



The Regional Municipality of Halton

Report To:	Chair and Members of the Planning and Public Works Committee
From:	Mark G. Meneray, Commissioner of Legislative and Planning Services and Corporate Counsel
Date:	April 9, 2009
Report No. - Re:	LPS46-09 Release for Public and Agency Consultation of Sustainable Halton Phase 3 Reports, Regional Official Plan Review Directions Report, and Proposed Regional Official Plan Amendment No. 37 ("An Amendment to Incorporate the Basic Requirements of the Places to Grow Plan")

RECOMMENDATION

1. THAT staff be authorized to undertake a public, agency and stakeholders consultation on the following documents:
 - a) the series of 13 Sustainable Halton Phase 3 Technical Reports, being Reports 3.01 through 3.13, under separate cover;
 - b) the Regional Official Plan Five-Year Review Directions Report, under separate cover; and
 - c) the proposed Regional Official Plan Amendment No. 37, "An Amendment to Incorporate the Basic Requirements of the Provincial Places to Grow Plan", under separate cover, in accordance with Section 26 of *The Planning Act*.

2. THAT, in addition to any general comments on the documents referenced under Recommendation 1, the City of Burlington and the Towns of Oakville, Milton and Halton Hills be requested to advise Regional Council regarding:
 - a) their positions with respect to a preferred Land Use Concept described in Sustainable Halton Report 3.08, "Concepts for Addressing Halton Region's Land Needs to 2031", under separate cover;
 - b) their positions with respect to a preferred Land Use Option under the preferred Land Use Concept chosen under Recommendation 2 (a) and hence the preferred boundaries for the additional urban areas needed to accommodate 2031 population and employment targets as prescribed under the Provincial Places to Grow Plan; and
 - c) confirmation of their previous positions taken with respect to the Sustainable Halton process and further comments in light of the possible introduction before 2031 of a new highway along the Halton-Peel boundary north of Highway 401, as generally depicted in Attachment #4 to Report LPS46-09.

REPORT

Purpose

The purpose of this report is present to Council the various documents prepared as part of the Sustainable Halton process and to seek authority to undertake a public consultation program on these documents. The objective is for staff to report back to Council with comments received from the public, agencies and stakeholders so that Council can consider: (a) the adoption of Regional Official Plan Amendment (ROPA) No. 37, which will meet the basic requirements of the Provincial Places to Grow Plan (Growth Plan), before the legislated deadline of June 16, 2009 under *The Places to Grow Act 2005*; (b) the endorsement of a land use plan with new urban boundaries that will accommodate the 2031 growth targets prescribed by the Growth Plan; and (c) the adoption of the Directions Report that together with the aforementioned land use plan, will provide the basis for making changes to the Regional Official Plan as part of the Region's five-year review of the Plan under Section 26 of *The Planning Act*.

It is important to note that Council is not being asked to endorse the contents, conclusions or recommendations of the 13 Sustainable Halton Phase 3 Technical Reports at this time but rather, to endorse them for public consultation. The timing for decision-making will be in June after receiving input from the public, agencies and stakeholders.

Background

In early 2006, Council embarked on a multi-year work plan called Sustainable Halton to bring the Regional Official Plan into conformity with the Growth Plan and other new Provincial plans and policies such as the Greenbelt Plan and 2005 Provincial Policy Statement. It also embodies a five-year review of the Official Plan as required under Section 26 of *The Planning Act*, which has been characterized as Phase 4 of the Sustainable Halton process.

This report is the culmination of the first three phases—Building Blocks, Strategic Planning and Decision Making—of the Sustainable Halton process. Council, after receiving input from the public, agencies, development industry and other stakeholders, will be making two key decisions: first, on a preferred land use plan to accommodate the growth to 2031 mandated by the Provincial Growth Plan and second, on an amendment to incorporate the results of the 5-year review of the Official Plan. This Regional Official Plan Amendment is being structured into two parts in order to meet the legislated deadline of June 16, 2009 for conformity to the Growth Plan:

- ROPA 37—An Amendment to Incorporate the Basic Requirements of the Places to Grow Plan, to be adopted before June 16, 2009, and
- ROPA 38—An Amendment to Incorporate the Results of a Comprehensive Review of the Regional Official Plan, planned for adoption in December 2009.

