



DATE: August 1, 2017

REPORT NO. CD2017-107

TO: Chair and Members
Committee of the Whole – Community Development

FROM: Paul Moore, General Manager
Community Development

1.0 TYPE OF REPORT

CONSENT ITEM []
ITEM FOR CONSIDERATION [x]

2.0 TOPIC: Consolidated Work Plan for the Official Plan Review and Boundary Expansion Lands [Financial Impact – None] (CD2017-107)

3.0 RECOMMENDATION

- A. THAT Staff Report CD2017-107, Consolidated Work Plan for the Official Plan Review and Boundary Expansion Lands, BE RECEIVED; and,
- B. THAT Staff BE DIRECTED to undertake a City-initiated rezoning that places an “h” Holding Zone on particular properties to be specified within the Boundary Expansion Lands.

4.0 PURPOSE

The purpose of this Report is to update Council on the status of the Official Plan Review including the planning process for the Boundary Expansion Lands. This Report also outlines options for responding to development pressures within the Boundary Expansion Lands, to protect existing features and the future development potential of those Lands during the planning process.

5.0 BACKGROUND

The Official Plan Review initiated in 2013 was put on hold after the release of the Draft Official Plan (Version 1) in July 2016, for the following reasons:

- Notwithstanding its objectives and policies promoting intensification, the 2016 Draft Official Plan acknowledged that the City's population and employment growth projections established by the Province in the Growth Plan for the Greater Golden Horseshoe could not realistically be accommodated within Brantford's pre-2017 municipal boundary. The Municipal Boundary Adjustment Agreement between the City of Brantford and the County of Brant was finalized and subsequently approved by the respective Councils on June 28, 2016; however, final Provincial approval was pending.
- In May 2016, the Province released proposed changes to the Growth Plan for the Greater Golden Horseshoe, as part of the Provincial Co-ordinated Land Use Planning Review. The Official Plan Review was also put on hold pending the outcome of the Growth Plan changes, most notably increased density and intensification targets to be accommodated within the Official Plan. The implications of increased targets on the supporting background analyses and policies in the Draft Official Plan would need to be addressed once the Province finalized the new Growth Plan.

The Minister of Municipal Affairs signed the Restructuring Order in December 2016, approving the annexation of 2,719 gross hectares of land from the County to the City, effective January 1, 2017. The Boundary Expansion increased the City's land supply and ability to plan for the Growth Plan projections. In addition, the Province issued the new, updated Growth Plan in May 2017, to take effect on July 1, 2017.

In March 2017, Council approved the procurement of SGL Planning and Design Inc. as the lead consultant to undertake the land use planning process for the Boundary Expansion Lands, and to retain the necessary sub-consultants required to complete the scope of work (Report CD2017-019). This process will be aligned with the resumed Official Plan Review. The first task has been to establish the final work plan and schedule, described in Section 8.1 of this Report as directed by Report CD2017-019. In addition, Staff was also directed to report back on options for addressing development pressures in the Boundary Expansions Lands, discussed in Section 8.2 of this Report. The specific direction provided to Staff in Report CD2017-019 included:

“THAT Staff be DIRECTED to investigate tools to protect the future development potential of the boundary expansion lands and report back to Council with options for consideration;” and,

“THAT Staff be DIRECTED to report back to Council in the second quarter of 2017 with the final work program, schedule, and options to protect the future development potential of the expansion lands.”

An Information Update provided to Council on May 4, 2017 advised that this Report would come forward to the August 1 Committee of the Whole – Community Development meeting.

6.0 CORPORATE POLICY CONTEXT

6.1 Shaping our Future: Brantford's Community Strategic Plan 2014-2018

Completing the Official Plan Review is a Strategic Action identified in the Community Strategic Plan 2014-2018. This work, including the incorporation of the Boundary Expansion Lands into the new Official Plan, addresses long-term desired outcomes for managing growth wisely and ensuring optimization of City infrastructure, while protecting and enhancing heritage and natural assets.

7.0 INPUT FROM OTHER SOURCES

The work plan described in this Report was circulated to Staff in the Public Works Commission for review and comment. In addition, Planning Staff met with Legal and Real Estate Services, Engineering Services and Park Services Staff to discuss measures to extend the application of the City's tree protection and site alteration by-laws to the Boundary Expansion Lands, as outlined in Section 8.2.1 of this Report.

8.0 ANALYSIS

8.1 Official Plan Review and Planning for the Boundary Expansion Lands

8.1.1. Overview

The consolidated work plan for the Official Plan Review and Boundary Expansion Lands is structured to co-ordinate the completion of Brantford's new Official Plan with updates to other City-wide growth management documents, including the Transportation Master Plan and the Master Servicing Plan (for water, sanitary and stormwater services). Although the Expansion Lands are now within Brantford's municipal boundary and under the City's jurisdiction, at the present time they remain subject to applicable policies of the Brant County Official Plan. They are not addressed in the City's current transportation and servicing master plans.

To incorporate the Expansion Lands into the new City of Brantford Official Plan, a high-level land use master plan will be prepared for the Expansion Lands. The master planning process will indicate where the City's Settlement Area boundary will be expanded, identifying an Urban Area and a Rural Area:

- Urban Area: Lands to be identified within the expanded Settlement Area boundary will be designated for urban uses. This process may include more detailed planning for specific areas within the identified Urban Area.
- Rural Area: Lands beyond the Settlement Area boundary will be designated for rural uses, where the process will include the introduction of new rural / agricultural land use policies into the new Brantford Official Plan. The City's current Settlement Area boundary is congruent with the pre-2017 municipal boundary, and as such Brantford previously did not have a Rural Area, nor

did the 2016 Draft Official Plan contain any Rural land use designations with associated rural / agricultural land use policies.

