

December 22,
2014

Road Allowances Policy Brief

Introduction

This brief pertains to the policies related to Burlington's public road allowances as contained in Part VII, Table 2 of Burlington's Official Plan. This brief has been prepared by the Planning & Building Department (Policy Section) staff and includes preliminary input from other City departments. The purpose of this brief is to:

1. Provide an analysis of issues regarding the above noted policies;
2. Present potential policy directions to be incorporated as part of the Official Plan Review project; and
3. Request formal feedback from City departments, agencies, stakeholders and the public.

The potential policy directions contained herein are not final and may be subject to change.

This brief is one in a series which are being developed to review various policy areas as part of technical work plan for the City's Official Plan Review (OPR) project. The technical work plan was developed based on input from the public, city departments and agencies. A complete list of technical work plan topics under review and Policy Briefs completed to-date are available at www.cms.burlington.ca/Page14634.aspx

The final draft of proposed road allowance policies will be brought forward for Council consideration as part of the proposed Official Plan Amendment implementing the findings of the Official Plan Review.

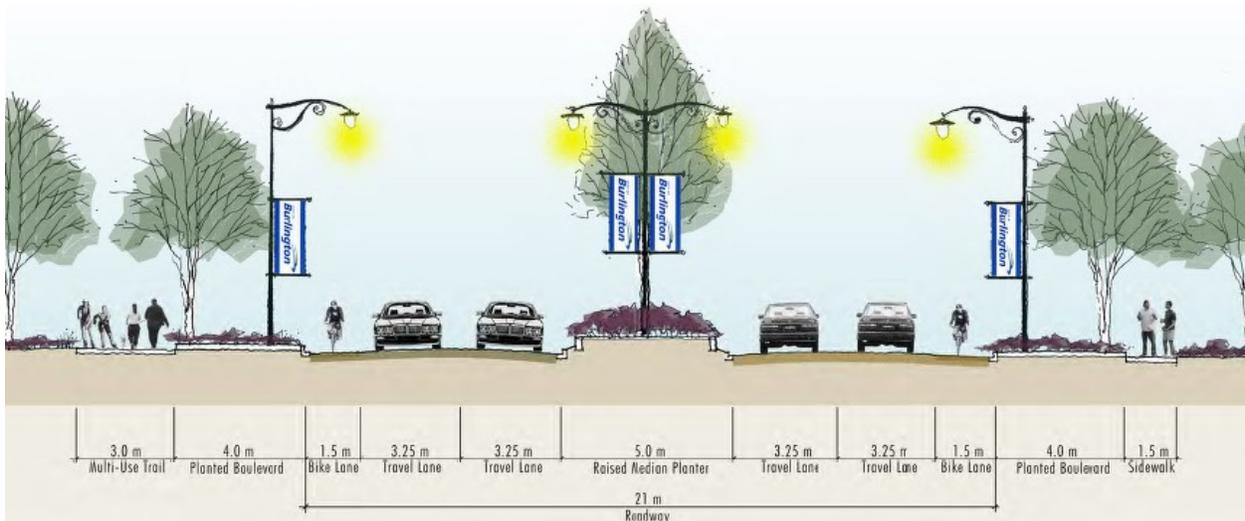
Comments or questions can be directed to:

Phillip Caldwell, MCIP RPP
Planner II – Policy
p. 905.335.7600 ext.7536
phil.caldwell@burlington.ca

Personal information is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13. Please read the detailed Disclaimer on page 7.

1.0 Background

The City is granted the authority under the *Planning Act* to identify and protect strategic public and private lands from development or redevelopment which will be required to support the City's future growth and long-term infrastructure needs. These public 'road allowance' areas are identified within Burlington's Official Plan and Zoning By-Law and identify the ultimate road allowance area which will be required to accommodate new or expanded infrastructure requirements for vehicular traffic, public transit, cycling and pedestrian networks, utilities and associated landscaping and/or street furniture. An example cross-section of a road allowance area is provided below.



Source: *Plains Road Urban Design Guidelines*

As Burlington transitions into a community where future growth is primarily accommodated through the intensification and redevelopment of existing areas, the City's existing roadways, and associated road allowances, will become the primary means by which the City's long-term transportation and infrastructure needs are met. As a result, the following objectives for the review of road allowance policies have been identified and will be the focus of the 'Policy Review' in Section 2.0 and the 'Potential Road Allowance Policy Directions' in Section 3.0:

- Provide flexibility to modify road allowance requirements in certain site specific circumstances based on a consistent and transparent set of criteria;
- Ensure identified road allowances reflect the City's long-term infrastructure needs;
- Promote the utilization of road allowances in a manner which contributes to the continued development of an efficient, safe, sustainable and attractive multi-modal transportation network; and
- Ensure policies recognize existing City practices.