There are therefore three streams of activities all occurring at the same time through the Sustainable Halton process, being the Provincial Growth Plan conformity exercise, the five-year Official Plan Review and ROPA 37 (the last one being required because of the mandated

deadline). How these three exercises fit together is portrayed in Attachment #1, with the final outcome being ROPA 38, when the three streams converge.

Sustainable Halton Reaching a Milestone

The results of the Phase 3 work are pivotal. They inform all three streams of activities illustrated in Attachment #1 and provide the necessary background research for each of them to move forward. There are a total of 13 Technical Reports as listed in Attachment #2, all of which were produced through extensive consultation with Local Municipal and agency staff, including the Province. As well, the Inter-Liaison Municipal Committee (IMLC) have received and provided directions and input on draft versions of all these reports.

The following briefly summarize the contents and conclusions of these 13 reports:

Report 3.01—Response Document provides responses to the nearly 90 written submissions received on the Phase 2 reports released in June 2008. Much of the additional technical work done in Phase 3 was undertaken in response to these submissions.

Report 3.02—Natural Heritage System Definition and Implementation provides an understanding of how the NHS has been developed and lays out a framework to guide the implementation of the system. It is acknowledged that additional work in the form of sub-watershed or secondary plan studies will be required to delineate the final boundaries of the NHS. In comparison to the current Official Plan concept of a Greenlands System, the NHS is larger in size as it includes tablelands and farm fields. As a result, the NHS is sustainable in the long term when the surrounding landscape is being altered from a rural to an urban setting. Agricultural uses are generally allowed in rural parts of the NHS.

Reports 3.03—Land Evaluation and Area Review (LEAR) Report identifies Prime Agricultural Areas within Halton, for the purpose of bringing the Regional Official Plan into conformity, recognizing the new Provincial planning regime requires the recognition of Prime Agricultural Areas with more restricted uses as compared to those for rural areas. The study concluded that all lands in Halton below the Niagara Escarpment are essentially Prime Agricultural Areas, while those above consist of a mix of prime and non-prime areas. The latter would assist the Official Plan conformity exercise as it relates to the Greenbelt Plan.

Reports 3.04—Agricultural Countryside Vision represents an evolution in the treatment of agricultural lands within the Sustainable Halton process. It was contemplated under a Phase 1 technical paper that consideration might be given to the introduction of a Permanent Agricultural Reserve. Based on submissions received and further dialogue with the Halton Agricultural Advisory Committee, that original direction—which has the drawback of giving the impression that the balance of the rural area is slated for future urban uses—has since been re-considered. Instead, the current preferred approach is to treat all of the rural area as Agricultural Rural, with farming being the predominant and preferred use and to support the long term viability of the agricultural industry. It is proposed that towards this aim, the Region will consider and implement tools that will sustain agriculture. Key aspects of the agricultural strategy include a stronger role for economic development in the form of a regional economic development strategy and an

agricultural facilitator, a Halton right-to-farm policy and provision of the necessary infrastructure to support agriculture.

Report 3.05—Aggregate Policy Framework defines a made-in-Halton approach to meeting provincial policies for protecting aggregate resources close to market, while simultaneously addressing land use compatibility and other planning considerations. It sets out policy directions dealing with aggregate resource location and extraction areas, constraints to aggregate extraction, protocols to minimize social, environmental and human health impacts, permitted uses, haul routes, requirements for rehabilitation, the role of recycled aggregate and the entrenchment of the JART process for aggregate applications into the Official Plan.

Report 3.06—Master Plan of Archaeological Resources (2008 Update) identifies recent legislative and policy changes that affect archaeological resources management and outlines a process for handling development applications. It serves to update the previous Master Plan undertaken in 1998. It also makes a number of specific recommendations to strengthen the Region's role in protecting archaeological resources, and identifies the need for the Region to consult with First Nations on Aboriginal archaeological matters.

Report 3.07—Accommodating Growth to 2031 details the calculations of land supply needed to accommodate the Provincial Growth Plan targets to 2031, while meeting the Plan's requirements on intensification and density. All of the growth concepts studied under Phase 3 are in compliance with the Growth Plan.

Report 3.08—Concepts for Addressing Halton Region's Land Needs to 2031 summarizes the work in refining the Five Refined Concepts presented to the public in June 2008 based on input from the other Technical Reports and relevant submissions from the public and agencies. This research also resulted in differentiating between Concepts and Options—the former being general levels of growth with no firm urban boundaries and the latter showing precise locations of additional urban areas with firm boundaries. Report 3.08 focuses on three Concepts, depicting varying levels of population growth around Georgetown (0, 20,000 and 40,000) with identical distribution of employment growth among the Concepts. It also describes how those growth numbers are translated into land areas based on the mandated intensification and density targets in the Growth Plan.

