above the average of \$1,558 for Halton as a whole. Over the past 30 years, there have been significant changes in the types of farming carried out in Burlington, with a shift from livestock operations to cash crops and more specialized types of agriculture such as horse farms, cash crops, and greenhouse and nursery production. A key question will be how to create the conditions that will enable agriculture to continue to adapt to new challenges and new opportunities.

#### Background:

Current Provincial and Regional plans contain strong policies to contain growth within existing urban boundaries. The City, through its Strategic Plan, has reinforced its commitment to maintaining the existing urban/rural boundary and this commitment is central to the directions being proposed for the City's New Official Plan. Over time the

commitment to contain urban growth should reduce the pressure on rural land prices and provide farmers with much greater certainty about the future of the agricultural area.

The existing City OP also includes policies to:

- Protect agricultural land and limit permitted uses, directing non-farm uses to Settlement Areas;
- Avoid or minimize land use conflicts between agriculture and non-farm uses; and
- Provide for the development of on-farm value-added, agri-tourism and other businesses to enhance farm economic viability.

**i. The Agricultural System**

Halton Region's current Official Plan identifies an Agricultural System consisting of two components: (1) the Agricultural Area designated on Appendix C; and (2) those parts of the Natural Heritage System outside the Key Natural Features designated on that Map D. Through the work done by the Greater Golden Horseshoe Food and Farming Alliance and others, and through the development of the Region's *Rural Agricultural Strategy*, the Agricultural System has come to be conceived of in much broader terms as consisting of:

- the agricultural land base;
- farm operations;
- the natural environment that farmers depend on (e.g., soils, climate and water);
- agricultural infrastructure;
- the support network of businesses and services that farmers need.

This shift in approach is quite significant for it calls attention to the importance of maintaining all of the components of the Agricultural System, and the interrelationships among them, in addition to protecting the agricultural land base and avoiding land use conflicts. It provides a policy framework that integrates a range of existing and proposed policies addressing the protection of the agricultural land base, maintaining the right to farm and minimizing land use conflicts, encouraging the development of agriculture-related uses and on-farm diversified uses, providing for agricultural infrastructure, and supporting the development of farm markets. The Region has identified amending the Regional Official Plan to further define and strengthen the Regional Agricultural System as one of the key priorities emerging from the Rural Agricultural Strategy.

### Proposed Policy Direction

Policies will be introduced defining the Agricultural System and establishing it as the framework for agricultural policy.

#### ii. **Agricultural Mapping**

In 2008 as part of the update to the Regional Official Plan, Halton Region undertook a Land Evaluation and Area Review (LEAR) to identify remaining areas of prime production potential. The LEAR methodology is the provincial standard for use by municipalities in reviewing and updating their agricultural land use designations and has been widely used across Ontario. The Regional Official Plan includes a map identifying the Regional Agricultural System, consisting of Prime Agricultural Areas plus some additional lands. The Agricultural System encompasses 58% of the Rural Area.

### Proposed Policy Direction

The City will include a Map in its Official Plan incorporating the Regional Agricultural System and its components but identifying it as the Agricultural Land Base, as a component of the broader Agricultural System (see Appendix C).

#### iii. **Protecting Agricultural Land**

The existing Halton and City OPs contain policies protecting agricultural lands, permitting only a narrow range of non-farm uses in the agricultural area and prohibiting the creation of new lots for most non-agricultural purposes. The Plans still permit single detached dwellings on existing vacant lots, however, without limiting how much land can be used, or restricting where they can be located to minimize their impacts on the use of surrounding agricultural land. They also still permit consideration of proposals for new golf courses.

In some instances a farmer may wish to host a special event related to the farm operation or an agriculture-related use. An example would be a horse show held on a horse farm.

### Proposed Policy Directions

The City will adopt policies:

1. To incorporate the Regional OP policies limiting permitted uses within the Agricultural Land Base.

2. To limit the creation of new lots within the Agricultural Land Base in accordance with the Regional OP.
3. To require that where new single detached dwellings are permitted on an existing lot of record, the development envelope must be no greater than 0.8 hectares in size and must be located adjacent to a municipal road. A location adjacent to a road is required to ensure that the dwelling is not located in the middle of a larger agricultural property, making the remaining land more difficult to farm.
4. To permit a special event on a commercial farm where it is directly related to the farm operation or to an agriculture-related use on the site and where it has been permitted by the City through a municipal permitting process ensuring that the event will not have an adverse impact on surrounding uses, the natural environment, or City facilities and services.

**iv. Home Occupations and Cottage Industries and Agriculturally-Related and On- Farm Businesses**

Cottage industries and home occupations are small-scale activities conducted as an accessory use within a single detached dwelling or an accessory building close by. Examples would include dressmaking or bookkeeping. Agriculture-related uses and on-farm diversified uses are activities located on a commercial farm that are secondary to the farm operation and supplement the farm income. These uses are permitted in the Regional Official Plan and most are permitted in the City's existing OP, with home occupations and cottage industries being permitted subject to meeting specific criteria.

Proposed Policy Directions

The City will permit home occupations and cottage industries and agriculture-related uses and on-farm diversified uses in conformity with the Regional OP and also will recognize the supporting role of on-farm businesses in the Agricultural System.

**v. Compatibility between Agricultural and Non-Agricultural Uses**

The establishment of non-farm uses such as rural homes within an active agricultural area can lead to conflicts over impacts arising from normal farm practices, such as noise, dust and odour. Existing mechanisms are in place to address these conflicts, either through planning policies and regulations to avoid or minimize impacts, or through the *Farming and Food Production Protection Act*, which protects farmers from nuisance

complaints and from municipal by-laws restricting normal farm practices and provides a means of resolving complaints.

Policies permitting farmers to have on-farm businesses secondary to their farm operations create the potential for additional land use conflicts, not only with non-farm land uses but also with neighbouring farm operations. These businesses could range from a farm implement repair shop to a retail outlet for farm products to a bed and breakfast. Potential impacts might involve matters such as parking, road access, servicing or special events such as weddings or other large gatherings. The Region has developed *On Farm Business Guidelines* to address these concerns. The following policy direction is based on the Region's Guidelines.

### Proposed Policy Directions

The City will adopt policies:

1. Establishing that normal farm practices are a permitted use on lands within the Agricultural Land Base.
2. Requiring that new land uses and new or expanding livestock facilities within the agricultural land base comply with the provincially developed *Minimum Distance Separation (MDS) formulae*.

The City's Official Plan will include the policies in the existing OP respecting home occupations and cottage industries. These policies address matters such as the location of the use in the dwelling or in an accessory building; the size of the use; outdoor storage a; and signage. In addition the OP will establish policies requiring that home occupations, cottage industries and agriculture-related uses and on-farm diversified uses permitted under the Plan:

1. Will not negatively impact on adjacent agricultural operations, or other surrounding land uses, on the natural environment, on the rural community, or on public infrastructure such as roads;
2. Will be located within the principal residence on the property, in an addition to the principal residence, or in an accessory building within or adjacent to the existing farm building cluster;
3. Will be serviced by private on-site water and wastewater systems;
4. Will have adequate on-site parking located and designed to be compatible with surrounding land uses and the rural community; and,

5. Will adequately screen outdoor storage, parking areas, and loading/unloading zones from neighbouring properties and public roads.

