



**City of Kingston
Information Report to Rural Advisory Committee
Report Number RAC-15-018**

To: Chair and Members of Rural Advisory Committee
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director of Planning, Building & Licensing Services
Date of Meeting: October 26, 2015
Subject: Five Year Update to the Official Plan – Proposed Rural Area Changes

Executive Summary:

In early 2015, work began on the Five Year Update of the City's Official Plan, which is being undertaken concurrently with the development of the City's new Comprehensive Zoning By-Law. In accordance with the *Planning Act*, the City of Kingston Official Plan is required to be updated every 5 years. Dillon Consulting Ltd. has been retained to work on this on behalf of the City. There are three strategic topics to be considered when updating the Official Plan; recommendations from City led studies and policy reports, the 2014 Provincial Policy Statement update and local planning issues raised by staff, citizens and stakeholders.

There are three work phases for the Official Plan Update: background research, policy development and official plan amendment preparation. The Five Year Official Plan Update Background Report was presented to the Planning Committee on May 21, 2015, (Report Number PC-15-074). The first and second phases of this project are now complete. The project is now in the third phase after extensive public consultation on the first draft over the summer. Staff released the second draft of the updated Official Plan document for public consultation during the month of October.

This report outlines some of the significant proposed changes with regard to the Rural Areas which include; Provincial Policy Statement updates, Natural Hazard areas, Cataraqui Source Protection Plan application, and implementation of many City led study recommendations. The report also presents an opportunity for the Rural Advisory Committee to be brought up to date on the status of the 5 year Official Plan Update and provide feedback to staff on the proposed policy changes.

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Recommendation:

This report is for information purposes only.

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Cynthia Beach, Corporate & Strategic Initiatives	Not required
Denis Leger, Transportation, Facilities & Emergency Services	Not required
Jim Keech, President and CEO, Utilities Kingston	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Project Overview**

This report presents an opportunity for the Rural Advisory Committee to be brought up to date on the status of the 5 year Official Plan Update and provide feedback to staff on the proposed policy changes related to the rural areas and land uses in the city. In 2014, staff began work on the integrated Official Plan Update and Comprehensive Zoning By-Law project, with the contract being awarded to Dillon Consulting Ltd. in December 2014. In accordance with the *Planning Act*, a municipal Official Plan is required to be updated every five years. Consultant work started immediately after contract award, and has proceeded in accordance with the project schedule and budget. The updated Official Plan amendment is expected to be complete and presented to council for adoption in early 2016. The consultant team is led by Rory Baksh of Dillon Consulting Ltd., with guidance from Planning Division staff and a Technical Steering Committee comprised of staff from City Departments and local Technical Agencies.

While an Official Plan Update is required every 5 years by legislation, there are several other reasons why it is important to have this document updated. There are three types of changes that are important to bring forward as part of this update:

- The first group of revisions are consistency changes. These changes are required to ensure that the Official Plan is consistent with the 2014 Provincial Policy Statement and other applicable legislation.
- The second group of revisions are follow-through changes. These changes are necessary to incorporate the findings of past Council-approved strategies and studies such as Heritage Conservation District Plans, Amenity Area Review Study, the Employment Land Strategy Review, Estate Residential Review, etc.
- The third group of revisions are changes warranting discussion. These are planning issues emanating from consultation with the community and stakeholders to ensure any relevant feedback can be incorporated into the document.

The work plan for the review of the Official Plan consists of many individual tasks and is organized into three main phases:

- Phase One: Background Research and Policy Review;
- Phase Two: Policy Development; and
- Phase Three: Official Plan Preparation

Staff Report Number PC-15-074, which was presented at the May 21, 2015, Planning Committee meeting reported on the project progress to that point. The first two phases of the work plan have been completed, and Phase Three is underway. As part of the Phase Two work, the Background Report on the Five Year Official Plan Update was presented to the Planning Committee on May 21, 2015. A digital copy of the Report is available online on the City's website at: http://www.cityofkingston.ca/documents/10180/9380216/PLN_A0915-15074.pdf

The Phase Three work commenced with a detailed review of the draft within the Planning Division. The draft was then circulated for review and comment by members of the Technical

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Steering Committee. Comments from all groups were consolidated and feedback on the first draft of the Official Plan Update was incorporated into the document. On July 15, 2015 the first draft of the Five-Year Update to the Official Plan was released to the public through the City of Kingston Website on an interactive online commenting application called Crocodoc. The draft was posted until August 16, 2015 and over 250 comments were posted by citizens and stakeholders.