Report 3.09—Evaluation of Growth Concepts applies the evaluation framework released to the public under Phase 2, with minor refinements as a result of comments received which will be utilized, to compare the three Concepts advanced by Report 3.08. Members of the consulting team based on their own areas of expertise, considered each of the goals, objectives and measures to the three Growth Concepts and provided their expert opinion and written comments on how the three Concepts compare with one another. With staff input, an overall assessment of the Concepts was made to arrive at a preferred Growth Concept, which is Concept 2. This is a collective conclusion of the study team of consultants and staff based largely on good planning principles as espoused in the Growth Plan and Regional Official Plan policies.

Report 3.10—Options under the Preferred Concept presents two Land Use Options for the preferred Growth Concept 2, developed with initial input from Local Municipal staff. The evaluation of these Options, in order to arrive at the preferred one, could be performed by

following the same approach for each of the Concepts; however, such a selection is very much dependent on a number of local factors, including the location of community facilities and municipal infrastructure. It is therefore recommended that the selection of the preferred Option be referred to the Local Municipalities, hence Recommendation 2(b). The consultants and Regional staff will assist Local Municipal staff in this process, as required. Regional Council's decision in June, regarding a preferred land use plan with new urban area boundaries will be based on input not only from the Local Municipalities but also from the public, the development industry and other stakeholders. While Report 3.10 presents only Land Use Options under Growth Concept 2, should for example, Concept 3 be considered by some to be the preferred Concept they can then offer their view on a preferred Land Use Option 3, drawing on the five Refined Land Use Concepts released under Phase 2 of the Sustainable Halton process. In other words, all three Concepts in Report 3.08 are still on the table so that a preferred Land Use Option under whichever Concept is selected remains open for suggestion and is not limited by those options referenced in Report 3.10.

Report 3.11—Connecting Sustainability, From Principles to Practices is an attempt to link the principles of Sustainability to complete communities as established by the Growth Plan. It builds upon Staff Report LPS-32-09/CA-06-09, “An Overview of Sustainability in Halton Region”, attempts to define “Sustainability” within the land use planning framework and offers a series of principles that will move Halton Region towards the goal of sustainability. The paper concludes that many of the policies in the Growth Plan meet the conditions for sustainability and hence will move future communities, which are developed on the principles of the Growth Plan, towards sustainability. The contribution of this paper in Phase 3 is to help to bring into focus, the many planning or planning-related issues such as food security, air quality, carrying capacity, ecological footprint, walkable and transit-supportive communities, land use compatibility, etc. and to demonstrate how they are actually elements or agents in building complete, sustainable communities.

Reports 3.12 and 3.13—Transportation, Water and Wastewater Infrastructure Assessment provide through modelling, estimates of the additional infrastructure needs and costs to service the population and employment growth between 2021 and 2031. The major conclusion of this investigation is that the costs among the Concepts are quite comparable, being within 10 per cent of each other, with Concept 1 generally bearing the lowest costs. It should be noted that this average cost approach of assessing the financial implications of the infrastructure needed to support the different Growth Concepts is adequate for the purpose of comparing the Concepts but is not meant to indicate the financial impact of those infrastructure costs on development charges or property tax. Such a fiscal impact analysis will be carried out once the preferred Growth Option is selected, over the course of the summer and will be available before Council adopts ROPA 38. Staff is mindful of the following policy in the Regional Official Plan:

“210(6) *Ensure that the development industry absorbs the cost of providing services to new development or redevelopment and that any financial impact of growth on existing taxpayers be based on a financial plan communicated to the taxpayers and subsequently approved by Council.*”

which will ensure that growth to the year 2031 will remain fiscally sustainable.

Directions Report

The Directions Report is the centrepiece of the Official Plan review. It provides background to the current Regional Official Plan and the Plan Review process, highlights planning issues, indicates why and what refinements should be considered in the review, and proposes 13 directions or suggested areas of change. It serves as the starting point to engage the public, agencies, community groups, development industry and other stakeholders on the need for and merits of these proposed changes. As noted on Attachment #1, the Directions identified in the Direction Reports are largely based on the series of technical reports produced through the various Phases of the Sustainable Halton process.

