MEMORANDUM

To: Chair and Members of Planning Committee

From: George Wallace, Director, Planning & Development Department

Date: October 9, 2007

Subject: Urban Growth Management Strategy
Follow-up to September 20, 2007 Planning Committee Meeting

Purpose
The purpose of this memorandum is to respond to the concerns regarding the Urban Growth Management Strategy Report and accompanying Urban Growth Management Strategy Policies as presented at the Planning Committee meeting of September 20, 2007. The concerns to be addressed by this memorandum include the following:

- The Order of Development;
- The Front-ending Agreements;
- Clarification regarding Westbrook East, Site Specific Adjoining Infrastructure Area; and
- The disposition of Growth Alternative Area No. 5, north of Highway No. 401.

These concerns will each be addressed and the resulting revisions to the Urban Growth Management Strategy Policies will be presented.

Background
On September 20, 2007, staff presented the Planning Report (No. PC-07-065) and the proposed Urban Growth Management Strategy policies and mapping to Planning Committee for their consideration and discussion. Following the presentation to Planning Committee and discussion of the report, it was agreed that staff would report back to Planning Committee on October 18, 2007 on the various issues and concerns identified. Planning Committee passed a resolution directing staff as follows:

That the Urban Growth Management Strategy be referred back to staff for review of the areas of concern identified by members of the Committee, including for example, the lack of precision in the order of development, the issue of front-ending agreements and additional information regarding development in the area north of Hwy. 401 at Division Street, it being understood that staff will report back to the Planning Committee at the October 18, 2007 meeting with regard to the order of development and front-ending agreements, and that the additional information regarding the area north of Hwy 401 may be provided at a later date.
This memorandum has been prepared as a response to the Planning Committee resolution. As well as the Urban Growth Management Strategy Report, a letter was presented to Planning Committee that had been received from a solicitor acting on behalf of the property owner of the lands located between Westbrook and Collins Creek requesting further clarification regarding the Site Specific Adjoining Infrastructure Area. The clarification concerns the level of detail that will be required to fulfill the Secondary Plan component for the Westbrook East area. This matter is also addressed in this memorandum.

The proposed Urban Growth Management Strategy and the revisions discussed in this memorandum are an important part of the background information needed in the preparation of the updated City of Kingston Official Plan and Zoning By-Law. It is intended that the proposed Urban Growth Management Strategy policies and mapping as revised will be incorporated in the new Official Plan.

**Discussion of the Identified Issues**

This section will discuss each of the four issues identified by the Committee for further consideration including the Order of Development, the Front-ending Agreement condition, the clarification of the Westbrook East property and the disposition of Growth Alternative No. 5.

1. **Order of Development**

The Planning Committee appeared to be concerned that the policies establishing the order of development were not clear with respect to the sequencing of the various policy areas. The Committee wished to make it very clear that the Committed Infrastructure Areas had the highest priority for development. Planning Committee recognized the Adjoining Infrastructure Areas as a high priority for development. The Comprehensive Secondary Planning Areas and the Special Planning Areas were to be clearly identified for longer term future development.

To address the concern regarding the Order of Development, the Urban Growth Management Strategy policies have been modified. The following chart indicates the priority level of each of the four types of policy areas.

<table>
<thead>
<tr>
<th>Policy Area</th>
<th>Description</th>
<th>Order of Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committed Infrastructure Areas</td>
<td>Substantially built up area of the City including Westbrook</td>
<td>Highest Priority for development (to the year 2026)</td>
</tr>
<tr>
<td>Adjoining Infrastructure Areas</td>
<td>Rideau Community, Cataraqui West, Clogg’s Road, Butternut Creek Village &amp; Westbrook East</td>
<td>a High Priority for development (to the year 2026)</td>
</tr>
<tr>
<td>Comprehensive Secondary Planning Areas</td>
<td>St. Lawrence Community &amp; Mile Square/Westbrook Area</td>
<td>intended for Future Development</td>
</tr>
<tr>
<td>Special Planning Areas</td>
<td>Collins Bay Penitentiary &amp; CFB Married Quarters Area</td>
<td>intended for Future Development</td>
</tr>
</tbody>
</table>
The Urban Growth Management Strategy policies have been modified to highlight the intended Order of Development. These modifications have been made specifically on Page 2, Section 3, subsection (a) and on Page 3, Section 3, subsection (f), clauses (i) to (iv). These supplement existing policies on Page 1, Section 1, General Statement.