#### **vi. Horticultural Trade Uses**

The Region's OP introduced a new policy permitting horticultural trade uses associated with the sale, supply, delivery, storage, distribution, installation and/or maintenance of landscaping plants. These uses are only permitted on a commercial farm where secondary to a farm operation. The property must be at least 4 hectares in size with at least 70% being used for the growing of plants. The use must be within the existing cluster of farm buildings on the property and there are limitations respecting gross floor area, outdoor storage, screening and servicing.

#### Proposed Policy Directions

The Region's policy respecting horticultural trade uses will be incorporated into the City's OP.

#### **vii. Agricultural Impact Assessments**

The existing City and Regional OPs both require proponents of non-farm development, such as an Official Plan Amendment or a new mineral aggregate operation, to submit Agricultural Impact Assessments (AIAs) based on guidelines adopted by the Region. These Assessments are to address impacts on agriculture and on abutting agricultural operations. The adoption of an Agricultural Systems approach suggests that the scope of such studies should be broadened to address, for example, impacts on agriculture-related uses and on-farm diversified uses businesses or on agricultural infrastructure.

#### Proposed Policy Directions

The City's Official Plan will continue to require the submission of Agricultural Impact Assessments but will require that they be broadened in scope to address impacts on the Agricultural System.

#### **viii. Prime Agricultural Areas**

The Provincial Policy Statement requires municipalities to designate Prime Agricultural Areas in their OPs and include policies to protect them. The Halton OP includes mapping identifying Prime Agricultural Areas. It does not designate Prime Agricultural

Areas in these OPs as these lands are within area designated NHS and Agricultural Area. The Region's Plan does include policies to protect these lands however.

### Proposed Policy Directions

The City's Official Plan will include a new Schedule identifying Prime Agricultural Areas in accordance with the mapping in the Region's OP (see Appendix C). New policies will be added to the Plan:

- Prohibiting the redesignation of Prime Agricultural Areas within the Greenbelt to permit non-agricultural uses except where permitted by the Greenbelt Plan; and
- Outside the Greenbelt Plan Area only permitting the removal of Prime Agricultural Areas where the following have been demonstrated: need; the reasons for the choice of location; no reasonable alternatives; no negative impacts to agricultural operations or the natural environment; and the land does not comprise specialty crop land.

## **DIRECTION D: THE NATURAL HERITAGE SYSTEM**

**Designate the Natural Heritage System and adopt policies to protect and enhance the Natural Heritage System (NHS) and the Key Natural Heritage Features within it:**

- i. Adopt policies defining the Natural Heritage System and incorporate mapping to designate the NHS on the Land Use Plans included in the Official Plan and to identify components of the NHS.**
- ii. Incorporate policies regulating development in the NHS and in Key Natural Heritage Features.**
- iii. Update requirements for Environmental Impact Assessments.**
- iv. Incorporate policies supporting the Natural Heritage System.**
- v. Adopt policies supporting securement of environmentally significant lands.**
- vi. Incorporate the Greenbelt Natural Heritage System Policies contained in the Halton OP into the City's Official Plan.**

### **Issue**

The City's Strategic Plan commits the City to being a leader in stewardship of the natural environment. It envisions Burlington as having a healthy natural heritage system that is protected, conserved and enhanced, and is a fundamental component of the City's urban and rural areas, including North Aldershot.

The City's current Official Plan indicates that the City would identify a Natural Heritage System and amend the Plan to incorporate mapping and policies to protect it. The Region has designated a Natural Heritage System in its Official Plan, based on extensive studies by consultants with natural heritage planning expertise, and has incorporated policies in its Plan to protect and enhance that system. The City is required to incorporate the Region's Natural Heritage System mapping into the City's New Official Plan.

### **Background**

Burlington is fortunate in its natural setting, situated along the north shore of Lake Ontario and Burlington Bay, with the Niagara Escarpment, a distinctive and highly visible landform, linking North Aldershot and the Rural Area. The Escarpment is the backbone for an extensive network of woodlands and other natural features. Bronte

Creek, Grindstone Creek and other stream systems link the Escarpment to the Urban Area, the Lake and Burlington Bay.

The Natural Heritage System approach is concerned not just with protecting individual natural areas, such as woodlands and wetlands, but with the linkages and interconnections among them that are necessary to their long term health and survival. An example of those interactions would be the daily, seasonal and longer term movements of wildlife in search of food, shelter and places to reproduce. The goal of the Natural Heritage Systems approach is to maintain an interconnected and resilient system of natural areas.

A healthy Natural Heritage System performs functions that are important to Burlington's quality of life and its appeal as a place to live: protecting water resources and reducing flooding and erosion; cleaning the air; protecting biodiversity; and providing opportunities for outdoor recreation and agri-tourism experiences.

The Provincial Policy Statement requires municipalities to identify Natural Heritage Systems, to protect natural areas and features and to maintain maintaining linkages and related functions among water resource features and areas and natural heritage features and areas. Approximately 85% of Burlington's Rural Area is within the Niagara Escarpment Plan Area. The stated purpose of the Niagara Escarpment Plan is to maintain the Escarpment and the land in its vicinity as a continuous natural environment. In the Coordinated Provincial Plan Review the Province has proposed that the Escarpment Plan adopt a landscape approach to natural heritage protection to natural heritage protection.

The City's current Official Plan includes mapping and policies to protect natural heritage features such as woodlands. The policy directions proposed below incorporate the broader Natural Heritage System approach in conformity with the Halton Official Plan and Provincial plans and policies. The Natural Heritage System is a City-wide system establishing common policies applying across the Urban and Rural Areas and North Aldershot plus policies specific to each of those areas.

#### **i. Defining and Mapping the Natural Heritage System**

The Halton Official Plan identifies the Regional Natural Heritage System (NHS) as consisting of:

- Areas designated as Natural Heritage System, which are those areas so designated on Appendix A;
- The shorelines of Lake Ontario and Burlington Bay; and

- Significant habitat of threatened and endangered species not included in the NHS designations on Map 1.

The Regional NHS is scientifically structured on the basis of the following components:

- Key Features, which include: significant habitat of endangered and threatened species; significant wetlands and significant coastal wetlands; significant woodlands; significant valleylands; significant wildlife habitat; significant areas of natural and scientific interest; and fish habitat;
- enhancements to the Key Features;
- linkages, among Key Features and buffers protecting the features and ecological functions, and buffers;
- watercourses within a Conservation Authority Regulation Limit or that provide a linkage to a wetland or a significant woodland; and,
- wetlands other than those considered significant.

The Regional NHS includes the Escarpment Natural Area and Escarpment Protection Area, as identified in the Niagara Escarpment Plan, and Regulated Floodplains as determined by Conservation Halton.

In the Rural Area, the lands designated NHS encompass 69% of the total area. Half of this area is identified as Key Features. The other half is made up of enhancement areas buffers and linkages in which all types, sizes and intensities of agricultural operations are permitted.

### Proposed Policy Direction

The City will adopt policies defining the Natural Heritage System in accordance with the Region's Official Plan and designating the NHS on the Land Use Maps for the Rural, Urban and North Aldershot Areas contained in the City's OP. A second Map will be included in the OP showing the Natural Heritage System across the City as a whole (see Appendix D). That Map will also identify the components of the NHS, namely:

- those lands identified as Key Natural Features;
- those lands identified as Prime Agricultural Areas in the NHS Enhancement Area, Linkages and Buffers; and
- other lands identified as NHS Enhancement Area, Linkages and Buffers.