The master planning process will also revise the 2016 Draft Official Plan as required to ensure conformity to the Province's 2017 Growth Plan. It will build upon and update where necessary the work completed between 2013 and 2016 through the Envisioning Our City: 2041 work program, which included community visioning sessions and the preparation of technical background papers that led to the creation of the Draft Official Plan (Version 1). Community consultation will recommence in accordance with the City's Community Involvement Framework.

8.1.2 Study Stages

The work plan includes eight stages:

- Stage 1 – Consultation Strategy
- Stage 2 – Municipal Comprehensive Review – Growth Management
- Stage 3 – Municipal Comprehensive Review – Employment Land Conversion
- Stage 4 – Municipal Comprehensive Review – Settlement Area Expansion
- Stage 5 – Environmental Assessment for Water/Wastewater Treatment Facilities
- Stage 6 – Master Plan for the Boundary Expansion Lands
- Stage 7 – Official Plan Refinements and Final Draft
- Stage 8 – Statutory Public Meeting and Adoption of the New Official Plan

The Consultation Strategy (Stage 1) will run throughout the study process. The next three phases are part of a Municipal Comprehensive Review including Growth Management (Stage 2), Employment Land Conversion (Stage 3), and Settlement Area Expansion (Stage 4). The Municipal Comprehensive Review will determine how much land is required to meet the City's forecasted population and employment growth, and intensification and density targets. It will identify where the City's Settlement Area boundary will be extended into the municipal Boundary Expansion Lands.

The next two stages will run concurrently, including an Environmental Assessment for Water/Wastewater Treatment Facilities (Stage 5), and a Master Plan for the Boundary Expansion Lands (Stage 6). They will determine what future development in the Boundary Expansion Lands will look like in terms of land use and design, and how it will be serviced.

In Stage 7, the Draft Official Plan will be revised to incorporate previous stages of the study into the document. The new Official Plan will be finalized for Council adoption in Stage 8. The process will be completed over two years, with Council adoption anticipated in Q2 2019. It should be noted that this timeline may be impacted as a result of Provincial directives that could be issued as the study progresses, discussed further in Section 8.1.3 of this Report.

Stage 1: Consultation Strategy

The process begins with the development of a comprehensive consultation strategy. Public and stakeholder consultation is a key component running

throughout the work plan, to keep Council, residents, local businesses and institutions informed about the study and how to contribute to the process. Additional stakeholders include the County of Brant and First Nations, as well as regulatory and commenting agencies such as the Grand River Conservation Authority, Provincial ministries and utilities. In addition to presentations to Council, the consultation strategy will use a variety of means of communication to share information and gather input to the process, including regular meetings with stakeholders, public information centres / open houses and displays, workshops, and on-line and social media methods. It will be coordinated with Staff in Communications and Community Engagement to ensure a comprehensive communications program.

The first major public consultation event will be a kick-off Public Information Centre (PIC #1), to provide an update on the status of the project, its objectives, and the process to resume the Official Plan Review and incorporate the Boundary Expansion Lands. This first PIC is to take place in September (Q3) 2017. The timing of additional consultation events and presentations to Committee of the Whole – Community Development and Council is summarized in Section 8.1.3 of this Report, and shown in **Figure 1.0**, Study Timeline, Milestones and Meetings. Figure 1.0 illustrates when key study deliverables will be presented to Council throughout the process, followed by PICs to present findings and receive community input.

Stage 2: Municipal Comprehensive Review for Growth Management

To add additional lands to the City's Settlement Area where urban land uses can be designated, the Province's Growth Plan requires that a Municipal Comprehensive Review be undertaken. In accordance with the new Growth Plan, a Municipal Comprehensive Review (MCR) is now considered to be a new Official Plan or an Official Plan amendment initiated by the City that comprehensively applies the policies and schedules of the Growth Plan.

The MCR for growth management will determine the urban land needs of the municipality. The Growth Plan requires that specific analyses be undertaken to demonstrate how much land is required to accommodate the City's forecasted population and employment growth as set out in Schedule 3 of the Growth Plan, while achieving minimum intensification and density targets. The new 2017 Growth Plan contains many of the same or similar growth management policies as the previous Growth Plan, directing population and employment growth to Settlement Areas, and requiring compact and high quality built form with a diverse mix of land uses and housing options. The population and employment forecast for the City of Brantford in 2041 includes 163,000 residents and 79,000 jobs. A major change within the new 2017 Growth Plan is the intensification and density targets for the delineated Built-Up Area and Designated Greenfield Area:

- The new Brantford Official Plan is required to set a minimum intensification target directing at least 50% of all residential development within Brantford to the City's Built-Up Area, in each year until 2031. By the year 2031, the minimum intensification target is to increase to 60% each year thereafter.

(The current target of 40% will remain in place until the new Brantford Official Plan is in effect.)

- The Designated Greenfield Area will be required to achieve a minimum density target of 80 residents and jobs per hectare by the year 2041. (The current target of 50 residents and jobs per hectare will remain in place until the new Brantford Official Plan is in effect.)
- However, the new 2017 Growth Plan allows for Council to request alternative intensification and / or density targets. Alternative targets must be justified through a Municipal Comprehensive Review, approved by Council resolution, and permitted by the Minister of Municipal Affairs.

