



Planning and Building Department

TO: Community Development Committee

SUBJECT: Introduction to the 2012 Official Plan Review

Report Number: PB-87/11

File Number(s): 505-08

Report Date: November 16, 2011

Ward(s) Affected: 1 2 3 4 5 6 All

Date to Committee: December 12, 2011

Date to Council: December 19, 2011

Recommendation: ENDORSE the proposed process for the 2012 Official Plan Review contained in Appendix B; and
ENDORSE Option #3 proposed in Report PB-87/11 such that the Official Plan and Zoning By-law Reviews will be undertaken simultaneously, subject to the 2012 Capital Budget approval, and
DIRECT the Director of Planning and Building to engage the Burlington community in the 'external scan' included in the 2012 Official Plan Review; and
DIRECT the Director of Planning and Building to report back with a scope proposal and a proposed engagement strategy for further consideration by Council, it being understood that the respective proposals will indicate at a conceptual level the required linkages between the Official Plan Review and the Zoning By-law Review.

Purpose:

- Address goal, action or initiative in strategic plan
- Establish new or revised policy or service standard
- Respond to legislation
- Respond to staff direction
- Address other area of responsibility

The purpose of this report is to provide an introduction to the 2012 Official Plan Review, and to seek direction to move to 'next steps' in terms of providing further advice regarding the scope of the review and a public engagement strategy.

Reference to Strategic Plan:

Strategic Plan – Burlington Our Future 2011 – 2014

Direction 1 – Vibrant Neighbourhoods

Direction 2 - Prosperity

Direction 3 – Excellence in Government

Background:

The last review of the Official Plan occurred between March 2002 and October 2006. The current Official Plan was adopted by Council in October 2006 and approved by the Region in January 2008. Portions of the Plan have been either deferred or referred to the Ontario Municipal Board. These deferrals and referrals generally relate to specific properties, and as such do not affect general policy directions of the Plan.

The Planning Act requires that the Official Plan be updated every five years. In addition, the Province's Growth Management Plan 'Places to Grow' requires a review of growth management issues on a five year cycle.

As planning generally is a continuously evolving function driven by multiple statutes and informed by continuous improvement of good practices, timely and systematic review of the Official Plan contributes to good governance that is responsive to local issues while remaining consistent with Provincial plans and policies.

Discussion:

Content Considerations

The five year review of the Official Plan is a major undertaking. Care must be taken to define the scope of the review so as to identify the resources that will be required and establish a realistic timeline for completion.

The minimum content requirements for a municipal Official Plan are effectively established by the Planning Act. The Act thereby helps to identify the preliminary scope of the Official Plan Review. Appendix A, which lists matters of Provincial interest, contains additional detail for this discussion.

The Planning Act also confirms the role of Provincial policy statements and Provincial plans in guiding the local municipal planning direction. As a result the review must address other related statutes and plans such as the Niagara Escarpment Plan,

Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and the Regional Official Plan. All are influential in the Burlington planning environment.

Determining the scope of the review will also be informed by 'sizing up' the existing Plan by way of:

- an internal scan involving City Departments, committees, and advisory committees, and
- an external scan involving the Burlington community, agencies, partners, and the Region.

In addition, there is a statutory requirement that Council hold a special meeting, open to the public and inclusive of public delegations, to discuss any revisions that may be required from the public's point of view. This meeting will be included in the external scan and will be scheduled during the initial 'sizing up' phase of the review.

It should be noted that one very important input to the 'sizing up' exercise will be Council's priorities as identified in the strategic planning exercise. Aligning Council's strategic priorities with the longer-term direction of the Official Plan will be important to the success of both.

Process Considerations

Municipal effort involved in an Official Plan review typically follows a process similar to that included as Appendix B.

The process map shows the major steps that are involved from initiation of the project to adoption of a new Plan by Council. It does not extend to subsequent effort including Regional approval and possible appeal to the Ontario Municipal Board.

Given Council's strong commitment to inclusion and public engagement, determining a strategy to engage the Burlington community will be a very important 'early step'. Decisions made at this step will determine the parameters for an Engagement Plan to be executed throughout the review.

Once the scope of work has been determined, a work plan will be developed with key milestones indicated, resources identified, and a timeline to completion. The work plan will address the technical question of whether the review will result in a 'new' Official Plan, or an amendment to the existing Plan. The work plan will integrate the elements of the communication and engagement strategy, and will also provide a protocol to guide relationships with the respective agencies, partners, and the Region.