The Land Use Plans for the Rural Settlement Areas of Kilbride, Mount Nemo and Lowville will be amended to conform with the Halton OP (see Appendices E to G). The Greenlands and Open Space designations shown in the current OP will be removed and replaced with the Natural Heritage System mapping. In addition the Greenlands and Open Space Policies for the Rural Settlement Areas will be replaced by the Natural Heritage System policies for the City as a whole.

In accordance with the Region's OP the City will adopt policies:

- providing that the boundaries of the Natural Heritage System and Key Natural Heritage Features may be refined through future studies accepted by the City and the Region; and
- specifying that, when future planning studies identify components of the NHS not shown on Appendix D, the City shall protect those components in accordance with its OP policies.

**ii. Regulating Development in the NHS and in Key Natural Heritage Features**

In order to protect the Natural Heritage System while supporting agriculture as a compatible activity, Halton's OP limits permitted uses within the NHS to agricultural operations and normal farm practices, existing uses, and a limited number of non-farm uses: single detached dwelling units on existing lots; dwellings accessory to an agricultural use; non-intensive recreation such as trails; forest, fisheries and wildlife management; accessory and incidental buildings and structures; home occupations and cottage industries; essential transportation and utility facilities; and essential watershed management and flood and erosion control projects. The list of permitted uses is consistent with those permitted on those lands in the City's existing OP.

Within Key Natural Heritage Features the Regional Plan permits existing agricultural operations. The City's current OP also permits only existing agricultural uses within the Greenlands and Escarpment Protection Area designations. In those parts of the NHS outside Key Natural Heritage Features, the Regional Plan permits all types, sizes and intensities of agricultural operations. It also permits a number of on-farm businesses to enhance the economic viability of the farm operation and/or supplement farm income such as home industries and agri-tourism. These uses are only permitted where located on a commercial farm and secondary to the farm operation and are limited in size. The agricultural and agriculture-related uses and on-farm diversified uses permitted generally are consistent with those permitted in the City's existing OP.

The Regional OP differs from the City's existing OP, however, in:

1. Only permitting veterinary clinics, kennels and bed and breakfasts on commercial farms where secondary to the farming operations; and
2. Permitting horticultural uses of limited size on commercial farms where secondary to the farming operation.

The Regional Plan prohibits development or site alteration within certain types of Key Natural Heritage Features: within significant wetlands or significant coastal wetlands; or within significant habitat of threatened or endangered species or fish habitat, except in accordance with Federal legislation or regulations. It does not permit alteration of any of the components of the NHS unless it has been demonstrated that there will be no negative impact on the natural features and areas or on their ecological functions.

#### Proposed Policy Direction

The City will adopt policies respecting permitted uses in the Natural Heritage System that are in conformity with the Regional Official Plan and represent a continuation of the City's existing policies but with the following modifications:

1. In the Urban Area, the City will not permit agricultural operations or agriculture-related uses and on-farm diversified uses businesses within the NHS.
2. The City's OP, like the Halton OP, will continue to permit dwellings accessory to an agricultural operation except in the Escarpment Natural Area. It will now specify, like the Halton OP, that elsewhere in the Niagara Escarpment Plan Area, such dwellings must be mobile or portable. It will add the additional requirements in the City's current OP: that the farm is owned and operated by a commercial farmer; that the dwelling is required to house farm help; and that a maximum of three dwellings will be permitted on a property.
3. The City's OP will continue to permit nature preserves owned by approved conservation organizations.
4. The City will add to the list of permitted uses those permitted in an approved Niagara Escarpment Park and Open Space Master/Management Plan within the Escarpment Plan Area. Mount Nemo Conservation Area and Burlington's City View Park are two examples of such parks and open spaces.

Veterinary clinics, kennels, bed and breakfasts and horticultural uses will only be permitted on commercial farms where secondary to the farming operation.

The City's OP will incorporate the Halton OP policies prohibiting development within certain Key Natural Heritage Features but with the following modifications:

- Halton's policy applies to significant habitat of threatened and endangered species. The City's OP will apply to habitat of threatened and endangered species, not just to significant habitat, in accordance with the 2014 PPS.
- The PPS policy prohibiting development does not apply where development is in accordance with provincial and federal requirements. Thus development could be permitted in the habitat of threatened and endangered species. The City's OP will prohibit development in the habitat of threatened and endangered species if that habitat is located within other Key Natural Heritage Features. This is similar to the approach being proposed for the Niagara Escarpment Plan.

The City's OP also will incorporate the Region's OP policy not permitting alteration of any of the components of the NHS unless it has been demonstrated that there will be no negative impact. The City may require the proponent of a development in the NHS to submit an Environmental Impact Assessment.

It should be noted that boundaries of the Regional Natural Heritage System may be refined through a Sub-watershed Study undertaken in the context of an Area-Specific Plan or through an Environmental Impact Assessment prepared for an individual development applications. This may involve additions, deletions and/or boundary adjustments to the designated area. Where lands are deleted from the NHS development may occur.

### **iii. Environmental Impact Assessment**

The preparation of an Environmental Impact Assessment (EIA) provides the basis for determining whether a development will have negative impacts on a natural feature or its ecological functions. The City's current Official Plan requires the proponent of a development affecting lands designated as significant natural features, or affecting adjacent lands, to submit an Environmental Evaluation, a study similar to an EIA. Single detached dwellings and agricultural-related uses such as barns are exempt from this requirement. An Environmental Evaluation also may be required:

- for development on other lands where the City has determined that there is the potential to adversely affect the environment;

- for development in areas regulated by Conservation Halton.

The Halton OP requires the proponent of any development or site alteration meeting the following criteria to prepare an Environmental Impact Assessment:

- agricultural buildings with a footprint not exceeding 1,000 sq m or single detached dwellings on existing lots and their incidental uses that are located wholly or partially inside or within 30 m of any Key Feature of the Regional Natural Heritage System other than those areas where the only Key Feature is a significant earth science;
- agricultural buildings with a footprint over 1,000 sq. m that are located wholly or partially inside or within 30m of the Regional Natural Heritage System; and
- all other developments or site alterations, including public works, that are located wholly or partially inside or within 120m of the Regional Natural Heritage System.

The Halton OP indicates that the Region will assist the proponent of an agricultural building in carrying out the EIA.

The Halton OP also indicates, however, that an EIA will not be required where:

- the proponent can demonstrate that the proposal is minor in scale and/or nature and does not warrant an EIA;
- it is a use conforming to the local OP and permitted by Zoning By-laws;
- it is a use requiring only a Zoning By-law Amendment and is exempt from this requirement by the local OP;
- exempt or modified by specific policies of the Region's OP.

Thus the Halton OP provides for flexibility in determining whether an EIA will be required and, through its EIA Guidelines, in determining the scale and scope of study required.

### Proposed Policy Direction

The City will adopt the Region's EIA polices, providing flexibility in determining EIA requirements. The City will work with the Region and other stakeholders to further refine the EIA requirements for agricultural uses to focus on those situations with potential for significant environmental impact. This initiative will not be within the scope of the work on the New Official Plan however.

#### **iv. Supporting the Natural Heritage System**

The future of the Natural Heritage System within Burlington will be affected by the health of the larger, regional natural heritage system and by the linkages and connections to that broader natural heritage system. Within the Urban Area there may be opportunities to enhance the Natural Heritage System as development occurs.

##### Proposed Policy Directions

The City will incorporate policy to enhance the Natural Heritage System within the Urban Area through the planning and development process by encouraging the location of new open space/parkland adjacent to or near the Natural Heritage System and designing that open space to enhance the natural features and ecological functions.