The main steps of the MCR for growth management include a determination of the residential, commercial and employment land needs to accommodate the population and employment growth forecasted to 2041. Key to this land needs assessment will be the completion of a number of tasks, including:

- A review of the existing intensification rates achieved and determine an appropriate alternative intensification target for Brantford's Built-up Area if warranted;
- A review of the existing housing supply and densities in Brantford, explore alternative density targets, and determine the residential land needs;
- Conduct a market analysis to review supply and demand for employment and commercial lands; and
- Determine employment and commercial land needs and density targets (jobs per hectare) for employment areas.

The analysis and results of Stage 2 will be summarized in a Growth Management Report.

Stage 3: Municipal Comprehensive Review for Employment Land Conversion

The Growth Plan requires that any conversion of employment areas to non-employment uses be considered on a City-wide basis rather than on a site-by-site basis as requests are made. Thus, the review of potential employment land conversions may only occur through a City-initiated Municipal Comprehensive Review (MCR), to ensure that the City is not compromising its ability to provide a sufficient amount of land for employment purposes to accommodate forecasted growth. Stage 3 looks specifically at existing employment sites within the City to determine whether any of these sites warrant conversion from employment to non-employment uses. The analysis will revisit the employment land conversions recommended in the 2015 MCR and reflected in the 2016 Draft Official Plan, to confirm if those proposed conversions and potential others are warranted in view of the changes in overall land supply now accounting for the Boundary Expansion Lands, and changes in the Growth Plan requirements.

A Conversions Report will summarize recommended employment conversions, proposed land use designations for those sites, and the implications the recommended conversions could have on new greenfield employment lands.

Stage 4: Municipal Comprehensive Review for Settlement Area Expansion

As noted previously, a Settlement Area boundary expansion may only occur through a Municipal Comprehensive Review, as per the Growth Plan requirements. Building on the work completed in Stages 2 and 3, Stage 4 will determine where Brantford's Settlement Area boundary should be expanded to accommodate forecasted growth. In order to achieve this, the following key steps will be taken:

- Develop three high level options for Settlement Area boundary expansion; and,
- Develop evaluation criteria to assess the Settlement Area expansion options.

At this point in Stage 4, when high level options have been identified, they will be presented to Council for review and consideration, along with the Stage 2 Growth Management Report and the Stage 3 Conversions Report. Additionally, Staff will review the intensification and density targets proposed in the Stage 2 and 3 reports. If alternative targets are proposed, Staff may recommend such alternative targets for Council's consideration. A Council resolution requesting Provincial approval of the alternative targets may be required as per the process set out in the Growth Plan. The Council presentation, and Public Information Centre (PIC #2) to follow, will take place in Q4 2017 as noted in Section 8.1.3 of this Report, and shown in **Figure 1.0**, Study Timeline, Milestones and Meetings.

The input received from Council and the community will be considered by Staff and the consulting team as Stage 4 continues with the evaluation of the options as follows:

- Conduct an agricultural impact assessment of the expansion options;
- Update the transportation demand model and use the model to assess the expansion options;
- Conduct a high level water and wastewater servicing review of the expansion options;
- Review the potential impacts of the options on the water resource system;
- Conduct a high level review of key hydrologic areas and the Natural Heritage System (NHS) for the expansion options; and,
- Conduct a high level archaeological review.

The evaluation of the expansion options will be finalized in a Stage 4 report that also will recommend a preferred Settlement Area boundary. The Settlement Area Expansion Report will be presented to Council and the community in Q1 2018. At this time, Staff will bring forward a preferred Settlement Area boundary for Council's consideration, in order to proceed with Stage 6 of the work plan, which runs concurrent with Stage 5. The community meeting that follows (PIC

#3) will include a visioning session regarding future development in the preferred Settlement Area, to provide additional input to Stage 6.

Once it has been determined in Stage 4 where the City's Settlement Area boundary will be extended into the Boundary Expansion Lands, Stages 5 and 6 will determine what future development in the Boundary Expansion Lands will look like in terms of land use and design, and how it will be serviced. The advantages of the concurrent approach for the Stage 5 environmental assessment for servicing and the Stage 6 land use master plan are to improve the integration of land use planning with planning for infrastructure required to service the planned area, to optimize investment, and to streamline a more timely and cost-efficient process.

Stage 5: Class Environmental Assessment for Water and Wastewater Treatment Facilities

For Settlement Areas such as Brantford that receive their water from rivers or groundwater and discharge treated sewage to rivers, the new 2017 Growth Plan requires the completion of a Class Environmental Assessment (EA) to identify how expanded water and wastewater treatment capacity would be addressed in a manner that is fiscally and environmentally sustainable. The EA will assess the capacity of the existing water and wastewater treatment facilities in Brantford, and determine what upgrades to those facilities are required to accommodate forecast growth. The outcome of Stage 5 will be documented in an EA report, which will be a key input to the City-wide Master Servicing Plan. The EA process will include Public Information Centres in Q4 2017 and Q4 2018, coordinated with PIC #2 and PIC #5 respectively, as shown in **Figure 1.0**, Study Timeline, Milestones and Meetings.