Also, the wording has been modified with respect to the Comprehensive Planning Areas of the St. Lawrence Community and Mile Square/Westbrook. The wording clarifies that Council must consider a submitted Comprehensive Analysis before they become areas of future urban expansion. The Comprehensive Analysis includes a Needs Analysis, Secondary Plan, Master Servicing Plan, Phasing and Timing Program, and a Financial Implementation Plan. These modifications are found on Page 3, Section 3, subsection (d).

2. Front-Ending Agreements

Planning Committee expressed the concern that front-ending was included as an option in the policies and also that it would become the major factor in allowing areas identified for future development to proceed ahead of sequence. In order to fully address the front-ending question it will be discussed from the perspective of the current proposal, the approach developed by the Urban Growth Strategy Study 2004, the role of the agreement in the development process and the proposed revisions to the Urban Growth Management Strategy policies. Each element will be discussed.

a. The Current Front-Ending Proposal

Off-site hard and soft infrastructure services are expensive and necessary to support new development. The Urban Growth Management Strategy intended front-ending agreements to apply to proposed developments to cover the costs associated with the off-site hard and soft infrastructure services if the development lands had not been considered through the Development Charges and Impost Fees By-laws. The intent of the front-ending agreement is to ensure that monies intended for the committed highest priority areas are not diverted from the Development Charges and Impost Fees By-laws and not redirected to other areas.

Front-ending is intended to cover the costs of all off-site infrastructure needed to serve the development such as:

- Water Pollution Control Plant & Water Purification Plant upgrades;
- New pumping stations;
- Increased water storage capacity, i.e. towers;
- Water booster stations;
- Sanitary sewer or forcemain or watermain bottlenecks due to lack of capacity;
- New road construction, road widening, operational improvements; and
- Libraries, parks, police, fire, ambulance, and other soft services.

Currently, the Urban Growth Management Strategy policies require front-ending agreements to cover the costs of hard and soft service infrastructure for several areas. These areas were not considered in the Development Charges and Impost Fees By-laws. They include the following areas:
(i) Adjoining Infrastructure Areas which have a high priority for development including Clogg’s Road, Westbrook East and Butternut Creek Village Area;
(ii) the Special Planning Areas which are future development areas including CFB Kingston and Collins Bay Penitentiary; and
(iii) the Comprehensive Secondary Planning Areas which are future development areas including St. Lawrence Community and Mile Square/Westbrook Area.

If the three Site Specific Adjoining Infrastructure Areas are to remain as a high priority in the order of development, then front-ending policies should remain in place. Front-ending may be used to ensure that these sites pay for all of the off-site hard and soft infrastructure costs associated with their development. Front-ending agreements may allow Council to manage the cost of growth. Depending on the discussions that occur during the preparation of the new Development Charges and Impost Fees By-laws, some the off-site costs associated with these areas may be included in the new by-laws.

b. Urban Growth Strategy Study, 2004

During the discussion at the September 20th Planning Committee meeting, wording from the J.L. Richards, Urban Growth Strategy Final Report (Page 16) which cautioned the use of front-ending agreements for servicing was raised. To provide a context for the J.L. Richards statements Section 5.3, Page 16, of the Final Report has been reviewed. The Final Report excerpt reads as follows:

“Front-ending” is a term used to describe a financing arrangement where the developer pays the cost of infrastructure capacity increases at an early date and recovers the investment over time, as development occurs. Municipalities frequently consider such measures on a limited scale. Increased use of the concept requires caution. If major new areas are to be released for earlier development, the City should carefully consider all of the major improvements necessary to support the new area, including sanitary sewage collection and treatment facilities, the water treatment and distribution works and major roadway expansions. Unless the front-ending covers all of the City’s additional costs, such actions will only dilute what can be achieved using the City’s existing revenue sources (Development Charges and Imposts). These revenues should continue to be directed to the orderly provision of infrastructure in accordance with the City’s planned approach. Revenues from Development Charges and Imposts should not be diverted from the normal sequence of City servicing. The City needs to maintain control of the orderly development of the community.”