Attachment #3 lists the 13 Directions advanced under the Directions Report. The Report itself provides brief overviews and origins for each of the Directions.

Direction 1 introduces the concept of incorporating the principles of Sustainability into the land use planning process. Directions 2 and 3 are intended to implement the minimum intensification and density targets of the Growth Plan. Directions 4 through 7 would assist in building “complete communities”, as advocated by the Growth Plan. Directions 8 through 11 address resource management issues. Direction 12 provides an opportunity to strength the supply of employment lands and hence job opportunities or the live-work relationship within Halton—being another push towards sustainability. Finally, Direction 13 is an attempt to deal with the emerging field of green energy including issues such as power plants, distribution systems, windmill farms, etc., which the current land use planning framework has yet to catch up with. Overall, the focus of the Directions is Sustainability, hence its title.

Most of the Directions are very broad in scope and require further research, analysis and consultation that will take place over the summer months. At this stage, public input is sought to ensure that the Directions cover planning issues that are important, relevant and requiring of change in the Official Plan.

In June, staff will present the final Directions based on the results of public and agency consultation, for Council adoption. Those final Directions will be the basis for revising the Official Plan and the preparation of proposed ROPA 38, to be released in the Fall for public review and considered for adoption by Council before the end of the year.

ROPA 37

The *Places to Grow Act, 2005* requires the Region and the Local Municipalities to bring their official plans into conformity with the Growth Plan by June 16, 2009. Through Report LPS27-09, staff proposed a “two-stage” approach for conforming with the Growth Plan and incorporating its policy directions and framework into the Regional Official Plan to guide future development within Halton. In the first stage, the Region would adopt an Official Plan amendment, ROPA 37, to incorporate the basic requirements of the Growth Plan by the prescribed deadline. It will contain the following elements:

- The distribution of population, employment, and intensification targets by Local Municipality to the year 2031;
- The density and intensification targets including:
 - The 40% intensification target for the built-up area by 2015 and each year after;
 - The requirement that Halton's three urban growth centres (Downtown Burlington, Mid Town Oakville, and Downtown Milton) be planned to achieve a density of 200 jobs and persons per hectare; and
 - The greenfield density target of 50 persons and jobs per hectare;
- The appropriate locations for future growth including urban growth centres, intensification corridors, designated greenfields, built-up areas, and major transit station areas and the corresponding policies to guide this growth;
- The protection of employment lands by providing more stringent criteria for the conversion of employment lands to other uses;
- The requirement that the Local Municipalities develop and implement strategies to phase in and achieve the intensification targets identified in the Growth Plan; and
- Growth Plan definitions.

The Region must first achieve conformity with the Growth Plan before it can exercise its statutory role (under *The Planning Act*) as the approval authority for the Local Municipal Official Plan conformity exercises under the Growth Plan. ROPA 37 is structured with firm population, employment and intensification targets for the City of Burlington and Town of Oakville such that the Region can proceed with processing their local plan amendments for conformity. The Towns of Milton and Halton Hills are not expected to present their local plans for conformity for approval until Regional Council deals with ROPA 38 in December this year.

Staff has reviewed earlier drafts of ROPA 37 with Provincial staff and has incorporated their suggest changes. They will provide comments on ROPA 37 as part of the formal circulation of the amendment to the agencies.

Halton-Peel Boundary Area Transportation Study

As part of the ROPA 25 settlement, both the Region and the Town of Halton Hills agreed to participate on a joint study on the need for a highway along the Halton-Peel boundary, as generally depicted in Attachment #4, to meet transportation needs for developments on both sides of the boundary. This study will be the subject of a forthcoming staff report. At some point in the near future, both Regional and Town Councils will need to take a position on this proposed facility. Therefore, the potential exists that this highway may become part of the transportation network affecting Halton. Given the need for this facility to service development on the Peel side, it may be in place before 2031, i.e. within the Growth Plan planning horizon.

There are a number of implications of this highway on the Sustainable Halton process:

- As the southern end of the highway connects with Highways 401 and 407, its alignment will be displacing employment lands within both the existing and potential future urban areas. Should the highway's status be confirmed at some future point in time, either through support by Town and Regional Council or as a result of an Ontario Municipal Board decision, the employment lands affected by this highway will need to be re-configured to ensure the same number of hectares are provided for in the Regional and Local official plans.
- Given the strategic location of this highway, it may have an implication on the selection of the future urban areas for the Town of Halton Hills (and possibly for the Town of Milton). To ensure the Sustainable Halton process can move forward with certainty, staff is recommending that Council seek confirmation from the Local Municipalities of their previous positions regarding the Sustainable Halton process in light of this potential highway—hence Recommendation 2(c).
- Similarly, the evaluation of the Growth Concepts may be affected by the presence of the boundary highway. For this reason, the consulting team was asked to undertake a re-evaluation of their assessment of the Concepts under the evaluation framework, noting the presence of the highway. This is provided for as an addendum to Report 3.09.