Stage 6: Master Plan for the Boundary Expansion Lands

Concurrent to Stage 5 and following the completion of Stage 4, the master planning process will focus on the area within the Boundary Expansion lands to be brought into the City's expanded Settlement Area. This process will identify more detailed land use designations, policies and urban design guidelines for those areas. The first components of this stage are to develop land use, transportation and servicing options and evaluation criteria. The options will be presented to Council for its consideration, and then to the community (PIC #4) in Q2 2018. The input received at those meetings will be considered by Staff and the consulting team as Stage 6 continues:

- Conduct an environmental impact study to assess the land use options;
- Identify and assess geomorphic constraints and evaluate the options;
- Conduct an agricultural impact assessment of the options;
- Evaluate land use options based on specific criteria;
- Refine the land use options to arrive at a preferred land use plan;
- Identify and craft policies for the Natural Heritage System (NHS) and develop recommendations for post-development management;

- Develop an active transportation plan and transit plan and determine appropriate road classifications for the preferred option;
- Develop a stormwater management plan;
- Develop servicing plans for water and wastewater;
- Develop an infrastructure staging and phasing plan for the preferred option;
- Prepare urban design guidelines; and
- Prepare any area specific policies necessary to implement the Master Plan.

This work will be summarized in a Master Plan Recommendation Report that also identifies a preferred land use option and servicing strategy. It will be presented to Council for its consideration, and then to the community (PIC #5) in Q4 2018. In addition to the Official Plan, the report will also provide key input to other City-wide master planning initiatives, including the Transportation Master Plan and the Master Servicing Plan.

Stage 7: Official Plan Refinements and Final Draft

In Stage 7, the City's 2016 Draft Official Plan (Version 1) will be revised to incorporate all of the work completed in the previous stages of the study. It will expand the Settlement Area boundary and apply land use designation schedules and policies to the area as recommended by the Master Plan Report, land use designations and policies for the rural / agricultural lands, as well as revised growth management, natural heritage, servicing, phasing, urban design and other policies. The new, updated Draft Official Plan will be presented at a statutory Open House (PIC #6) in Q1 2019.

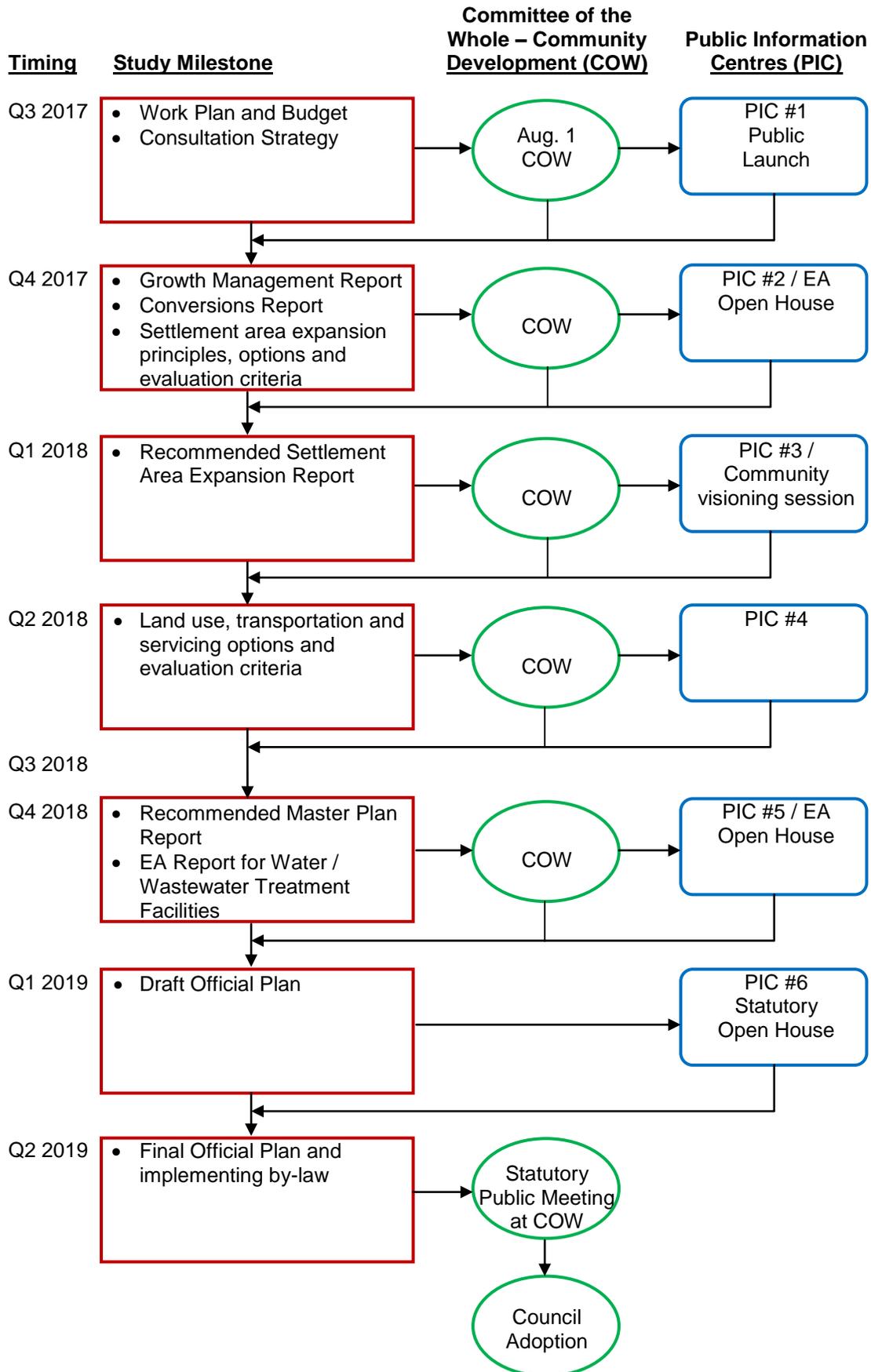
Stage 8: Statutory Public Meeting and Adoption of the New Official Plan

Following the review of the updated Draft Official Plan by Staff, regulatory agencies, the public and other stakeholders in Stage 7, a Final Official Plan document and implementing by-law will be prepared and presented at a statutory Public Meeting of the Committee of the Whole – Community Development. The new Brantford Official Plan must be adopted by Council prior to being sent to the Province for final approval. The Public Meeting and Council adoption are anticipated to occur in Q2 2019.