Since then, staff have categorized, analyzed and incorporated all relevant comments from internal staff, citizens and stakeholders into a revised version. This 2nd draft was released for statutory public consultation on October 5. Required notice was given in accordance with the *Planning Act*, and all prescribed information and copies of the proposed plan were made available to the public for the opportunity to review. A Public Meeting is scheduled for November 5, 2015 where the public is able to make additional comments and representations.

The public consultation strategy for this project has extended beyond the statutory requirements mandated by the *Planning Act*. While a statutory Open House was held on August 5, 2015, staff have held five additional Official Plan 'Coffee Chats' throughout the City, as well as attended many local events to promote the project, including individual consultations with several neighbourhood associations and working groups. Social media and Paige's Planning Blog have also been used extensively to generate interest.

Description of Rural Area Changes

There were several proposed changes made as part of this Official Plan update that are specifically of interest for the Rural Advisory Committee, a description of several key topics are discussed further below:

Provincial Policy Statement Update

Most changes that affect the rural areas of Kingston emanate from the new Provincial Policy Statement (PPS) which was released in 2014. This PPS includes revised strategic direction policies that further recognize and support rural Ontario, including:

- Direction to support healthy, integrated and viable rural areas;
- Recognition of the diversity of rural communities and their importance to the economy and quality of life;
- Clarification of the types of uses that may occur on rural lands; and
- Expanded support and economic opportunities for agricultural uses in rural areas.

On Farm Diversified Uses

The Official Plan currently has provisions for Accessory Uses in Prime Agricultural Areas. This Section will be made consistent with the 2014 PPS with the use of the definition "on-farm diversified uses", although the permitted uses will remain similar.

Re-designation of Prime Agricultural Land

The 2014 PPS includes new provisions for removing land from prime agricultural areas. The corresponding Official Plan policy will be clarified to further explain the circumstances land can be removed from prime agricultural areas, and the type of non-agricultural uses which may be permitted in prime agricultural areas subject to limiting criteria.

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Natural Heritage Areas and Agricultural Use

The 2014 PPS indicates that prime agricultural uses are to be considered a priority land use. The provisions in the Official Plan for agricultural uses in natural heritage areas will be clarified to ensure that normal farm practices occurring in or adjacent to natural heritage areas will be permitted to continue regardless of the natural heritage status.

Local Food Sources

To support the long term economic prosperity of Ontario, the 2014 PPS indicates that policies within the Official Plan must provide opportunities to support local food. This initiative will be newly referenced as a strategic direction in several existing policies including; sustainable development in the Country Areas, prime agricultural area land use, and rural area land uses.

Natural Hazards

While the current Official Plan recognizes several environmental conditions that could lead to adverse effects to humans or properties, the 2014 PPS requires acknowledgement of two additional types of hazards.

The first is acknowledgement of wildland fire risk areas. The 2014 PPS requires development to be directed away from lands that are unsafe due to the presence of hazardous forest types. Development may be permitted in areas where wildland fire forest types are present when the risk is lessened through assessment and mitigation standards. The Official Plan has been updated with associated policies in Section 5, and locations of wildland fire risk areas have been shown in a new schedule in Appendix A.

The second addition is to recognize the hazards associated with karst (unstable bedrock) terrain and other types of unstable soils. New policies will be added in Section 5 of the Official Plan to indicate that development should be generally directed away from lands where unstable soils or karst topography exists. Where development is proposed in these areas, applicants may be required to submit soil or karst assessments and associated mitigation measures. Information on potential locations of karst terrain will be provided in a new schedule in Appendix B.

City Led Studies and Reports

A separate group of changes to the Official Plan were triggered by policy studies and reports that were undertaken by the City over the last five years. These changes are described in further detail below.

Cataraqui Source Protection Plan

The Cataraqui Source Protection Plan (SPP) became effective as of April 2015. This plan was developed to fulfill the requirements of the Clean Water Act and Ontario Regulation 287/07. The SPP covers the conservation lands regulated by the Cataraqui Region Conservation Authority and includes the City of Kingston. The SPP contains policies intended to mitigate or eliminate threats to source water. Developing the SPP involved identifying sources of water, assessing the vulnerability and recognizing current and potential threats. The City of Kingston was involved in the preparation of the Cataraqui Source Protection Plan and has obligations to implement aspects of the SPP through this Official Plan.