It is proposed that detailed reports be provided to Council regarding the proposed scope of work and work plan. Council approval will be required at each of these steps before proceeding to the 'next steps'.

It is also proposed that as policy choices are being assessed, policy direction reports will be provided to Council for review and endorsement prior to drafting new policy. As these reports will be discussed in open session they will also serve to keep stakeholders informed as to the progress of the review.

Once a new or amended Official Plan has been drafted, further consultation will occur in accordance with statutory requirements and the measures contained in the Engagement Plan. This consultation must occur before the Plan can be adopted by Council, and can be helpful in facilitating consensus support for any new policy directions that may arise.

A Preliminary ‘Sizing Up’

Staff will need direction from Council regarding Council’s interests in the review. It would be helpful if Council would provide their ‘issues list’ at the earliest opportunity. For this purpose we propose to organize a facilitated workshop in January, 2012 to ensure that all matters of interest can be put forward, discussed, and agreed upon. The list should be consolidated in the form of a formal resolution which will serve as a Staff Direction to the review team.

In the meantime, Staff are aware of the following matters that will warrant attention in the review. They should be considered a preliminary ‘sizing up’ subject to the input of other interested parties as noted above and as indicated in the process map.

- Unfinished Business: The Greenbelt

The current Official Plan was approved by the Region in 2008. It generally met the conformity requirements of Provincial and Regional policies and the Growth Plan at that time. However, while much of the City’s Official Plan is in conformity with the Greenbelt Plan in that a substantial area of Burlington is within the Niagara Escarpment Plan area, the City’s Official Plan for the area that is outside the NEP must be brought into conformity with the Greenbelt Plan.

- The Rural Community

Urban agriculture and local food considerations are emerging issues for planning practice, and an interest that has been pursued by the Sustainable Development Committee, for example, through the community garden initiative. In part these issues are related to complementary issues involving the relationship between the rural and urban areas of the City, and the dynamics of the rural economy and rural community. Investigation of these issues and relationships would lead to a refined vision for Burlington’s rural area.

- Provincial Policy Review

Subsequent to approval of the Official Plan by the Region, the Province initiated a review of the Provincial Policy Statement. The Provincial review is ongoing, and should be monitored for possible impact on the Official Plan.

- Healthy Communities

Ontario planning practice has turned its attention to the 'healthy communities' concept. This effort seeks to deliver improved public health outcomes, in terms of both physical and psychological well-being, through community planning and design. In this sense community planning is returning its attention to issues and objectives that were a focus of concern more than one hundred years ago. This time around attention is being directed to a somewhat different set of, yet equally pressing, contemporary public health issues. The City's Official Plan should be reviewed through this lens.

- Neighbourhoods

The neighbourhood focus of the Strategic Plan should be echoed in the Official Plan. Integration of planning effort by way of both documents will support Council's intention to foster the vibrancy and diversity of the City's neighbourhoods. Neighbourhood analysis has already been requested for the residential enclave in the Waterfront West/Public Lands designation and for Indian Point. Detailed analysis has also been requested for lands in the general vicinity of Waterdown Road and Highway 403. These, and any other similar requests that may be received by Council, should be addressed in the context of a new 'neighbourhood planning' framework to be developed for and introduced into the Official Plan. This framework would articulate our understanding of the City as a 'city of neighbourhoods' as it approaches Greenfield build out.

- Downtown

Council has directed a review of the Downtown 'Core Commitment'. It is expected that recommendations regarding planning policy for the Downtown will arise from the review. In addition, the Official Plan Review should include review of the Urban Growth Center policies in relation to the MetroLinx Mobility Hubs concept to ensure that the City will be positioned to benefit from future Provincial transportation investment. Capturing maximum return from this investment will be fundamental to growing the City's prosperity in the regional context of the Greater Golden Horseshoe.

- Employment Lands

The City has commissioned its Employment Lands Studies – Phases 1 and 2. Phase 1, the land inventory, has been completed. Phase 2 is now underway, and

is intended to provide recommended policy directions for consideration in updating the Official Plan.

- Transportation and Transit

Burlington Transit is updating the Transit Master Plan. Results of the master planning exercise should be considered in the Official Plan Review. In addition, the City's land use policy approach to transit oriented development, active transportation policy, and roadway widths policy should be reviewed to ensure their appropriateness in the evolving transportation policy environment.