8.1.3 Study Timeline and Council / Public Meeting Summary

An overview of major study milestones and timing of Committee of the Whole – Community Development meetings and public information centres (PIC) is provided in **Figure 1.0**, Study Timeline, Milestones and Meetings. This sequence of meetings will provide quarterly updates to Council and the public about study progress, findings and opportunities for input to the process, with the exception during the summer (Q3) of 2018 while work is ongoing. It is anticipated that the finalized Official Plan and implementing by-law will be presented at a statutory Public Meeting of the Committee of the Whole – Community Development in Q2 2019. The new Brantford Official Plan as adopted by Council will then be submitted to the Minister of Municipal Affairs for final approval.

Figure 1.0, Study Timeline, Milestones and Meetings



As previously noted, the study timeline may be impacted as a result of Provincial directives as the study progresses. In accordance with the new 2017 Growth Plan, the Province will be issuing a standardized land needs assessment methodology, mapping for the natural heritage system, and an assessment methodology and mapping for the agricultural system, including prime agricultural areas, throughout the Growth Plan area (Greater Golden Horseshoe). The Province intends to release these resources by the end of 2017. Draft proposals posted by the Province on July 6, 2017 for a 90 day public review and comment period include criteria, methods and mapping for the proposed natural heritage system, and draft agricultural system mapping and implementation procedures. Staff will review these materials and provide comment to the Province. In addition, Staff and the consultants conducting the Municipal Comprehensive Review are liaising with provincial representatives in order to reconcile any differences in approach that could occur while the standardized methodology and mapping is completed. As per the Growth Plan, through a Municipal Comprehensive Review, municipalities may refine or augment with greater precision the provincial natural heritage and agricultural mapping in a manner that is consistent with the Plan and its implementation procedures. Nonetheless, extra time may be required during the process to achieve Growth Plan conformity prior to submitting the new Brantford Official Plan to the Province for final approval.

Planning Staff will continue to advise Council of any Growth Plan implementation impacts on the overall project schedule. Planning Staff will also continue to coordinate study timing with other City-wide master planning initiatives, including the Transportation Master Plan (TMP) and the Water, Wastewater and Stormwater Master Servicing Plan (MSP). The findings from the Municipal Comprehensive Review will be used to inform those City-wide master plan updates in accordance with the regulatory requirements and timeframes to update the Development Charges By-law and Water and Wastewater Rate Financial Sustainability Plan. The Public Works Department will be presenting a report to the August 8, 2017 Committee of the Whole – Operations and Administration meeting, regarding updates to the TMP and the Master Servicing Plan.

8.1.4 Study Team

The process described in this Report is guided by Provincial land use planning policy and plans that require various technical studies and analyses be conducted. The consulting team retained to undertake this work includes the following firms and disciplines:

- SGL Planning and Design Inc.: *land use planning; urban design and project management;*
- The Planning Partnership: *land use planning; public and stakeholder consultation;*
- Cushman & Wakefield: *residential, commercial and employment supply and demand; land needs assessment;*

- Dillon Consulting Limited: *transportation modelling, demand management and impact assessment; transit, pedestrian and cycling networks;*
- GM BluePlan Engineering Limited: *water, wastewater and stormwater servicing;*
- Plan B Natural Heritage: *natural heritage management and policy; environmental impact assessment;*
- Ecosystem Recovery Inc.: *geomorphology and erosion assessment; water resource system management;*
- ASI (Archaeology Services Inc.): *cultural heritage and archaeology; First Nations consultation;* and,
- AgPlan: *agricultural impact assessment.*

In addition, a Project Technical Team of City Staff has been assembled to review studies and analyses relevant to their expertise, and to provide input and advice to the process where applicable. The Project Technical Team includes Staff from Planning and Public Works, and will include additional Staff support when required, such as Legal and Real Estate Services, Park Services and Economic Development and Tourism Services.

8.2 Response to Development Pressures in the Boundary Expansion Lands

Section 8.2 of this Report (CD2017-107) responds to Council direction as per Report CD2017-019:

“THAT Staff be DIRECTED to investigate tools to protect the future development potential of the boundary expansion lands and report back to Council with options for consideration”.

Development interest in the Boundary Expansion Lands is evident based on enquiries received by Staff in various departments, including requests for permission involving significant site grading, importing of large amounts of fill, and tree removal. There is also pressure from the development community to advance certain lands through the development approvals process, through privately-initiated secondary plans and plans of subdivision, independent of the City-initiated Municipal Comprehensive Review that will be conducted through the Official Plan Review. In addition, Planning Staff has met with several stakeholders seeking information regarding site specific zoning amendments and severances.

In accordance with the Boundary Adjustment Agreement between the City of Brantford and Brant County, the Brant County Official Plan and Brant County Zoning By-law continue to apply to the Boundary Expansion Lands until they are amended or repealed. These changes will occur as the Lands are incorporated into Brantford's Official Plan, and subsequently, Brantford's Zoning By-law. Other by-laws may require amending to affect their applicability within the Boundary Expansion Lands.