There may be instances where Burlington receives an application for development on lands adjacent to a Natural Heritage Feature in an adjoining municipality. Similarly development proposed in a neighbouring municipality on lands adjacent to Natural Heritage Feature in Burlington. The City will introduce a policy requiring that, in such situations, it may require an Environmental Impact Assessment and require that the EIA's recommendations be implemented.

#### **v. Land Securement**

Land securement is concerned with the long term protection of environmentally significant lands. It involves the acquisition of such lands, or of an interest in land such as an easement, in order to ensure that the lands will be protected and cared for to maintain their environmental value for future generations. The lands might be acquired by a public agency, such as Conservation Halton, or by a private conservation organization such as the Escarpment Biosphere Conservancy or the Hamilton Nature Club.

The City's current Official Plan indicates that the City will consider a variety of options for the securement of natural features and the Bruce Trail. It permits severances for the purposes of securing areas which contain sensitive or significant natural features and/or the Bruce Trail provided that the severance does not result in the creation of a new developable lot. This enables a landowner who wishes to donate or sell the environmentally significant area of a property to a conservation organization to retain the remainder of the property containing his or her home. The Plan also includes

policies encouraging the dedication of Greenlands in the Urban Area to the City, and in particular through the development process.

The City can support land securement by:

- Partnering with and supporting public agencies and private conservation organizations in securing environmentally significant lands. The City already is engaged in such partnerships with the Cootes to Escarpment Eco-Park but it could do so in other areas as well.
- Permitting land severances to support land securement. Some municipalities permit conservation severances enabling a landowner who wishes to donate or sell the environmentally significant area of a property to a conservation organization but retain the remainder of the property containing his or her home. The Halton Plan permits the creation of a new lot for conservation purposes as part of the Bruce Trail within the Niagara Escarpment Plan Area.

#### Proposed Policy Directions

The City will support the securement of environmentally significant lands for conservation purposes within the designated Natural Heritage System and along the Bruce Trail. To this end the City will:

- Encourage the dedication of environmentally significant lands through the development process;
- Specify that dedication of natural heritage or natural hazard lands to the city will not be considered to be part of the parkland dedication required by the City.
- Partner with and support public agencies and private conservation organizations in working with owners of environmentally significant lands within the Natural Heritage System who are interested in protecting their lands as a legacy for future generations, either through acquisition or easement agreements; and
- Permit severances of lands containing sensitive or significant natural features within the Natural Heritage System and/or the Bruce Trail provided that the severance does not result in the creation of a new developable lot.

#### **vi. Greenbelt Natural Heritage System**

The Greenbelt Plan includes mapping identifying a Greenbelt Natural Heritage System (shown on Appendix B) and describes, but does not map, Key Natural Heritage

Features within that System. In Burlington the Greenbelt Natural Heritage System includes lands in the Rural Area and in North Aldershot plus lands associated with the valleys of Bronte and Grindstone Creeks within the Urban Area. The Plan includes policies to protect, maintain and enhance natural heritage, hydrologic and landform features and functions.

The Halton Region OP shows the Greenbelt Natural Heritage System as an overlay on the land use designations shown on the map attached as Appendix A in order to implement the Provincial Greenbelt Plan policies as they apply to the Natural Heritage System designated in the Region's Plan. While the Greenbelt Natural Heritage System and the Region's Natural Heritage System complement each other there are significant policy differences. The Halton OP thus includes specific policies applying to the Greenbelt Natural Heritage System to achieve the required conformity with the Greenbelt Plan.

#### Proposed Policy Directions

The Greenbelt Natural Heritage System policies contained in the Region's OP will be incorporated into the City's Official Plan.

## **DIRECTION E: MINERAL AGGREGATES**

**Establish a policy framework to ensure that the City's interests are satisfactorily addressed in applications for new or expanded aggregate operations and during and after extraction operations and also adopt policies and mapping to protect known mineral aggregate resource deposits and existing mineral aggregate operations to comply with provincial requirements:**

- i) Designate existing Mineral Resource Extraction operations and incorporate mapping identifying high potential Mineral Aggregate Resource Areas.**
- ii) Include policies to protect Mineral Resource Extraction operations from incompatible land uses and protect aggregate resources from development that would preclude their future use.**
- iii) Incorporate policies respecting permitted uses in Mineral Resource Extraction Areas, including facilities for processing or recycling of mineral aggregate resources and derived products such as asphalt or concrete.**
- iv) Enhance policies respecting applications for new or expanded Mineral Aggregate operations: requiring an amendment to the Official Plan; setting out the considerations and expectations to be addressed in reviewing such applications; and establishing that such applications will not be considered in certain areas such as Escarpment Protection and Natural Areas, Provincially Significant Wetlands, Habitat of threatened and endangered species, significant woodlands, and settlement areas.**
- v) Update policies requiring progressive and timely final rehabilitation of Mineral Aggregate Operations to form part of the Natural Heritage System or the Agricultural Area as appropriate.**

### Issue

Mineral aggregate operations are important to Ontario's economy, providing as raw materials used in the development of infrastructure and in the construction of the buildings that we live and work in. While mineral aggregate operations often are described as interim use, they may remain active for decades. They result in permanent changes in the landscape and can have long term impacts. The development and operation of pits and quarries can have significant impacts on surface and ground water resources, natural heritage, agriculture, cultural heritage and archaeological resources, transportation, air quality (noise and dust) and the overall character of the surrounding area.

Currently there are three active aggregate operations in Burlington:

1. Nelson Quarry, located on the Mount Nemo Plateau within the Niagara Escarpment Rural Area;
2. Aldershot Quarry (Forterra Brick), located off the North Service Road near King Road; and
3. Tansley Quarry (Forterra Brick), located on the west side of Tremaine Road just north of Highway 407.

In addition, the provincial Ministry of Natural Resources and Forestry has identified significant areas of high potential mineral aggregate resources as shown on Appendix H.

### Background

The Halton Official Plan satisfies the Provincial requirements for consistency with the PPS and conformity with Provincial land use plans while providing more detailed guidance to address community values and concerns in Halton. The PPS requires municipalities to include policies and mapping:

- Identifying and protecting deposits of mineral aggregate resources;
- Ensuring that as much of the mineral aggregate resources as is realistically possible is made available as close to markets as possible while avoiding or minimizing adverse impacts by establishing a policy framework and criteria for new or expanded mineral aggregate operations.
- Protecting mineral aggregate operations from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible.
- Requiring that extraction be undertaken in a manner which minimizes social, economic and environmental impacts.
- Providing for the conservation of mineral aggregates, including the use of accessory aggregate recycling facilities within operations.
- Requiring progressive and final rehabilitation of pits and quarries as aggregate is extracted.

The Niagara Escarpment Plan Area does not permit new pits and quarries within the Escarpment Natural and Escarpment Protection Areas. New pits and quarries may be

permitted in Escarpment Rural Areas by Amendment to the Escarpment Plan. It should be noted that the proposed new Niagara Escarpment Plan would redesignate the Mount Nemo Plateau from Escarpment Rural to Escarpment Protection.

The Greenbelt Plan permits activities related to the use of non-renewable resources are permitted in the Protected Countryside. It does not permit new mineral aggregate operations in significant wetlands, in significant habitat of threatened or endangered species or in significant woodlands unless the woodland is occupied by young plantation or early successional habitat. The Greenbelt Plan includes detailed policies respecting applications for new mineral aggregate operations or expansions to existing operations and rehabilitation of aggregate operations focused on protecting natural heritage and water resources.