In addition, the City Official Plan would benefit from review in relation to the Provincial MetroLinx initiative, and the newly adopted Halton Region Transportation Master Plan. It is also expected that a review of the City's Transportation Master Plan will begin while the Official Plan Review is in progress. Coordination between these various planning exercises will be built into the work plan for the Official Plan Review.

- Places of Worship

Council has directed a 'Places of Worship' policy review. This review will involve broader review of planning policy for community infrastructure, and for the integration of community infrastructure into the neighbourhood fabric.

- Natural Heritage

In December 2009 the Region adopted Regional OPA 38. ROPA 38 is a major Amendment that incorporates the results of the Sustainable Halton process, and the results of the Region's five-year statutory review of the Regional Plan. ROPA 38 applies to the entire geographic area of Halton. This Amendment is being considered for approval by the Province and may be subject to appeal as the City begins the Official Plan Review.

ROPA 38 contains, among other policies, new policies for the Natural Heritage System in Halton. These policies, if approved, could impact the City's corresponding natural heritage policies. It should be noted that, given the 'top down' nature of policy devolution in the Provincial planning scheme, absence of approval for Regional policy creates significant uncertainty for all lower tier conformity exercises. The status of ROPA 38 will be monitored closely and considered as warranted in the City's review.

- Reflecting the City in the Official Plan

The Official Plan Review will be an opportunity to change the structure of the Plan to reflect the structure of the City. Executing this change will result in a Plan that, for example, effectively and graphically addresses the City's diverse

neighbourhoods and reinforces the respective roles of the Downtown and the intensification corridors. In addition, strength and clarity could be added to the City's planning policies by bringing matters that are currently addressed in 'guideline' documents into the Official Plan. Such changes would enhance the functionality of the Plan as Council's statement of vision for the City over the long term.

It is expected that the above list will expand through engagement with stakeholders and the public. This will be confirmed through the external scan proposed for the work plan.

Any Official Plan review would normally assess the implementation measures that are proposed to secure the municipality's planning objectives. One of the preeminent implementation tools is the Zoning By-law. It is proposed that a review of the Zoning By-law be done concurrently with the Official Plan Review. This will ensure that any lag between the adoption of new policy and the availability of relevant implementation tools will be minimal. The linkages between the two exercises will be included in the proposed work plan.

Strategy/Process

The Official Plan is one of a number of plans that are typically undertaken by municipalities. Other plans include, as examples, strategic plans, the operating and capital budgets, special purpose plans such as servicing and transit master plans, program plans, and departmental operating plans.

The Official Plan, however, has a number of unique defining characteristics that must be considered in its preparation and adoption.

- It is rooted in statute. A number of Provincial statutes, and related policies and plans, create opportunities for the City to plan, and place constraints on the effort;
- It is long-term, involving a twenty year planning horizon to 2031, is inclusive of the entire geographic area of the City, and contains policies to address all forms of development; and
- It has particular authority with respect to public works and by-laws. In short, no public work can be undertaken, and no by-law passed, that does not conform to the Official Plan.

One of the overarching goals of good governance is to ensure alignment among all the municipality's plans.

Council has now completed the Strategic Plan for 2011-2014. The new Strategic Plan contains three strategic directions: Vibrant Neighbourhoods, Prosperity, and Excellence in Governance. All three strategic directions have direct links to the Official Plan. These links include such initiatives as:

- Develop a plan to enhance the use of public spaces in neighbourhoods
- Create a strategy to redevelop aging retail areas into mixed-use 'people places'
- Develop a common vision and coordinated plan to decrease reliance on vehicles
- Develop a local strategy for the provincial Greenbelt review
- Develop an Official Plan that considers lifestyle opportunities for young adults
- Complete the policy work on the study of employment lands
- Encourage a vibrant and healthy mixed-use downtown
- Ensure a welcoming, active and accessible waterfront
- Engage the community in discussions on how the city can create more mixed residential/commercial places within existing neighbourhoods
- Work with the Region and others to provide a range of housing options
- Develop and implement a community energy plan
- Review the Official Plan in consultation with residents to create a vision for how and where Burlington will meet growth requirements
- Create and implement a sustainable infrastructure plan
- Implement a plan to reduce the city's greenhouse gas emissions

The Official Plan Review will provide a means to address these important issues in a single-track, comprehensive fashion and in consultation with the Burlington community.

The work plan for the Official Plan Review will also include linkages to related City effort such as the updates to the Parks, Recreation and Culture Master Plan, and the Transportation Master Plan. These efforts will be initiated and managed by the respective Departments, and coordination will be ensured through the staff working group formed for the Official Plan Review.