2.0 Policy Review

In addition to providing a list of identified road allowances with required widths, the Official Plan contains policies regarding the development, interpretation and application of identified road allowances. These policies are located as notes/footers to the road allowance list contained in Part VII, Table 2 of the Official Plan. These existing policies generally address the following:

- Roads not identified in the table are assumed to have a required total road allowance of 20 metres;
- Road allowance widths identified in the table are approximate and subject to increases, where necessary, to accommodate project-specific needs;
- Road allowance widths will be reduced, where possible, for allowances located within the Escarpment Natural Area designation; and
- That final road allowance widths, in some cases, will be determined as part of a secondary planning study and subdivision approval.

A key aspect of this review was the need for road allowance policies to be consistent with the broader City-wide objectives of the Official Plan. This includes ensuring that road allowances are developed and utilized in a manner which addresses the City's long-term transportation and infrastructure needs while contributing to the development of a safer, attractive and livable public realm. As the City continues to grow in place, intensification and redevelopment of existing sites will be expected and be the primary means by which future population growth is accommodated in the City. In many cases, areas identified for future residential intensification are located adjacent to major roadways. These roadways will be expected to serve the transportation needs of these growing areas but also accommodate a diverse mix of transportation options to serve the City, such as pedestrians, cyclists, transit and vehicular traffic. These demands will need to be balanced with the need to create a positive sense of place for the communities which will grow and evolve around these roadways. This review has recognized the need for new policies in the Official Plan which will address how new or expanded municipal infrastructure should be developed and the long-term need for a sustainable and attractive transportation network.

In addition, in order to ensure that road allowances acquired consistently and accurately reflect the City's evolving long-term needs, this review focused on exploring opportunities to incorporate greater flexibility in the application of identified road allowances. In particular, policies were reviewed to identify changes which would ensure that road allowance areas provided without compensation are acquired in a balanced and reasoned manner that weighs the needs of the City with the potential impacts such an acquisition may have on individual property owners. This could include recognizing unique site-specific matters such as environmental or historical considerations or the present need for an allowance area based on the detailed design, or timing, of a planned infrastructure project. At present, the Official Plan does not contain any policies regarding such circumstances or provide consistent criteria as to

when allowances identified in the Official Plan may be modified (e.g. reduced or increased) to respond to unique circumstances. The introduction of new policies would provide City staff greater flexibility in the application of road allowance requirements, provide affected property owners with consistent and transparent criteria regarding when modifications to a road allowance requirements may be considered and generally ensure that road allowance areas are acquired in a balanced and reasoned manner.

In addition to the above areas of review, existing road allowance requirements and policies were compared to those of several other Southern Ontario municipalities and reviewed in consultation with other City departments. As a result of these reviews, the following issues/inconsistencies were identified and will be addressed through the potential policy directions in Section 3.0 of this brief:

- The current placement of the identified road allowance table in both the Zoning By-Law and Official Plan is inconsistent with other municipalities which generally have a single table in either the Official Plan or Zoning By-Law. It is also recognized that the presence of two lists in two different documents can create confusion for City staff and the public, increases the potential for discrepancies and results in duplication of efforts when amendments are required;
- Road allowance policies should be given a more prominent location within the Official Plan;
- In two-tier municipalities, policy direction should be provided regarding the evaluation of road allowances associated with roadways transferred to the City from a Regional Municipality; and
- Existing opportunities for the establishment of interim uses on road allowances conveyed to the City should be formalized within the Official Plan.

3.0 Potential Road Allowance Policy Directions

In response to the above review, the following potential policy directions have been developed for potential inclusion in the Official Plan. The below directions would be incorporated in conjunction with an updated list of identified road allowances undertaken in collaboration with various City departments.

A. Add policies which identify the long-term municipal infrastructure needs which are to be incorporated/accommodated when determining the location and width of required road allowances

A list of potential municipal infrastructure needs which may be accommodated within a road allowance were identified based on the principles of developing ‘complete streets’ and the anticipated long-term infrastructure needs of various City departments. These infrastructure needs would be incorporated in a potential Official Plan policy to provide greater direction regarding the need to consider the long-term infrastructure needs of the following when developing new or revised road allowances within the Official Plan:

- public transit;
- vehicular traffic;
- pedestrians;
- cycling;
- accessibility standards;
- street landscaping;
- permanent street furniture;
- public on-street or lay-by parking; and
- public utilities.