**i. Designation of Existing Mineral Aggregate Operations and Identification of High Potential Mineral Resource Areas**

The Halton Official Plan designates existing licensed aggregate operations as Mineral Resource Extraction Areas. It also includes a map identifying high potential Mineral Resource Areas as identified by the Ministry of Natural Resources and Forestry (see Schedule F in the Region's OP). The City's current Official Plan designates Mineral Resource Extraction Areas but does not identify potential Resource Areas.

Proposed Policy Direction

The City will incorporate mapping of Mineral Resource Areas and designate existing pits and quarries as Mineral Resource Extraction Areas in accordance with the Region's OP (see Appendix H).

**ii. Protection of Mineral Resource Extraction Operations and Potential Aggregate Resources**

The City's current OP limits the uses permitted in High Potential Mineral Aggregate Resource Areas and prohibits development in proximity to those areas. The Region's Plan includes policies protecting not only potential resources but also existing aggregate operations. It requires the proponent of any land use change with the potential to hinder an existing aggregate operation or its expansion, or to preclude the development of aggregate resources, to demonstrate that extraction would not be feasible or that the proposed use serves a greater public interest and that health, safety and environmental impacts are addressed.

Proposed Policy Direction

The City also will adopt the Region's policies protecting existing mineral aggregate operations and potential aggregate resources as required by the PPS.

**iii. Permitted Uses in Mineral Resource Extraction Areas**

The uses permitted within existing Mineral Resource Extraction Areas in the City's current OP are similar to those permitted in the Region's Plan but with one significant difference. The City's OP permits facilities for crushing and washing aggregate but excludes asphalt plants, concrete plants, brick manufacturing plants and other similar uses. The Halton OP permits associated facilities for the recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products, provided that such facilities are directly associated with aggregate extraction from an integrated mineral resource operation, which may include more than one licensed site.

Proposed Policy Direction

The City will incorporate policies respecting permitted uses within Mineral Extraction Resource Areas that are in conformity with the Halton OP.

**iv. Applications for New or Expanded Mineral Aggregate Operations**

Under the City's existing OP a proposed new aggregate operation or an expansion to an existing operation requires an amendment to the Plan. However, the Plan does not permit new pits or quarries or expansions to existing pits and quarries in the Greenlands designations, or in the Environmental Protection Area designation in the North Aldershot Planning Area. The Plan requires that an amendment application be accompanied by a planning justification report plus studies addressing: water resources and conservation; natural heritage; stormwater management; site plans and on-site infrastructure; economic impact; and noise, vibration, dust and air quality.

The Halton Official Plan also requires a Regional OP amendment for any new mineral aggregate operation but the restrictions on where new aggregate operations may be permitted differ from those in the City's existing OP. Outside the Greenbelt NHS Applications will not be considered in the Niagara Escarpment Plan Area (except the Escarpment Rural Area); Provincially Significant Wetlands; significant habitat of threatened and endangered species, except in accordance with the *Endangered Species Act*; areas within 200 meters of the Escarpment brow; settlement areas; and

the North Aldershot Policy Area, except in accordance with the existing Minutes of Settlement.

The Region's OP also establishes a more complete and detailed policy framework for dealing with applications:

- To develop and maintain an Aggregate Resources Reference Manual as a guidance document;
- To encourage applicants to have regard for the manual and to pre-consult with public agencies;
- To ensure coordination among public agencies in the review of proposals and public consultation;
- To establish a more comprehensive set of criteria for evaluating applications considering:
  - The Natural Heritage System;
  - Surface and ground water;
  - Sensitive land uses;
  - Cultural Heritage Resources;
  - The transportation system;
  - The surrounding agricultural and rural communities;
  - The visual character of the area;
  - Cumulative impacts;
  - Proposed rehabilitation plans and their compatibility with the goal and objectives of the OP; and
  - The risk of public financial liability resulting from extraction.

#### Proposed Policy Direction

The Region's policy framework for dealing with mineral aggregate applications will be adopted with the following modifications:

- Applications for new or expanded mineral aggregate operations will not be considered:
  - in Significant Woodland except in an area of the woodland occupied by young plantation or early successional habitat; and

- where adaptive management plans or similar measures are likely to require continuous or perpetual active management after extraction has been completed.
- The following considerations will be added to the evaluation of applications:
  - Consider impacts on the Agricultural System as well as on individual agricultural operations, requiring the submission of an Agricultural Impact Assessment;
  - Specifically address impacts on the Cultural Heritage Landscape through the requirement for a Cultural Heritage Landscape Impact Assessment; and
  - Assess social impacts and impacts on the rural community.

**v. Rehabilitation and After-Use**

Currently the City's Official Plan requires the progressive rehabilitation of mineral resource extraction areas to an appropriate use after aggregate extraction has been completed. If the site is being rehabilitated for agricultural use, substantially the same acreage and average soil capability for agriculture shall be restored. If the site is being reforested, the aim is to be to re-establish a functioning ecosystem similar in condition to the natural ecosystem in the region.

The Halton OP also requires rehabilitation of mined out sites but specifies that the rehabilitated site is to form part of the Natural Heritage System or Agricultural Area. A detailed rehabilitation plan is to be included in the licenced site plan. The after use is to be in conformity with the appropriate land use designation, whether NHS or Agricultural. If the proposed after use is not permitted by the existing Mineral Aggregate Extraction designation an OP Amendment is required. Complete rehabilitation to an agricultural use is not required under some circumstances.

Proposed Policy Direction

The City's policies will conform with the Halton OP, requiring that the lands be rehabilitated to be part of the Natural Heritage System or the Agricultural Area. A rehabilitation plan will be required as part of the application for a new or expanded aggregate operation and as part of the licenced site plan. An OP amendment will be required if the proposed after use is not a permitted use in the Mineral Resource Extraction designation such: as agriculture; non-intensive recreation; forest fisheries or wildlife management; uses permitted in an approved Niagara Escarpment Park and Open Space Management/Master Plan; or watershed and flood and erosion control projects.

## **DIRECTION F: CULTURAL HERITAGE LANDSCAPES**

**Adopt policies requiring that the conservation of cultural heritage landscapes is addressed when major development is proposed in the Rural Area and attach associated mapping.**

### Issue

There is interest in conserving the historic character of the landscape in rural Burlington. At the same time, the community has concerns about the establishment of the regulatory approach that would accompany the designation of a Heritage Conservation District.

### Background

The Provincial Policy Statement requires that significant cultural heritage landscapes shall be conserved. A cultural heritage landscape means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community. It may include features such as buildings, spaces, archaeological sites or natural features that are valued together for their interrelationship, meaning or association.

The City's current OP states that the City shall protect, improve and manage its cultural heritage resources, which include cultural heritage landscapes. All development is to consider cultural heritage resources and wherever feasible, incorporate these resources into any development plans in a way that conserves the character and defining elements of the cultural heritage resource.

In 2013 a heritage consultant completed the *Preliminary Study of the Heritage Character of the Mount Nemo Plateau* for the City. The study concluded that the Mount Nemo Plateau and adjoining lands constituted a distinct historical community represented by a range of heritage features and elements bounded in such a clear physical manner that the study area could be identified as an organically evolved, continuous Cultural Heritage Landscape. It recommended that the City proceed with a Heritage Conservation District Study and defined the Study Area.