In summary, appropriate consideration is being given to the potential existence of a Halton-Peel boundary highway in order to ensure that the integrity of the decision making process by all impacted Councils participating in the Sustainable Halton Process is maintained.

Public Consultation

To provide as much time as possible to the public to review documents released through this staff report, Staff plans to host open houses as early as the weeks of April 20 and 27, with a due date of May 22 for written submissions. This would allow staff sufficient time to analyze and respond to all comments received and to present them to Committee and Council for consideration of both the preferred land use plan and Directions Report at the meeting cycle of June 17-24, 2009. Given the level of public interest on these documents, staff is planning for a potential evening special meeting of PPWC on June 17 to receive delegations.

In addition to these open houses in the last two weeks of April, staff is planning to undertake the following activities:

- Public workshops to engage in dialogue with members of the public, agencies and other stakeholders,
- A workshop hosted by IMLC on May 13 for Regional and Local Councillors,
- Presentations to Local Councils, and
- Presentations to boards, commissions, agencies, advisory committees, ratepayer groups, etc. as required or requested.

ROPA 37 is subject to the requirements of *The Planning Act*. The Act requires a public meeting, which is a special meeting of Council, to receive input (i.e. delegations) from the public (scheduled for May 27, 2009 so that Council may make a decision on June 3 to adopt the amendment, thereby meeting the legislated deadline of June 16, 2009 under *The Places to Grow Act*) and at least one open house to provide information to the public on the amendment itself. Given the connection between the three processes and for the convenience of the public, staff is proposing to combine the open houses for ROPA 37 with those for the Sustainable Halton Phase 3 reports and the Directions Report. This would allow staff the opportunity to explain the relationship between the processes and provide the public with the opportunity to receive information on all three processes in one forum.

Attachment #5 is a calendar for the months of April, May and June showing the key events for this joint public consultation program. Certain dates are still tentative but will be confirmed through future information memoranda to members of Council as they are finalized.

Given the statutory requirements regarding the May 27 public meeting for ROPA 37, public notices will appear in local newspapers during the weeks of April 6 and 13. As well, notices for the open houses will be published at the same time. Planning staff is working with Strategic Communications staff on a program to inform and engage the public on these very important matters throughout the months of April, May and June.

Staff will ensure that as many residents and stakeholders of Halton Region as possible have access to all of the information relating to the three processes through the Region's website and the Citizen's Library. The web-site itself will also be used to capture e-mail messages and requests for information. In addition, staff will advise the Sustainable Halton distribution list of the details of the consultation program.

FINANCIAL/PROGRAM IMPLICATIONS

The cost of undertaking the Sustainable Halton Growth Plan and the Official Plan Review is funded from the Sustainable Halton Capital Account (T8023A).

RELATIONSHIP TO THE STRATEGIC PLAN

This report addresses Goal 1, Theme 1 of the Planning and Public Works Committee Plan 2009, - Develop and implement a “Made in Halton Plan” to control and manage growth – by assisting in the preparation of the “Sustainable Halton Plan”. This report also moves the Region toward meeting Action 1a) of the Planning and Public Works Committee Plan, 2009 – completed Phases 3 and 4 of Sustainable Halton by identifying a preferred growth option and adoption of the implementation of the Regional Official Plan Amendment for the growth management strategy. Through the launch of the Official Plan review program, this report also moves the Region toward completing Action 3 of the Planning and Public Works Committee Plan, 2009 – completing the Official Plan update including Greenbelt conformity, Provincial Policy Statement Conformity, an updated aggregate policy implementation of ROPA 25 settlements and implementation of the Regional Growth Strategy.

Respectfully submitted,



H. K. Wong
Project Manager
Sustainable Halton



Mark G. Meneray
Commissioner of Legislative & Planning
Services and Corporate Counsel

Approved by



Pat Moyle
Chief Administrative Officer

If you have any questions on the content of this report, please contact:

Tel. #
Tel. #
Tel. #