8.2.1 Site Alteration and Tree Removal

The City of Brantford currently regulates the injury or destruction of trees on privately-owned lands through By-law 171-2002. By-law 171-2002 specifically protects woodlots contained within the environmental policies of the City of Brantford's Official Plan. As a first step to protect private trees in the Boundary Expansion Lands, Park Services Staff have prepared a report for the August 8, 2017 Committee of the Whole – Operations and Administration meeting to amend By-law 171-2002, to specifically reference protected woodlots and natural heritage systems contained within the environmental policies of the County of Brant's Official Plan. These amendments will allow the City to protect private trees in the Expansion Lands from injury or destruction.

Secondly, Public Works Staff are currently reviewing the Site Alteration By-law for the City of Brantford and intend to propose amendments to that by-law to include stronger tree protection provisions, as well as to extend the application of the City's Site Alteration By-law to the Boundary Expansion Lands.

8.2.2 Land Use Planning Controls in the Boundary Expansion Lands

As noted previously in this Report, the provincial Growth Plan directs population and employment growth to Settlement Areas. Urban land uses may be permitted within Settlement Area boundaries that may only be expanded through a City-initiated Municipal Comprehensive Review (MCR). The City is now conducting an updated MCR as part of the Official Plan Review described earlier in this Report. It is important that future development in the Boundary Expansion Lands be controlled, prior to the completion of the MCR and the subsequent master planning process, to ensure that development decisions do not adversely impact the planning process or compromise the new Official Plan. The analysis that will be conducted must consider City-wide growth implications, including overall land needs, the ability to achieve new, greater intensification and density targets, and servicing capacities and network options throughout the City, including the Boundary Expansion Lands.

Planning Staff has considered various land use planning tools that could be used to provide greater control over the development application process prior to the completion of the City-initiated MCR and master planning process for the Boundary Expansion Lands. To do so, staff first examined the Official Plan policy, land use designations and zoning applicable to the Boundary Expansion Lands, which as previously noted in this Report, continue to be subject to the County of Brant Official Plan and the County of Brant Zoning By-law No. 61-16. Within this area, there are lands both inside and outside a current Settlement Area boundary. The development pressures and response to them may differ between areas that are outside a Settlement Area compared to areas that are inside a Settlement Area.

A map of the City of Brantford is provided in **Appendix A** to this Report. It illustrates which areas are located inside or outside a current Settlement Area boundary within the Boundary Expansion Lands.

Lands Outside a Current Settlement Area Boundary

A majority of the Boundary Expansion Lands currently are not located within a Settlement Area. These lands are primarily designated “Agricultural”, or as part of the “Natural Heritage System”, in the applicable Brant County Official Plan. They are also within an agricultural, open space or natural heritage zone. Development applications for urban uses and plans of subdivision within these Rural areas would be premature until the land is contained within an expanded Settlement Area boundary, and urban land use designations have been applied, as and where deemed appropriate through the Official Plan Review, and a servicing strategy has been established. In accordance with the Growth Plan, Settlement Area expansion may only occur through a municipal comprehensive review initiated by the City.

A cluster of properties on the north side of Powerline Road at King George Road (Highway 24) are designated for “General Commercial” or “Rural Residential” uses in the Brant County Official Plan, with commercial and rural residential zoning respectively. These designations generally correspond in this case to existing uses, such as Phoenix Place plaza, car dealerships and unserviced single-detached dwellings, rather than large parcels of potential development land. This area is identified as Area 1 on the map in **Appendix A** to this Report.

Further to the north, the southeast corner of Governors Road at King George Road (Highway 24) is also designated for “General Commercial” uses in the Brant County Official Plan. This area, identified as Area 2 on the map in **Appendix A** to this Report, is well beyond the serviced area.

The map provided in **Appendix A** also illustrates the location of the “Trigger Lands” established in the Boundary Adjustment Agreement between the City of Brantford and Brant County. As with the other lands also outside a current settlement area boundary, these lands may only be brought within the Settlement Area through a City-initiated municipal comprehensive review. Further, in accordance with the Boundary Adjustment Agreement, the potential development of the Trigger Lands for urban uses must be phased after other Boundary Expansion Lands have achieved an 80 percent benchmark. This benchmark requires building permits to have been issued for 80 percent of the forecasted residential units in the Boundary Expansion Lands, or 80 percent of the Employment Land acreage is occupied in the Boundary Expansion Lands. As such, the Trigger Lands should have the least immediate development pressure for development.

There is property, identified as Area 3 on the map in **Appendix A** to this Report, adjacent to the Tutela Heights Settlement Area, which is no longer part of the Trigger Lands. These lands were removed from the Trigger Lands, as per Council direction in Report CD2017-024 (Trigger Area Adjustment – Tutela Heights), to facilitate comprehensive planning with land immediately to the north under the same ownership. While this situation may provide greater development pressure for the property, it currently remains outside of the Settlement Area and may only be brought within the Settlement Area through a City-initiated municipal comprehensive review.

Lands Inside a Current Settlement Area Boundary

The following areas within the Boundary Expansion Lands are already identified within a Settlement Area in the Brant County Official Plan:

1. East side of Garden Avenue, between Highway 403 and Lynden Road

A portion of the Boundary Expansion Lands situated to the east of Garden Avenue, between Lynden Road and Highway 403, are identified within the Primary Urban Settlement Area for Cainsville/Brant East in the Brant County Official Plan. This area (Brant East) is identified as Area 4 on the map in **Appendix A** to this Report. It is designated for “Employment” uses, or as part of the “Natural Heritage System”. It is also subject to a site specific policy which states that industrial development shall only occur when full services are provided to these lands. The lands are within an agricultural or natural heritage zone. The absence of services to this area diminishes the immediate pressure for new development to occur prior to the completion of the Servicing Master Plan, and following the master planning process.