The City retained consultants to prepare a Heritage Conservation District Study. The interim findings were presented to the community but the study did not progress to completion. While there was community interest in protecting the rural landscape, there were concerns with additional regulation, with impact on real estate values and with lack

of clarity about the benefits. A decision was made to refocus on the City's Official Plan Review.

#### Proposed Policy Direction

In the Rural Area major developments such as major public works or mineral aggregate applications can have the most significant and far-reaching impacts on cultural heritage landscapes. It is proposed that the City adopt policies that the City may require the proponent of a major development project within the Cultural Heritage Landscape Study Area identified through the 2013 *Preliminary Study* to prepare a Cultural Heritage Landscape Assessment. The Assessment would include:

- 1) the identification and evaluation of cultural heritage resources and natural features within and adjacent to the candidate cultural heritage landscape and the interrelationships among them;
- 2) public and agency consultation to assess the significance and value of the landscape and its components to the Community;
- 3) mapping of cultural heritage resources and attributes and of the boundaries of the Cultural Heritage Landscape as identified through the Assessment;
- 4) a Statement of Significance providing a brief summary of the cultural heritage value or interest, historical integrity and community value of the candidate cultural heritage landscape as developed during the evaluation of its significance; and
- 5) recommended policies, measures and strategies to conserve the cultural heritage landscape.

The City will attach a map showing the boundaries of the Cultural Heritage Landscape Study Area as an Appendix to the OP.

## **DIRECTION G: GOLF COURSES**

**Incorporate policies respecting golf course development or redevelopment:**

- i) To not permit a new golf course or golf driving range or an expansion to an existing golf course or driving range requiring additional land.**
- ii) To establish a policy framework for responding to proposals to redesignate Open Space lands, such as golf courses and driving ranges, to permit urban development and specify that such proposals will only be considered in conjunction with a Municipal Comprehensive Review.**

The City's existing OP also does not permit golf courses in designated Greenlands or in the Environmental Protection Area designation in North Aldershot. An Official Plan Amendment is required to permit a new golf course or expansion to an existing course elsewhere. The Regional OP also does not permit golf courses in the Natural Heritage System. It provides for proposals for new golf courses in the Agricultural Area to be considered only by site-specific amendment to the Plan and provided that a number of conditions are met. Almost all of the lands designated Agricultural Area in Burlington are identified as Prime Agricultural Areas in the Region's OP.

The Provincial Policy Statement does not permit non-agricultural uses such as golf courses in Prime Agricultural Areas. Furthermore the Niagara Escarpment Plan does not permit golf courses in the Escarpment Natural or Escarpment Protection Areas. They also are not permitted in prime agricultural areas in the Escarpment Rural designation and thus are not permitted in most of rural Burlington.

There are three existing golf courses in the Urban Area, all located in built up areas. There have been proposals in other municipalities to redesignate golf courses to permit development of residential or other uses. A golf course can encompass 40 hectares or more of land with the potential to accommodate several thousand dwelling units. Such proposals have raised a variety of concerns, including the impacts on the municipality's plans for growth and intensification.

### Proposed Policy Direction

The City will not permit a new golf course or golf driving range or an expansion to an existing golf course or driving range requiring additional land.

The New Official Plan will make it clear that, where there is a proposal to re-designate golf course lands, the City is under no obligation to purchase the lands. The Plan will establish a policy framework for responding to proposals to redesignate privately owned Open Space lands such as golf courses and driving ranges to permit urban

development. The framework will require that such a proposal address the following considerations in addition to the other policies in the Plan:

- The impact on the availability of other recreational facilities to meet community needs; and
- The impacts on the intensification framework set out in the City's Official Plan and, in particular, conformity with the City's policies respecting modifications to the intensification framework areas. The Official Plan will specify that such an application will only be considered in conjunction with a Municipal Comprehensive Review so that the impact on the City's Urban Structure and Intensification Framework can be appropriately assessed.

## **DIRECTION H: ENVIRONMENTAL SUSTAINABILITY**

**Include city-wide policies on environmental sustainability:**

- i. Update policies related to sustainable design measures and to enable the use of sustainable building and development guidelines;**
- ii. Update water resources policies to ensure watershed, stormwater management, natural hazard and watercourse policies reflect current best practices;**
- iii. Establish urban forestry policies in keeping with the City's Council approved Urban Forest Management Plan;**
- iv. Update existing policies to address gaps related to climate change, renewable energy and district energy, in keeping with the City's Council approved Community Energy Plan and Integrated Community Energy System Feasibility Study;**
- v. Update policies to encourage urban agriculture and local food in keeping with current city practices.**

### Issue

The existing Official Plan Functional Policies in Part II, Section 2.0 of the Official Plan provide direction with respect to sustainable development. Policies in this section were adopted by City Council in 2008 but currently remain under appeal at the Ontario Municipal Board. Many of these policies remain valid; however the New Official Plan presents an opportunity to reaffirm the city's commitment to sustainable development and to strengthen the existing policy framework. Proposed changes to existing Official Plan policies are intended to:

- Adopt policies reflective of best practices currently available;
- Improve clarity and wording of existing policy;
- Conform to senior plans and regulations; and
- Formalize in policy existing practices of the City.

The following section summarizes the background and policy directions related to sustainable design, water resources, urban forestry, climate change and energy, and community gardens.

## **i. Sustainable Design**

### Background

Direction 1.2 f) of Burlington's Strategic Plan 2015-2040 supports city policy that encourages and rewards energy-efficient buildings and other on-site sustainable features.

### *Previous Reports to Council*

Council first expressed an interest in pursuing sustainable building and design policies through various Council directions between 2006 and 2010 (CD-65-06-5, CD-81-08, PB-32-10). A draft proposed Official Plan Amendment (OPA) and draft Sustainable Building and Development Guidelines were presented in staff report [PB-02-12](#) (endorsed by Council on January 30, 2012), and a final OPA and set of guidelines were presented to Council in staff report [PB-45-12](#). At the Council meeting on September 4, 2012, the report recommendations of PB-45-12 were deleted and replaced with the following:

1. Defer Planning and Building Department Report PB-45-12-1 for staff time to complete the following directions; and
2. Direct the Director of Planning and Building to review the proposed Amendment 88 based upon further consultations with representative of the development industry including specifically the Hamilton Halton Homebuilders Association; and
3. Direct the Director of Planning and Building to work with the City Solicitor to address the issue of amending an Official Plan policy currently before the OMB as part of OPA 55. (PB-45-12-1).

The City is now proceeding with a New Official Plan, therefore report recommendation 3 related to the legal issue is no longer relevant. The policies under appeal will not be brought into force and effect, and rather any policies proposed through the New Official Plan will replace any policies currently under appeal, subject to approval.

### *Consultation with the Development Industry*

In order to address report recommendation 2 above, staff has met with the Housing and Development Liaison Committee, which includes representatives from the Hamilton Halton Homebuilders Association, on three occasions to discuss their concerns with the previous OPA and guidelines. The following key concerns were raised:

- The proposed amendment and guidelines should be incorporated into the Official Plan Review;
- A request for more clarity surrounding the language "voluntary" and "general compliance" to ensure a consistency in application;

- A desire to work with guidelines that are not overly prescriptive and allow choice;
- Suggested revisions to the specific guidelines to provide clarity on the standard requested and to reflect industry experience;
- A thorough review of incentive approaches must be considered in conjunction with the approval of the guidelines; and
- Impacts to affordability must be considered.