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Additional layers will be added to Schedule 11- Constraint Mapping, to show locations of municipally operated source water, including the Cana subdivision wellhead, Kingston Central Intake zone, Point Pleasant Intake zone, Fairfield Intake zone (where the intake is located in Loyalist Township), and significant aquifer recharge areas located throughout the City's rural areas.

Associated policies have been added to Section 6 of the Official Plan, which include provisions for developments to conform to the SPP policies relating to the significant threats to drinking water, and to have regard for the policies related to moderate and low threats to drinking water quality. In addition developments will be required to identify measures and management practices to mitigate any high risk activities, and some land uses will be prohibited in the most vulnerable areas (specifically near the Cana wellhead).

Employment Land Strategy Review

This study developed a long term plan for Employment lands within the City of Kingston. The study was conducted in support of the City's objectives to be a competitive community with respect to attracting and retaining industrial based businesses. The study quantified the available supply and demand for employment land for a 20 year period, and determined any needs for additional lands to be added to the Urban Growth Boundary or whether conversions to or from any other type of land use designations would be appropriate.

One of the significant conclusions drawn from this study was the need to accommodate an additional 24 hectares of land for Business Park uses within the City. To accommodate this growth, the Urban Boundary (a settlement area boundary which predominately includes lands on full services) would need to be expanded in an appropriate location. After discussions with stakeholders, it was determined that the St. Lawrence Business Park would best be able to support this growth, and the boundary was adjusted in the Official Plan Schedules to reflect the additional 24 hectares. This land will be designated as "Deferred Area" in this Official Plan update, as they are pending the completion of a secondary plan for this area which would enable a complete Business Park land use designation.

Another recommendation from this study relating to Rural areas, was the proposal to pro-actively cluster small scale Rural Industrial and Commercial developments. Currently, smaller scale industrial and commercial developments were permitted throughout the rural areas by way of a zoning by-law amendment. This has resulted in these uses being scattered throughout the rural area, where it would be preferable if the uses were clustered in more appropriate locations. This clustering was developed in the updated Official Plan by introducing a policy that required locational criteria to be satisfied, including directing uses away from sensitive uses, hamlets, waterfront residential, and estate residential areas.

The City undertook a review of the Estate Residential policies in 2014, to provide direction for these types of developments. The goal of the current Official Plan is to strongly discourage estate residential subdivisions by providing restrictive locational criteria to satisfy. However, it was apparent that these policies were not successfully controlling estate subdivision development. The Estate Residential Review recommended establishing recreational settlement areas, distinct from the Rural areas, in appropriate locations along waterways. This recommendation will

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undergo further assessment as part of the Waterfront Master Plan, which is currently in development.

Due to the scheduling of the Waterfront Master Plan, the only provisions that will be implemented from this review will be to add Future Planning Study Areas to Schedule 13 – Detailed Planning Areas. This will indicate the City's intention to implement detailed policies for the waterfront areas along the St. Lawrence River and Rideau Canal pending the completion of the Waterfront Master Plan. The Future Planning Study Areas will then be provided with associated policy for the waterfront areas for strategic intent, goals, land uses, environmental protection, community design guidelines, and implementation.

Shannon's Corners / Glenburnie Hamlet Signage

This report to the Rural Advisory Committee explored the confusion regarding whether this Hamlet should be known as Shannon's Corners or Glenburnie. The hamlet is currently labeled as Shannon's Corners in the Official Plan, though the hamlet is commonly known as Glenburnie. Canada Post also refers to that area as Glenburnie. The City is planning to acknowledge the historical importance of this hamlet through special signage.

As part of the draft Official Plan update, the hamlet will be renamed from Shannon's Corners to Glenburnie in Schedules 2 and 3, as well as in the text content.

Existing Policy/By-Law:

City of Kingston Official Plan

Notice Provisions:

Not applicable

Accessibility Considerations:

All work on this project is expected to also be A.O.D.A. compliant, including all public consultation sessions

Financial Considerations:

The funds for this project were allocated and approved in the 2015 capital budget.

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Other City of Kingston Staff Consulted:

Not applicable

Exhibits Attached:

Not applicable