In its full context, the J.L. Richard’s Final Report indicated a cautionary approach to the use of front-ending so that costs to service new development areas were not drawn away from areas of planned immediate growth. The intent of front-ending referenced in the Urban Growth Management Strategy is to protect the Development Charges and Impost Fees funds so that they can be used for planned growth. The front-ending agreement condition must be read in conjunction with all of the other pertinent policy provisions of the Urban Growth Management Strategy and cannot be read in isolation. Therefore, the use of front-ending in concert with the Order of Development policies and the requirement of the five components of the Comprehensive Analysis, including a Needs Analysis and a Financial Implementation Plan is in keeping with the intent of J.L. Richard’s Final Report.
c. The Role of the Front-Ending in the Development Process

There is a perception that a developer could just pay the up-front costs of servicing and then be able to proceed with development in advance of the identified priorities and sequence of development. However, the front-ending agreement is only one tool in the long and complex development process.

The Urban Growth Management Strategy has a number of controls built into it governing when growth can occur. These controls include the Urban Growth Strategy itself (Section 3 (a) to (f)) that sets out the Order of Development and priorities. Another set of controls are detailed in the Comprehensive Analysis of Section 4. The Comprehensive Analysis requires that the following five studies be prepared and completed to the satisfaction of the City prior to even considering front-ending:

1. **Needs Analysis** - The analysis considers such factors as: the demand for the development proposed; the availability, in other areas, for similar types of development; the supply of available land and lots in the urban area; and the growth rate.
2. A **Secondary Plan** - The Plan identifies such items as: the study area; range of land uses; mixes of densities of development; provisions of roadways, public services; timing and phasing of development.
3. A **Master Servicing Plan** - This Plan includes for example: off-site and on-site impacts on the sanitary sewer and water systems; the timing of servicing; and systems capacities.
4. A **Phasing & Timing Program** - This Program is to address the project’s phasing sequence and timing.
5. A **Financial Implementation Plan** - This Plan is to determine if the costs of the infrastructure are covered or not covered by the Development Charges By-law, Impost Fees By-law, and capital reserve program and any requirements for front-ending agreements.

Only after the need for such a development is clearly demonstrated and other components of the Comprehensive Analysis have been completed to the satisfaction of the City would front-ending be considered. The Urban Growth Management Strategy policies require that all the studies outlined above would have to be fully completed in the cases of the St. Lawrence Community Area, the Mile Square/Westbrook Area, the CFB Kingston Married Quarters Area and the Collins Bay Penitentiary Area. For the Site Specific Adjoining Infrastructure Areas (Clogg’s Road, Westbrook East, and Butternut Creek Village Area) which have a high priority for development, the Comprehensive Analysis requirements are scoped to include only those studies relevant to their specific development circumstances.

Therefore, the Urban Growth Management Strategy embodies a large number of distinct and separate parameters that must be considered prior to growth proceeding and front-ending is only one of those considerations.


**d. Proposed Revisions to the Urban Growth Management Strategy Policies**

The mechanism that would allow City Council, in the future, to use front-ending agreements has been retained in the Urban Growth Management Strategy. However, Section 5 - Front-Ending Agreements has been deleted and some enabling policies have been built into the Financial Implementation Plan requirement and the Order of Development policies. All supporting references to Section 5, Front-Ending Agreement, have been deleted throughout the remainder of the revised Urban Growth Management Strategy, dated September 27, 2007, which is attached as Exhibit “A”.