This feedback is addressed by the proposed policy direction and draft guidelines and implementation details (including incentive approaches) found in Appendix I. While detailed guidelines and implementation details would not typically be provided as part of a policy directions report, in this instance staff wanted to provide this level of detail to provide a clear indication to the development industry and council of the proposed direction of the guidelines and implementation details.

The language of the Official Plan Amendment and the Sustainable Building and Development Guidelines and implementation details will be subject to further public consultation and additional review as part of the broader engagement and consultation to support the draft official plan.

### Policy Direction

Section 41(4) of the *Planning Act* allows for the regulation of sustainable design measures through the Site Plan process, but only for design elements that are exterior to the building. As noted in staff reports PB-02-12 and PB-45-12, municipalities in Ontario, with some exceptions, cannot require developers to meet building standards beyond those found in the *Ontario Building Code Act*. Therefore, the Sustainable Building and Development Guidelines that are interior to the building will only be implemented through a voluntary approach.

The City will replace the existing Sustainable Design and Compatibility policies found in Part II, Section 2.7 of the Official Plan with new Sustainable Design policies. The policies will:

- i. clearly identify which design elements are required and which items are encouraged on a voluntary basis. All required sustainable design elements relate to exterior elements of the building that can be achieved through Site Plan (e.g. stormwater management, bicycle parking), and largely reflect existing Site Plan requirements.
- ii. Policies will also enable the adoption and implementation of the Sustainable Building and Development Guidelines, which provide more detailed guidance on requirements and voluntary measures.

A draft copy of the Sustainable Building and Development Guidelines and draft implementation details are found in Appendix I.

### **iii. Water Resources**

#### Background

The City's Official Plan has existing policies related to Watershed Management and Stormwater Management. In addition to Official Plan policy, the City relies on storm drainage criteria manuals, watershed studies and other standards for the detailed review and implementation of water resource matters. While many of the guiding Official Plan policies remain valid, updates are required to reflect current best practices and direction from the Provincial Policy Statement (PPS) 2014, ROPA 38, and Burlington's Strategic Plan 2015-2040.

#### Policy Direction

The New Official Plan will include a section that addresses city-wide water resources policies. This section will include policies related to watershed management, stormwater management, natural hazards and watercourses. Updated policies will:

- i. Reflect current stormwater management best practices, such as low impact development (LID) measures and the potential retrofit of existing ponds and stormwater management facilities to improve function;
- ii. More accurately reflect natural hazards and areas subject to Conservation Authority Regulations; and
- iii. Reflect current technical standards and related plans and policies, such as Source Protection.

### **iv. Urban Forestry**

#### Background

The City's Urban Forest Management Plan (UFMP) was developed in July 2010 with the purpose of increasing urban forest management effectiveness and efficiency, improving tree health and diversity, minimizing risks to the public and maximizing the benefits provided by a healthy and sustainable urban forest. Recommendations No. 14 and 25 of the UFMP included recommendations to be incorporated into the City of Burlington Official Plan. Burlington's Strategic Plan 2015-2040 reinforced Council's commitment to the city's urban forest and tree canopy.

### Policy Direction

The new Official Plan will include a new urban forestry policy section that is consistent with the Council approved Urban Forest Management Plan, the Regional Official Plan and will largely reflect current staff practices. Policies will:

- i. Include objectives related to the protection and enhancement of the urban forest;
- ii. Include requirements for tree protection and planting during development;
- iii. Encourage the planting and reforestation of natural areas and the incorporation of trees into parking lots, streetscapes and other urban areas; and
- iv. Promote the use of native, non-invasive and diverse species, and encourage the eradication of invasive, non-native trees where appropriate.

### **v. Climate Change and Energy**

#### Background

The Provincial Policy Statement 2014, Burlington's Strategic Plan 2015-2040 and the City's Community Energy Plan provide policy direction related to climate change and the support for renewable and alternative energy systems, such as district energy. The City has expressed further interest in developing district energy through the Integrated Community Energy System Feasibility Study (both the Phase 1 study and the Phase 2 study which is currently underway), particularly in the downtown and Mobility Hub areas.

The *Green Energy Act* (GEA) was passed in 2009 with the goal of further enabling and promoting energy conservation and renewable energy development. The new approvals framework established through the GEA exempts most renewable energy developments from the *Environmental Assessment Act* process and, with some exceptions, the *Planning Act* process, and created a provincial Renewable Energy Approvals process. Currently staff encourages the review of renewable energy projects in accordance with City protocols and the Region of Halton's Guideline for Coordinated Municipal Responses to Renewable Energy Projects.

#### Policy Direction

The New Official Plan will include updated policies to reflect provincial and regional policy, and the city's community energy planning efforts. Policies will:

- i. Identify elements of the Official Plan that address climate change;
- ii. Support district energy, particularly in Mobility Hub Study Areas; and
- iii. Encourage the review of renewable energy projects proposed under the Provincial Renewable Energy Approvals process according to City and Regional protocols.

## **vi. Urban Agriculture and Local Food**

### Background

The Region's Rural Agricultural Strategy recognizes the importance of supporting local food, improving the community's understanding of and appreciation for local farming, improving food security and providing for urban agriculture.

Urban agriculture involves growing food products through agricultural activity within the urban area of the City, including community gardens and rooftop gardens. The benefits associated with urban agriculture and community gardens include the ability to encourage sustainable local food production, increasing access to healthy food, providing opportunities for community building and creating local green space. The City already has undertaken successful projects for four community garden sites, including Central Park, Amherst Park, Maple Park and the Francis Road Bikeway.

Farmers markets and roadside produce stands provide opportunities for residents to purchase local food, develop connections with local farmers, and learn about local agriculture. Farmers markets currently operate at a number of locations in Burlington.

The Official Plan currently contains policies to permit the use of Community Gardens (currently referred to as Allotment Gardens in the OP) within all land use designations. The OP will continue to permit Community Gardens, however some additional policies and minor revisions are recommended to further promote and support community gardens. These policy directions align with Burlington's Strategic Plan 2015-2040, the ROPA 38 Healthy Community Guidelines and direction from the Provincial Policy Statement 2014.

### Policy Direction

The New Official Plan policies will:

- i. Include objectives to support and promote community gardens and local food production;
- ii. Identify the City's intent to create Community Gardens Guidelines to assist with the development of community gardens on public and private lands.
- iii. The City will adopt policies permitting farmers markets and produce stands in appropriate land use designations within settlement areas provided that certain criteria are met addressing matters such as parking, access and servicing to ensure that they are compatible with surrounding land uses and do not have adverse impacts.

#### **4.0 STRATEGIC INITIATIVES AND ADVOCACY FOR CHANGES TO PROVINCIAL AND REGIONAL POLICIES**

The City has participated in the development of Halton Region's *Agricultural Rural Strategy* and has expressed support for the *Agricultural Strategy* in its own recently adopted Strategic Plan. In October 2016 Regional Council endorsed the *Agricultural Rural Strategy*, which identifies priority actions to support the long term viability of Halton's rural and agricultural sectors. While some of the priority actions involve land use planning, others lie outside the scope of planning, such as the development of rural infrastructure or targeted economic development programs to support agriculture.