Public Consultation

The details of public consultation during the Official Plan Review will be provided in an Engagement Plan to be endorsed by Council in conjunction with endorsement of the work plan.

Financial Matters:

The resource requirements for the Official Plan Review will be determined in relation to the Council endorsed scope of work, and will be detailed in the work plan to be endorsed by Council. These requirements are also being reviewed by the Executive Budget Committee and will be presented as part of the 2012 Capital Budget process.

As these reviews are major undertakings it is not uncommon for municipal project budgets to be in the \$300-400K range. The most recent Official Plan Review (2002-2006) involved outsource expenditures of approximately \$375,000.

Complementary zoning reviews also fall into this range.

Options to address the financial impact of this effort are available for Council's consideration.

- Option #1

Replicate prior practice at a similar level of expenditure. This approach will in all likelihood underestimate the expected scope of work, and will not provide the enhanced engagement opportunities expected by Council. In addition, this approach will not allow timely integration of policy development with updated zoning regulations. This approach will involve a Capital Budget request of approximately \$400,000 in total, phased over four years at \$100,000 per year. In this option the Zoning Review would be conducted largely 'in house' using the existing Policy Staff complement. Given the demands of such a major project, it is unlikely that Policy Staff would be available for other assignments until the new Zoning By-law is completed. In addition, supplementary funding will be required for enhanced engagement activities during the Zoning Review.

- Option #2

Undertake the Official Plan and Zoning Reviews in sequence rather than simultaneously. This approach allows funding to be streamed over a longer time period which could extend to eight years. However, this approach does not allow for timely integration of new Official Plan policies with updated zoning regulations, and involves replication of engagement activities. This approach will involve a Capital Budget request of \$400,000 over the period 2012-2015, and an additional Capital Budget request for outsource assistance of \$400,000 over the period 2016-2019, for a total of \$800,000.

- Option #3

To address the limitations of the above approaches we propose that the Official Plan and Zoning By-law Reviews be undertaken simultaneously. This option is included in the 2012 proposed capital budget and forecast submission with a capital budget of \$400,000 in 2012 and \$400,000 in 2013, for a total of \$800,000 for the two projects. It is understood that this aggregate amount will be spent over the duration of the two projects. The duration is expected to be in the range of 3 to 5 years depending on scope and other timing considerations. Any funds not invested will be returned to the capital funding sources for investment elsewhere.

Allocating sufficient funds at the 'front end' of the respective projects in 2012 and 2013 can contribute significantly to expeditious execution of the work plans by allowing for simultaneous undertaking of outsourced components.

Complementary information and advice will be provided during the 2012 capital budget based on the Option #3 scenario, subject to Council's decisions regarding the proposed work plan for the review.

It is expected that outsource capacity will be required for the enhanced engagement program anticipated for the review. This component will be particularly important should Council wish to pursue a neighbourhood-focused policy review.

Outsource capacity will also be required for technical assistance in such fields as commercial analysis, agricultural and rural economics, natural heritage, neighbourhood character and design, and regional transportation strategy.

Preliminary estimates of these cost elements are contained in Appendix C. The proposed allocation of funds among these cost elements will be detailed in the work plan and communication plan to be considered by Council prior to commencement of work.

It should be noted that the cost of any related City effort such as the updates to the Parks, Recreation and Culture Master Plan and Transportation Master Plan are not included in the above estimates as these efforts will be 'owned' by their respective Departments.

The Official Plan is, in part, a development and redevelopment management tool. As such it affects municipal budget decisions over the long term, and the overall economic sustainability of the Burlington community. The Official Plan Review will provide an opportunity to consider the continuing evolution of the community through a comprehensive sustainability lens.

Previous Official Plan reviews have been undertaken by City Staff with topic-specific components outsourced to consultants. Outsourcing has been funded, where warranted and required, by way of the capital budget.

Other Resource Impacts

The Official Plan Review will impact all City Departments to some degree depending on the issues to be canvassed in the review. All pertinent resources of the Planning and Building Department will be committed to the review. In view of expected demands on City resources, and the need to coordinate these demands in relation to the timeline for the review, a Steering Committee composed of senior City staff will be proposed as a component in the overall project management framework. An inter-departmental task group led by Planning and Building staff will also be struck to ensure integration of required technical information.