With respect to Section 3 - Urban Growth Strategy, wording has been added to Section 3 (d) – as it pertains to the Comprehensive Secondary Planning Areas (St. Lawrence Community and Mile Square/Westbrook). The wording change indicates that Council must consider the requirements of the Comprehensive Analysis prior to these areas even being considered for development. Section 3(f)(v), Order of Development, has been amended to identify that developers must assume responsibility and pay for the costs of installation of off-site hard and soft service infrastructure identified as part of the necessary Comprehensive Analysis studies.

With respect to Section 4 - Comprehensive Analysis, wording has been added to subsection (e) (iv) of the Financial Implementation Plan. This wording identifies that the Financial Implementation Plan must address any requirements that may be subject to a front-ending agreement. In addition, a new subsection has been added as (v) to the Financial Implementation Plan to make it clear that Development Charges or Impost Charges funding shall not be diverted away from the areas with the highest priority for development. This new subsection reads as follows:

"(v) It is the intent of the City that any front-ending agreement dealing with infrastructure in some of the Adjoining Infrastructure Areas as identified in Section 5(c), all of the Comprehensive Secondary Planning Areas and all of the Special Planning Areas shall not divert Development or Impost Charges funding from the Committed Infrastructure Areas and the remainder of the Adjoining Infrastructure Areas."

3. West Brook East

As part of the development of the Urban Growth Management Strategy, correspondence was received from the solicitor for T. Turnbull, owner of the lands in the area known as Westbrook East. Clarification was requested with respect to the intent of the Secondary Plan component of the Comprehensive Analysis as it relates to Westbrook East.

The policies relating to Westbrook East have been amended to define the meaning of a Secondary Plan for the purposes of this development and to include the necessity to prepare an appropriate Financial Implementation Plan. The Financial Implementation Plan would allow Council to enter into a front-ending agreement to ensure that the costs of off-site hard and soft service infrastructure can be covered. This wording has been added to the renumbered Section 5(c)(iii) which now reads as follows:
“(a) The Comprehensive Analysis, as set out in Section 4, for the Westbrook East area shall include a Secondary Plan, Master Servicing Plan and a Financial Implementation Plan. For the purposes of this development, a Secondary Plan shall mean a concept plan that shows the proposed development on the subject lands, and how it interacts with adjacent developed lands in terms of road layout, park land, environmentally sensitive areas, access to Princess Street and future access to Creekford Road.”

Under the previous proposed Urban Growth Management Strategy the Westbrook East area would have been subject to a front-ending agreement. However, with the deletion of Section 5-Front-Ending Agreement, front-ending now forms part of a Financial Implementation Plan. As a result, the Financial Implementation Plan has been added to the list of required studies.

5. Disposition of Growth Alternative Area No. 5

Growth Alternative Area No. 5, located north of Highway No. 401 along Division Street, has been referred for further analysis. It has been part of the City’s on-going industrial land inventory, study and analysis. The area has a number of outstanding issues that will have to be taken into consideration.

Discussions are on-going between the Planning Department, KEDCO, Finance, and the Growth and Sustainability Group and information is being gathered. Once an appropriate analysis has been conducted, the Planning Department will report back to the Planning Committee as directed in the September 20th resolution.

Recommendation

The original recommendation of Urban Growth Management Strategy Report (PC-07-065) which was before Planning Committee on September 20th referred to the endorsement of the Urban Growth Management Strategy policies and mapping dated August 21, 2007. The policies have been amended to September 27, 2007 in accordance with the contents of this memorandum. In addition, the amended recommendation responds to a third issue identified by Planning Committee. The third issue involves a request for further information for the area north of Highway 401. It is recommended that Planning Committee consider the following resolution:

THEREFORE BE IT RESOLVED that it be recommended to Council that the proposed Urban Growth Management Strategy, dated September 27, 2007, and the attached map entitled “City of Kingston, Urban Growth Management” be endorsed as the approach to Urban Growth Management that will be used in the development of the new Official Plan and the Zoning By-law;

AND BE IT FURTHER RESOLVED that additional information requested by Planning Committee regarding the area north of Highway No. 401 will be provided by staff at a later date.