The Official Plans of the Region and the City also include policies that cannot be implemented using the planning tools available to municipalities. For example, the City's OP includes a policy stating that the City will encourage the Provincial government maintain a property tax that encourages farming and the true value of productive agricultural land. It is proposed that such policies not be included in the City's New Official Plan but be addressed elsewhere, through other initiatives.

In addition through the work on these policy directions, staff have identified instances where modifications to Provincial or Regional policy would be of benefits in enabling the City to better address local goals and local concerns. These could be addressed by the City by playing an advocacy role through the upcoming Halton Region OP review or at the Provincial level.

Potential initiatives that could be addressed by the City are listed below. This list includes the priority actions identified in the Region's *Agricultural Rural Strategy*. Other potential initiatives may be identified and added to the list for consideration.

It is proposed that the Director of Planning and Building be directed organize and coordinate a City-wide review of these matters and report back to Council with recommendations following adoption of the New Official Plan.

##### **Potential Initiatives**

1. **A Rural Community Improvement Plan (CIP).** Prepare and implement a Community Improvement Plan for Rural Burlington to support the development of agricultural operations; agriculture-related uses and on-farm diversified uses; agri-tourism; conservation of cultural heritage resources; and enhancements to public spaces and facilities.
2. **Strengthening the Agricultural System.** Collaborate with the Region in reviewing and updating the Regional Official Plan to develop policies to further define and strengthen the Regional Agricultural System.

3. **Balancing Agriculture and Natural Heritage Conservation.** Work with the Region in coordination of policies to manage the relationship between the Natural Heritage System and the Regional agricultural system to ensure they are mutually supportive.
4. **Streamlining Development Approval Processes.** Work with the Region and other agencies to streamline approval processes for rural development.
5. **Developing Rural Infrastructure.** Support the Region in developing and implementing a rural infrastructure plan to support the agricultural system.
6. **Developing the Agri-Food Sector.** Develop and implement economic development programs directed at the development of agricultural support businesses, agric-tourism and agricultural processing, manufacturing, wholesaling and processing operations.
7. **Education and Information.** Work with the Region and other stakeholders to educate and inform the public about the benefits of sustaining a healthy food and farming sector in Halton and to promote local food.
8. **Farmers Markets and Produce Stands.** Support and encourage the development of farmers markets and produce stands within the Urban Area and the Rural Settlement Areas.
9. **Access to the Bruce Trail.** Work with the Bruce Trail Association, the Niagara Escarpment Commission, the Region and others to establish parking areas providing access to the Bruce Trail.
10. **Securing Natural Heritage.** Collaborate with the Region, the Conservation Authority and other public and private conservation organizations in working with owners of environmentally significant lands who are interested in protecting their lands as a legacy for future generations, either through acquisition or easement agreements.
11. **Natural Heritage Restoration.** Support the restoration and enhancement of natural features and ecological functions within and adjacent to the Natural Heritage System.
12. **Regions' OP Review.** Participate in the Region's Official Plan Review to ensure that local goals and local interests are addressed.
13. **Small Lot Agriculture.** Encourage the Province and the Region to adopt policies permitting the creation of smaller agricultural lots to facilitate the development of

smaller farms catering to the urban markets, such as farms growing organic vegetables or specialty product.

14. **Environmental Impact Assessment.** Advocate for modifications to the Region's Environmental Impact Assessment requirements to better define the circumstances where an Environmental Impact Assessment and work with the Region, Conservation Halton and the other local municipalities to develop these modifications and determine appropriate mechanisms to implement EIA requirements.
15. **Surplus Farm Dwellings.** Work with the Region and others in reviewing the Regional policy approach to the severance of surplus farm dwellings.
16. **Mineral Aggregates.** Participate in the ongoing Provincial review of the policy framework for managing mineral aggregate resources and resource development in Ontario.

## **Strategy/process**

### Mapping and Sustainable Building and Development Guidelines

In order to illustrate the vision and concepts presented in the policy directions, staff has included draft mapping, draft Sustainable Building and Development Guidelines and an implementation summary in the appendices for discussion purposes only. It is important to note that staff is not seeking Council's endorsement of the mapping and guidelines included in the appendices at this time. Staff will undertake significant public consultation to refine Official Plan mapping and guidelines, as part of the OPR Phase 3 engagement program in support of the draft New Official Plan.

### Coordinated Provincial Plan Review

In May 2016 the province released proposed changes to three of the provincial land use plans affecting Burlington: the Greenbelt Plan; the Niagara Escarpment Plan; and the Growth Plan. It is expected that the province will approve new, updated plans in the coming year. Once these plans are released the City will determine, in conjunction with the Region, how to address the requirement for conformity with the new provincial plans.

### Draft New Official Plan

The next step in the New Official Plan project is to present Council with a consolidation of all proposed policy directions, a draft New Official Plan, and an updated engagement and communications strategy in Q1 of 2017.

### **Financial Matters:**

There is currently \$244,000 remaining for the Official Plan Review which is sufficient in staff's assessment to fund delivery of the New Official Plan. Any remaining funds will be used to supplement funding the Zoning By-law Review.

In addition it should be noted that each of the strategic initiatives listed in Section 3 of this report may have its own financial implications. The financial implications will be addressed in the future when staff report back on specific initiatives.

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### **Connections:**

Connections have been addressed within the Strategy/Process section and with the Potential Strategic Initiatives and Advocacy Matters of the subject report.

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### **Public Engagement Matters:**

A detailed engagement and communications plan was created to support the Official Plan Review and is found in [Appendix O of staff report PB-53-12](#). Staff will review and update the existing plan to support communication and engagement activities for the New Official Plan. The updated communications and engagement plan will be provided to Council when the draft New Official Plan is released, and will outline the specific consultation activities that will be undertaken as part of the final phase of the Official Plan review.

The following consultations have specifically influenced this report:

- Consultations with public agencies – the Region, Niagara Escarpment Commission and Conservation Halton
- Rural Summit, Mount Nemo, January 2013
- Sustainable Development Committee (*Sustainability Policy Directions - February 4, 2015, Sustainable Building and Development Guidelines - May 6, 2015, Rural, Natural Heritage, Aggregate Resources and Cultural Heritage - November 2, 2016*)
- Agriculture Committee
- Halton Developers Liaison Committee (HDLC)
- Burlington Green

- Mount Nemo Cultural Heritage Landscape consultations (*January 2014, February 2014, April 2014, February 2015, May 2016*)
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## **Conclusion:**

In line with the City's Strategic Plan, this report has taken a broad approach to addressing the issues facing rural Burlington and the means of achieving environmental sustainability. While the report has proposed policy directions for the new Official Plan, it has looked beyond the current OP review to identify other initiatives that could be taken by the City to support the rural community.

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Respectfully submitted,

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## **Appendices:**

- A. Draft Comprehensive Land Use Plan, Rural Area, November 2016
- B. Draft Map, Provincial Plans and Land Use Designations, November 2016
- C. Draft Agricultural Land Base Map, November 2016
- D. Draft Natural Heritage System Map, November 2016
- E. Draft Kilbride Settlement Area Land Use Plan, November 2016
- F. Draft Lowville Settlement Area Land Use Plan, November 2016
- G. Draft Mount Nemo Settlement Area Land Use Plan, November 2016
- H. Draft Mineral Resources Map, November 2016
- I. Draft Sustainable Building and Development Guidelines and Implementation Summary, November 2016

## **Notifications:**

OPR Mailing List

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

Barbara Veale, Manager, Planning and Regulation Services, Conservation Halton

Director, Niagara Escarpment Commission

**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.