Communication Matters:

It is intended that the Official Plan Review will incorporate significant communication and consultation components as detailed in the Engagement Plan for the review. The engagement plan will build on the recent success of the City’s strategic planning exercise. Additional detail will be provided with the proposed work plan for the review.

Conclusion:

The five year review of the Official Plan is a major undertaking requiring careful consideration of scope, the resources that will be required, and a realistic timeline for completion.

Respectfully submitted,

Alan Gummo, MCIP, RPP
Manager of Policy and Research
Ext. 7477

Appendices:

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| A. Content Guidance for Municipal Official Plans – The Planning Act |
| B. Proposed Process for the 2012 Official Plan Review |
| C. Preliminary Estimates of the Cost Elements Referenced in Report PB-87/11 |

Notifications:
(after Council decision)

| Name | Mailing or E-mail Address |
|------|---------------------------|
| SMT | |
| | |

Approvals:

*required

*Department

City Treasurer

General Manager

City Manager

| To be completed by the Clerks Department | |
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| Committee Disposition & Comments | |
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| | 01-Approved 02-Not Approved 03-Amended 04-Referred 06-Received & Filed 07-Withdrawn |
| Council Disposition & Comments | |
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| | 01-Approved 02-Not Approved 03-Amended 04-Referred 06-Received & Filed 07-Withdrawn |

Appendix A

Content Guidance for Municipal Official Plans – The Planning Act

Section 16 of the Planning Act provides that Official Plans shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment. It also provides that Official Plans may contain a description of the measures and procedures proposed to attain the objectives of the plan.

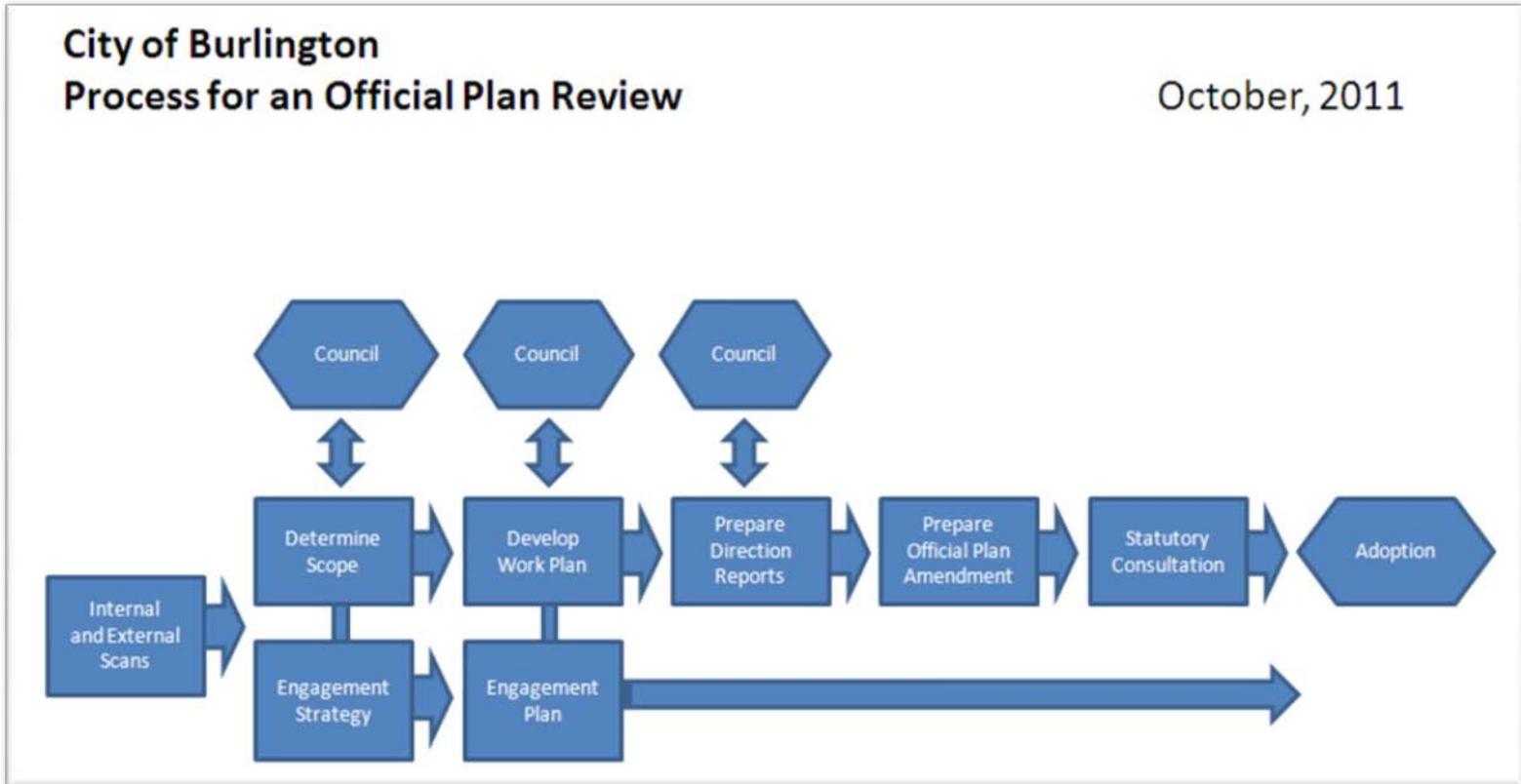
Of perhaps equal importance, Section 2 of the Act provides that municipal councils, in carrying out their responsibilities under the Act, shall have regard to a number of matters of Provincial interest. These matters of Provincial interest drive the more detailed content of comprehensive municipal Official Plans. They include:

- The protection of ecological systems
- The protection of agricultural resources
- The conservation and management of natural resource and the mineral resource base
- The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest
- The supply, efficient use, and conservation of energy and water
- The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems
- The minimization of waste
- The orderly development of safe and healthy communities
- The accessibility for persons with disabilities to facilities and services
- The adequate provision and distribution of educational, health, social, cultural and recreational activities
- The adequate provision of a full range of housing
- The adequate provision of employment opportunities
- The protection of the financial and economic well-being of the Province and the municipality
- The co-ordination of planning activities of public bodies
- The protection of public health and safety
- The appropriate location of growth and development
- The promotion of development that is designed to be sustainable, to support public transit, and to be oriented to pedestrians.

As can be seen, addressing all the above in a single Official Plan review can require significant effort. To manage this challenge it is suggested that careful identification be made of those elements of the existing plan that already meet Provincial standards in order to focus effort in the review on those elements that may be outdated or in some other fashion deficient. Staff will advise Council accordingly.

Appendix B

Proposed Process for the 2012 Official Plan Review



Appendix C

Preliminary Estimates of the Cost Elements Referenced in Report PB-87/11

As indicated in Report PB-87/11, it is anticipated at this time that outsource capacity within the \$400,000 budget envelope will be required for:

- An enhanced engagement program modeled on that used in Council's Strategic Plan exercise. Options for such a program currently being developed in consultation with Communications staff. Expenditures of approximately \$60,000 are included at this time.
- A neighbourhood-focused policy review in line with the *Vibrant Neighbourhoods* initiative in the Strategic Plan. This cost is directly dependent on the number of neighbourhoods Council wishes to review, and the complexity of issues identified in individual neighbourhoods. Expenditures of approximately \$80,000 are included at this time.
- Standard Retail Commercial analysis. Expenditures of approximately \$50,000 are included at this time to assess the retail inventory in the land use budget.
- Agricultural and rural economic analysis (Staff Direction expected). This effort would complement the Greenbelt conformity exercise. Expenditures of approximately \$80,000 are included at this time.
- Natural heritage inventory and analysis. Expenditures of approximately \$80,000 are included at this time.
- MetroLinx transit and mobility hub analysis. Expenditures of approximately \$50,000 are included at this time.

It should be noted that:

- The above elements are illustrative of a possible 'mix' of outsource work in the Official Plan Review. The 'mix' is subject to change depending on the results of the internal and external scans, and Council's decisions regarding scope and the detailed work plans for policy development and public engagement. As a result the 'final mix' may vary, and costs within the 'mix' may be redistributed.
- The above estimates are very preliminary and are subject to refinement as the policy issues are clarified, engagement requirements are confirmed, terms of reference are drafted, and the tendering process is undertaken.

- The \$400,000 estimate for the Zoning By-law Review is based on advice provided by an acknowledged outsource consultant. This estimate (based on \$2-3 per capita for the municipality) compares favourably with estimated staff costs if such an exercise were carried out entirely 'in house'. Like the Official Plan Review, this estimate is subject to refinement as issues are clarified, scope of work is approved by Council, terms of reference are prepared, and in the case of outsourced public engagement services, the tendering process is undertaken.