The Urban Growth Management Strategy as revised and endorsed will be incorporated into the Official Plan as a part of the ongoing Official Plan consolidation and review program.
Summary

We trust that the foregoing discussion, accompanied by changes to the Urban Growth Management Strategy policies, address the concerns expressed by Planning Committee with regard to the order of development and front-ending.

Should you have any questions, please contact George Wallace at 613-546-4291, ext 3252 or Cherie Mills at ext. 3289.

Respectfully submitted,

George Wallace,
Director, Planning & Development Department

c.c. Lance Thurston, Commissioner, Community Development Services
Cherie Mills, Manager, Policy Planning
Wendy Carman, Senior Policy Planner
Hugh Gale, Senior Special Projects Planner

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Urban Growth Management Strategy
Outline

URBAN GROWTH MANAGEMENT

1. General Statement ................................................................. 1

2. Objectives ............................................................................. 1

3. Urban Growth Strategy .......................................................... 2
   (a) Urban Planning Area ......................................................... 2
   (b) Committed Infrastructure Areas ....................................... 2
   (c) Adjoining Infrastructure Areas ......................................... 2
   (d) Comprehensive Secondary Planning Areas ...................... 3
   (e) Special Planning Areas ...................................................... 3
   (f) Order of Development ..................................................... 3
   (g) Strategy Review ............................................................... 4

4. Comprehensive Analysis ....................................................... 4
   (a) Needs Analysis ............................................................... 4
   (b) Secondary Plan ............................................................. 5
   (c) Master Servicing Plan ...................................................... 5
   (d) Phasing and Timing Program .......................................... 6
   (e) Financial Implementation Plan ........................................ 6
   (f) Study Completion and Study Costs .................................. 7

5. Committed and Adjoining Infrastructure Areas Policies .......... 7
   (a) General Policies for Committed Infrastructure Areas and the
       Adjoining Infrastructure Areas ........................................ 7
   (b) Committed Infrastructure Areas Specific Policies .............. 8
   (c) Adjoining Infrastructure Areas Site Specific Policies .......... 8

6. Comprehensive Secondary Planning and Special Planning Areas Policies ........................................ 10
   (a) General Policies for Comprehensive Secondary Planning and
       Special Planning Areas .................................................. 10
   (b) Comprehensive Secondary Planning Areas Specific Policies .. 11
   (c) Special Planning Areas Specific Policies ........................... 12

7. Complementary Urban Growth Policies .................................. 12
   (a) Urban Residential Density and Intensification .................. 13
   (b) Mixed Land Use Development ........................................ 13
Urban Growth Management Strategy

URBAN GROWTH MANAGEMENT

The following Urban Growth Management approach has been developed as a land use planning framework involving both a written text and a map schedule. The following policies and the attached Schedule entitled “Urban Growth Management” constitute an integrated approach to Urban Growth Management.

1. GENERAL STATEMENT

   It is the intent of Council to plan for the orderly development of the City. This Plan provides for an adequate area of land within the Committed Infrastructure Areas and the Adjoining Infrastructure Areas to accommodate fully serviced development projected to the year 2026. This Plan also identifies the location of lands shown as the Comprehensive Secondary Planning Areas and the Special Planning Areas that may also accommodate future development. The Committed Infrastructure Areas, the Adjoining Infrastructure Areas, the Comprehensive Secondary Planning Areas and the Special Planning Areas are all shown on the attached Schedule as well as the line indicating the City’s Urban Planning Area.

2. OBJECTIVES

   In addition to the general objectives of this Plan, the following specific objectives apply to the development of all the lands located within the Urban Planning Area shown on the attached Schedule:

   (a) To make sufficient land available, where appropriate, for new urban development, redevelopment and intensification.

   (b) To meet the City’s long term land use needs by providing land for an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses.

   (c) To support development and land use patterns which minimize negative impacts on the environment and advance public health and safety.

   (d) To protect natural heritage features and areas in accordance with the requirements of the Provincial Policy Statement.

   (e) To promote efficient development and land use patterns which sustain the financial well being of the municipality over the long term.