An additional policy would be introduced to further clarify that road allowances associated with a roadway transferred to the City's ownership from another jurisdiction/municipality must be reviewed and modified, where necessary, to take into consideration the needs of the City and the policies for road allowances in the Official Plan, including the above direction.

B. Add criteria for the modification of an identified road allowance to address site-specific circumstances

In order to provide greater flexibility in the application of road allowances, a list of site specific circumstances/considerations have been identified under which City Council, or an authorized delegate, may consider a reduced road allowance requirement. The policy criteria would include circumstances where:

- i. a detailed assessment of the proposed design/alignment or timing of the planned public works may result in the need for a reduced or delayed road allowance dedication;
- ii. the site contains a natural heritage system or other sensitive environmental feature;
- iii. there exists a need to mitigate potential impacts on a cultural heritage resource including heritage buildings or structures;
- iv. there is the potential for current or future environmental contamination; and/or
- v. the site contains archeological resources.

The incorporation of the above policy criteria into the Official Plan would provide a consistent and transparent set of criteria under which City staff could allow for discretion in the acquisition process and generally ensure that road allowances conveyed to the City are acquired in a balanced and reasoned manner.

C. Add policies which formalize the current allowance of interim uses on road allowance areas conveyed to the City, subject to specific criteria

In some circumstances, the City will permit an interim use to occur on a road allowance area which has been conveyed to the City. The potential for interim uses on road allowances under City ownership are currently reviewed by the City’s Legal Department. While the review and approval of any future interim uses on road allowances would continue to be determined through the Legal department, it is proposed that policies be incorporated within the Official plan to formalize this potential opportunity and establish general criteria under which City staff may consider interim uses. These criteria would include that:

- i. permanent structures not be permitted within the road allowance area;
- ii. the allowance area must not contain any activity or function which is required to fulfill the approval or compliance of the development or use on the site from which the allowance is/has been conveyed from;
- iii. the planned public works for which the allowance is required are not imminent; and
- iv. the property owner of the site from which the allowance is/has been conveyed from enters into all necessary and appropriate agreements, as required by the City.

D. Modify existing road allowance policies to implement general refinements

Refinements which have been identified through this review and which are intended to be addressed through proposed Official Plan amendments include:

- i. consolidating the current Zoning By-Law and Official Plan road allowance tables into a single table which is to be located within the Official Plan. This will reduce confusion, duplication of work for amendments to the table and better ensure the City is in alignment with the requirements of the Planning Act and other City documents including the Transportation Master Plan;
- ii. existing “road allowance” or “deemed width” references will be deleted and instead identified as “public right-of-way allowances” within the Official Plan. This change is intended to reflect a shift in the long-term role of road allowances away from accommodating automobiles and road widening and towards accommodating a broader range of users and modes of transport; and
- iii. Incorporate new and existing policies under a new “Public Right-of-Way Allowance” subsection in Part VI – Implementation of the Official Plan to ensure relevant policies are located in a single section of the Official Plan and easier to find for City staff and the public.

4.0 Road Allowance Policy Review Next Steps/Timeline

The contents of this brief, including the proposed policy directions outlined in Section 3.0, are proposals only and are hereby made available for comment and feedback. Upon completion of public consultation, the policy directions outlined in this brief will be finalized and staff will begin the development of draft policy amendments to the Official Plan. Additional public consultation opportunities regarding the final draft of detailed policy amendments for road allowances will be provided in the form of a public Open House and Statutory meeting for all proposed amendments to the Official Plan to be held prior to Council’s consideration of the amendments in Q4 2015. Below is a visual representation of next steps and contact information to provide comments on the contents of this policy brief.



If you wish to receive future email updates regarding the Official Plan Review, including upcoming event meetings and public consultation opportunities, please subscribe at the following link: <http://cms.burlington.ca/Page8181.aspx>

Disclaimer

Personal information is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13. The City of Burlington collects this information in order to make informed decisions about planning issues. Personal information will be used to inform you of public involvement opportunities, to provide you with website updates for the Official Plan Review, to notify you of City Council’s decisions, and to serve you notice of an Ontario Municipal Board hearing. Personal information (including your name, address, and comments) may be contained in an appendix of a staff report, published in the meeting agenda, delegation list and/or the minutes of the public meeting, and made part of the public record which may be viewed by the general public, unless you expressly request the City of Burlington to remove your personal information. Questions about this collection and disclosure should be directed to: Andrea Smith, Manager of Policy and Research, Planning and Building Department, City of Burlington, 426 Brant Street, P.O. Box 5013, Burlington, Ontario, L7R 3Z6 at 905-335-7642.