2. Paris Road (Highway 2) and Powerline Road

Properties at the intersection of Paris Road (Highway 2) and Powerline Road are located within the Paris Primary Urban Settlement Area, and designated either “General Commercial” or “Employment” in the Brant County Official Plan. This area is identified as Area 5 on the map in **Appendix A** to this Report. The applicable zoning includes agricultural, open space, employment and rural residential zones. Considering the size and current use of the properties, and their proximity to an active railway and the City’s western Employment Area, development pressure for residential plans of subdivision is less likely in this area.

3. Tutela Heights

A portion of the Boundary Expansion Lands on the south side of Brantford is identified as the Tutela Heights Secondary Urban Settlement Area in the Brant County Official Plan. This area is identified as Area 6 on the map in **Appendix A** to this Report. It is primarily designated “Suburban Residential”, with some land within the “Natural Heritage System” designation, and two properties designated “Institutional” (Bell Homestead National Historic Site, and Farringdon Independent Church and Burial Ground). The area is primarily zoned for Suburban Residential uses (i.e. single-detached dwellings with or without a municipal water supply). Planning Staff anticipate that the most immediate development pressure and requests for privately-initiated planning exercises to support plan of subdivision approval will occur in this area, given its proximity to servicing and recent development activity. However, the well-based Tutela Heights Water System is at capacity and will require significant engineering work to determine how connection will be made to the City’s network. As per the Water Agreement for the Tutela Heights Area, the County of Brant will continue to operate the system until the end of 2020 to allow time for completion of the necessary studies and related construction. The Water Agreement currently

limits new water service connections to existing lots in the Valley Estates subdivision and seven identified properties on Mount Pleasant Road.

The 2017 Growth Plan states that growth will be limited in settlement areas that are undelineated built-up areas and are not serviced by existing or planned municipal water and wastewater systems. The Brant County Official Plan states that Secondary Urban Settlement Areas have either full or partial municipal services, or private water and sanitary sewage systems and are not intended to accommodate major growth. New development outside of existing developed areas with the Secondary Settlement Area may be subject to the preparation and approval of an Area Plan. The County of Brant Zoning By-law recognizes the Suburban Residential (SR) Zone as a “non-urban residential zone.”

Most of the larger tracts of potential development land zoned Suburban Residential are subject to a “holding” provision (h-1-SR) in this area. In accordance with the County of Brant Zoning By-law, while the “h” is in place, the following uses are permitted: agricultural use, conservation, wildlife and forest management, and existing uses. The conditions for removal of the holding (“h”) symbol are as follows, as per Section 15.1 of the County of Brant Zoning By-law 61-16:

- “a) h To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be removed until an Agreement as required by the Planning Act is entered into for the subject lands with the County.*
- b) h-1 To ensure that development takes a form compatible with adjacent land use, an Area Study shall be required with public consultation in advance of any development proposals including Plans of Subdivision/Condominium being submitted for approval prior to the removal of the “h” symbol.”*

The process and technical requirements for an Area Study are set out in the Brant County Official Plan. A privately-initiated Area Study would require the City to review various technical studies which would incur consultant and peer review costs, and duplicate efforts now underway through the City’s Official Plan Review. Similar to the master planning to be undertaken for the Boundary Expansion Lands, the Area Study process requires public consultation, the identification and protection of natural heritage features, the application of land uses and urban design principles, new and upgraded road networks, and servicing strategies. It also requires an analysis of densities and how the study area will contribute to the achievement of intensification and density targets. A proper analysis cannot be conducted independent of the City-wide Municipal Comprehensive Review which will establish the targets which must be considered, and the approach to future servicing in this area.

Land Use Planning Control Options

Staff have considered the following land use planning control options:

Interim Control By-law (ICBL)

Section 38 of the *Planning Act* allows municipalities to pass an Interim Control By-law (ICBL). An ICBL may be used to temporarily restrict development in areas subject to a review of land use planning policies, similar to the studies being undertaken for the Official Plan Review / Boundary Expansion Lands. An ICBL may be in effect for a maximum of one year, and may be passed without notice. The *Planning Act* also permits the extension of the ICBL for an additional year. Where an ICBL has expired prior to the passage of new zoning related to the land use policy review, the previous zoning comes back into force and effect, and another ICBL cannot be passed in the same area for three years.

Staff is of the opinion that this approach to restricting development within the Boundary Expansion Lands without notice is not a preferred option. Given that the master planning process for the Boundary Expansion Lands is a significant undertaking, Staff believes that timing of the project could extend past the ICBL expiration date, particularly if appealed to the Ontario Municipal Board (or future Land Appeals Tribunal).

Holding By-law Amendment

Section 36 of the *Planning Act* allows municipalities to place “Holding” provisions on lands. Planning Staff recommend that additional lands in proximity to potential municipal servicing should be placed into a Holding Zone where current land use zone provisions allow for varying commercial, employment or residential uses. This approach would be consistent with the holding provision already in place upon certain properties in Tutela Heights. Similarly, the Boundary Adjustment Agreement requires that a holding provision be applied to the Trigger Lands to ensure development phasing in accordance with the 80 percent benchmark noted earlier in this Report.

Staff also recommend that Section 15 of the County of Brant Zoning By-law also be amended to modify the previously noted conditions for removal of the holding as it relates to the Boundary Expansion Lands. The amendment would address terminology referencing the County and modify the “Area Study” requirements to reference a municipally initiated Area Study, in this case, the City’s Official Plan Review / master planning process.