   (f) To encourage cost-effective development standards to minimize land use consumption and servicing costs.

   (g) To promote a compact development form and a mix of uses and densities that support pedestrian movement, cycling and public transit.
(h) To ensure that the necessary infrastructure and public service facilities will be available to meet the City’s current and projected needs in a financially responsible manner.

(i) To ensure, in the long term, that all lots located within the identified urban area are fully serviced by municipal water and sanitary sewer systems.

(j) To ensure that development is consistent with the *Provincial Policy Statement*, as amended.

3. **URBAN GROWTH STRATEGY**

In accordance with the Objectives of Section 2, Council supports a unified approach to guide the urban development of the City on full municipal services. The following key components are designed to guide and efficiently manage the direction and order of development:

(a) **Urban Planning Area**

The location of the line indicating the City’s projected Urban Planning Area is shown on the attached Schedule and distinguishes between those lands which are viewed as being used either for urban purposes or for rural purposes, now and in the foreseeable future.

The area identified for urban purposes includes the following urban growth policy areas:
- Committed Infrastructure Areas (Highest Priority);
- Adjoining Infrastructure Areas (High Priority);
- Comprehensive Secondary Planning Areas (Future Development); and,
- Special Planning Areas (Future Development).

(b) **Committed Infrastructure Areas**

The Committed Infrastructure Areas are shown on the attached Schedule. The Committed Infrastructure Areas represent the substantially built up areas of the City where major sewer, water and transportation infrastructure have been planned.

(c) **Adjoining Infrastructure Areas**

The Adjoining Infrastructure Areas, as shown on the attached Schedule, have eastern and western land areas that immediately abut the Committed Infrastructure Areas. The Committed Infrastructure Areas, together with the Adjoining Infrastructure Areas, contain enough land to accommodate projected growth to the year 2026. Some of the Adjoining Infrastructure Areas are subject to site specific Urban Growth Management policies.
(d) **Comprehensive Secondary Planning Areas**

The Comprehensive Secondary Planning Areas, which are shown on the attached Schedule, include a number of land areas that have the potential to accommodate increased growth and become the areas of future urban expansion subject to Council's consideration of a submitted Comprehensive Analysis.

(e) **Special Planning Areas**

The Special Planning Areas include lands that are now committed to a substantial land use but could accommodate future growth. These lands are shown on the attached Schedule and are generally surrounded by the Committed Infrastructure Areas.

(f) **Order of Development**

Urban development within the City shall proceed in a planned and orderly manner. The order of development will proceed as follows:

(i) Lands located in the Committed Infrastructure Areas shall have the **highest priority** for development;

(ii) Lands located in the Adjoining Infrastructure Areas shall have a **high priority** for development but shall be subject to site specific policies that will address the specific information required to fulfill the Comprehensive Analysis set out in Section 4;

(iii) Lands located within the Comprehensive Secondary Planning Areas are intended for **future development** and may proceed subject to the following:

   (a) fulfilling all of the requirements of the Comprehensive Analysis set out in Section 4; and

   (b) amending the Urban Growth Management Schedule to recognize all of the Secondary Planning Area, identified as part of the Comprehensive Analysis of Section 4(b), or a phased portion of the lands as Committed Infrastructure Areas;

(iv) Lands which are located within the Special Planning Areas may accommodate **future development** subject to the following:

   (a) fulfilling all of the requirements of the Comprehensive Analysis set out in Section 4; and

   (b) amending the Urban Growth Management Schedule to recognize all of the Secondary Planning Area, identified as part of the Comprehensive Analysis of Section 4(b), or a phased portion of the lands as Committed Infrastructure Areas;
(v) In addition to the policies of Sections (f) (ii) (iii) and (iv) above, it is the intent of this Plan that the lands located in some of the Adjoining Infrastructure Areas, as identified in Section 5.(c), all of the Comprehensive Secondary Planning Areas or all of the Special Planning Areas may be permitted to proceed with development in advance of the municipal infrastructure schedule, the collection of development and impost charges and/or the City’s finance programs, only where the need for such development is clearly demonstrated and the developers of such areas assume responsibility to pay for the costs of installation of off-site hard and soft services infrastructure identified in all or parts of the Comprehensive Analysis, such costs may be subject to a front-ending agreement.

All of the areas are shown on the attached Schedule.

(g) Strategy Review

The City shall review the Order of Development at regular intervals, which shall correspond with the legislated update of the Development Charges and the Impost Fees By-Laws. The purpose of the review shall be to determine if there is a need to extend development beyond the current Committed Infrastructure Areas and Adjoining Infrastructure Areas. The costs associated with extending development, as identified by the review, will then be used to update the cost projections contained in the Development Charges and Impost Fees By-Laws.

The City review shall compare such matters as the actual population growth with the projected population growth, examine land availability, determine the land absorption rate, measure residential and employment densities, identify the current status of planned developments and assess the infrastructure capacities.

4. COMPREHENSIVE ANALYSIS

Prior to development and where required by the Growth Area Policies in Section 6, a Comprehensive Analysis shall be prepared and shall include the following:

(a) Needs Analysis

A Needs Analysis shall be prepared by the affected land owners to the satisfaction of the City and shall focus on the supply and demand of lots, buildings and uses in the urban area. The Needs Analysis shall consider the following:

(i) the demand for the type and style of development proposed;
(ii) the lotting pattern and development concept proposed;
(iii) the availability, in alternative areas, for similar types and styles of development;
(iv) the supply of available land within the urban area;
(v) the supply of available lots within the urban area;
(vi) the actual population and growth rates;
(vii) the current and potential rates of lot and building absorption;
(viii) an adjustment for the supply of land areas calculated in the twenty year supply that have remained vacant or unavailable as a result of physical, environmental or ownership constraints; and

(ix) the timing and phasing of development in relation to the identified supply and demand for land, lots and buildings.

(b) Secondary Plan

A Secondary Plan shall be prepared by the City in partnership with the affected land owners within an appropriately defined study area that addresses and coordinates at a minimum, but not limited to the following:

(i) the identification of study area and community boundaries;

(ii) provision of a range and identification of the location of various proposed land uses;

(iii) the affordability, mix and density of housing;

(iv) the road and pathway systems including road access, design and pedestrian movement and major off-site transportation improvements;

(v) the parks and open spaces;

(vi) conservation and environmental issues including the identification and assessment of natural heritage issues and natural heritage areas;

(vii) the provision of public service facilities including libraries, recreation, fire protection, and education facilities;

(viii) the timing and phasing of development;

(ix) urban design guidelines;

(x) development of a community including a focal point, meeting area and theme; and

(xi) ensuring that new development is compatible with the existing, planned and adjacent land uses.

(c) Master Servicing Plan

A Master Servicing Plan is required for the development of the Secondary Planning Area for such utilities as piped municipal water supply and sewage disposal systems, stormwater management, and electrical, gas and communications systems. Such Plan shall be prepared by the City in partnership with the affected land owners. Without limiting the generality of the foregoing, the Master Servicing Plan shall address:

(i) the internal servicing requirements of the Secondary Planning Area;

(ii) the off-site impacts upstream and downstream of the development of the Secondary Planning Area, including but not limited to issues which address plant and station capacities, upgrades and expansions required to the systems;

(iii) the location, timing and cost of the on-site and off-site servicing systems required to serve the Secondary Planning Area which addresses the proposed timing and phasing of development;

(iv) an assessment of the necessary systems capacity and availability;
(v) the cost sharing arrangements for oversizing between Owners within the Secondary Planning Area and in adjacent, downstream or upstream Secondary Planning Areas;

(vi) confirmation by telecommunication and other utility providers that services can be provided to support the proposed development; and,

(vii) the provision of appropriate locations for large telecommunication equipment where required and telecommunication/utility cluster sites where possible.