In conclusion, staff recommends that Council direct Planning Staff to undertake a City-initiated rezoning that places an “h” Holding Zone on particular properties to be specified within the Boundary Expansion Lands.

9.0 FINANCIAL IMPLICATIONS

The capital budget to undertake the necessary planning process for the Boundary Expansion Lands and to complete the Official Plan Review was approved by Council as part of the 2017 Capital Budget process (Project 1307: Boundary – Secondary Plan – Boundary Adjustment). The funding for this project is from the Capital Funding Envelope (RF0556) over two years as follows:

- 2017: \$1,320,000
- 2018: \$680,000

10.0 CONCLUSION

This Report outlines the planning process to be undertaken to complete the Official Plan Review, and to incorporate the Boundary Expansion Lands into the new City of Brantford Official Plan. The process will update and expand upon the Draft Official Plan (July 2016), and be conducted in accordance with the requirements of the recently revised 2017 Growth Plan for the Greater Golden Horseshoe. This Report recommends that Staff be directed to undertake a City-initiated rezoning for Council's consideration that places an "h" Holding Zone on particular properties to be specified within the Boundary Expansion Lands.



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Attachs: Appendix A, Map of Brantford including the Boundary Expansion Lands

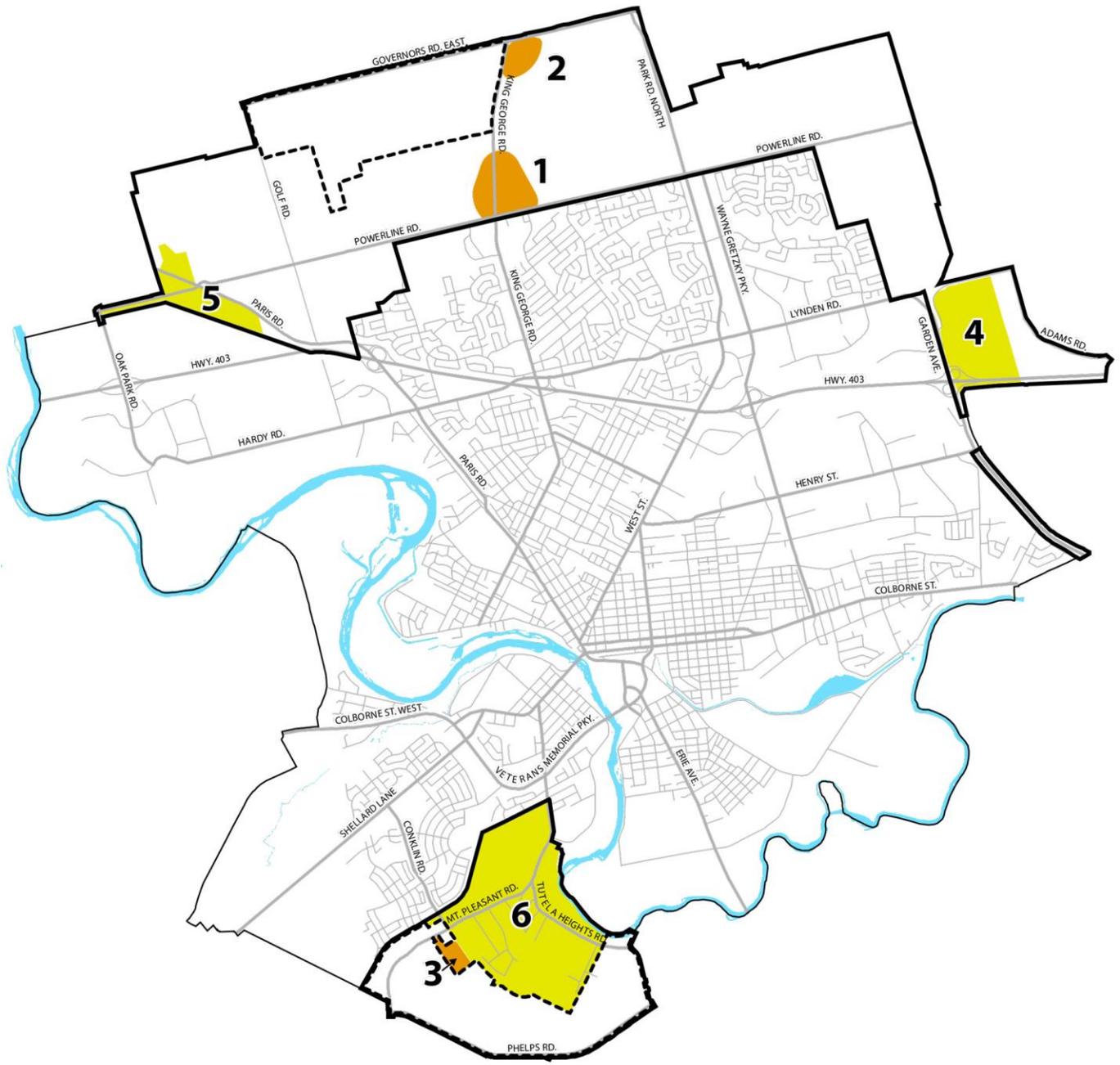
cc:

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

Bylaw required	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Agreement(s) or other documents to be signed by Mayor and/or City Clerk	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Is the necessary by-law or agreement being sent concurrently to Council?	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no

Appendix A

Map of Brantford including the Boundary Expansion Lands



Legend

-  Boundary Expansion Lands
-  Existing Settlement Area (Former County Lands)
-  Additional Areas Noted in Report CD2017-107
-  Trigger Lands