(d) **Phasing and Timing Program**

A Phasing and Timing program shall be developed, by the applicant, and to the satisfaction of the City, to establish a phasing sequence and to project the potential timing. The Phasing and Timing program may include the following:

(i) identifying the residential areas located within the Secondary Planning Area and providing for the phased sequential development of those areas to create an orderly development pattern;

(ii) identifying the phased sequential development for such other uses as business parks, institutional uses and commercial areas to create an orderly development pattern;

(iii) ensuring that development of all on-site and off-site, piped water and sanitary sewer systems, transportation improvements and stormwater management systems are planned in accordance with the phasing program;

(iv) ensuring that parks, and public service facilities including libraries, recreation, fire protection and education facilities are planned in accordance with the phasing program; and

(v) establishing the timing for the identified phasing of development.

(e) **Financial Implementation Plan**

A Financial Implementation Plan shall be prepared by the applicant in consultation with the City and to the satisfaction of the City. The Financial Implementation Plan that shows how the proposed development of the entire Secondary Planning Area relates to the following:

(i) any By-laws passed by the City under the *Development Charges Act*; and

(ii) any By-laws passed under the *Municipal Act* for Impost Fees;

(iii) any capital reserve program;

(iv) any City policies governing cost sharing arrangements for the extension or expansion of municipal services including the timing and phasing of development and any requirements for front-ending agreements;

(v) it is the intent of the City that any front-ending agreement dealing with infrastructure in some of the Adjoining Infrastructure Areas as identified in Section 5.(c), all of the Comprehensive Secondary Planning Areas and all of the Special Planning Areas shall not divert Development or Impost Charges funding from the Committed Infrastructure Areas and the remainder of the Adjoining Infrastructure Areas.
(f) Study Completion and Study Costs

All of the above must be completed to the satisfaction of the City. Where a partnership between the City and the landowners is required, as indicated above, the cost of preparing the studies may be shared.

5. COMMITTED AND ADJOINING INFRASTRUCTURE AREAS POLICIES

(a) General Policies for Committed Infrastructure Areas and the Adjoining Infrastructure Areas

The following general policies shall apply to the Committed Infrastructure Areas and the Adjoining Infrastructure Areas which are shown on the attached Schedule:

(i) These areas shall have the highest priority for development.

(ii) These areas are intended to be developed only on the basis of full municipal services, unless otherwise specified in the Urban Growth Management policies.

(iii) The allocation of servicing capacity shall be determined by the City.

(iv) Municipal approval of development priorities shall be conditional on prompt usage of servicing capacity allocations to help ensure that capacity is used in an appropriate and timely manner.

(v) Servicing capacity not used within the time specified shall be re-allocated to other developments within the Committed Infrastructure Areas or the Adjoining Infrastructure Areas or at the discretion of the City.

(vi) Development approvals may be delayed pending the resolution of any identified servicing constraints.

(vii) Mechanisms such as the use of Holding Zones, the lapsing of Subdivision Draft Plan Approvals and the lapsing of Site Plan Control Approvals shall be used by the City to manage the allocation of servicing capacity.

(viii) Partial water servicing shall only be permitted on existing watermains where there is adequate distribution systems capacity and under the following circumstances:

(a) where the water service to the lot may be connected to an existing watermain without requiring a watermain extension and is designed in accordance with City Engineering Standards;

(b) where an individual water connection is determined by the municipality to be necessary due to health or environmental problems to replace a private on-site water service for an existing lot;
(c) to allow for minimal infilling and rounding out of existing developed areas provided that:

(i) site conditions are suitable for the long term land use and the provision of such water service and private on-site sewage treatment; and

(ii) any infill severance activity be limited and not allow for the creation of a fragmented lotting pattern and/or isolated lots that may jeopardize future development.

(b) Committed Infrastructure Areas Specific Policies

The Committed Infrastructure Areas shown on the attached Schedule include all of the substantially built-up areas, the infill opportunities throughout these areas, brownfield lands with potential for redevelopment and other vacant or underutilized sites, the Alcan lands, the Cataraqui North Neighbourhood, the westerly Westbrook area and the undeveloped portion of the Rideau Community. The following specific policies shall also apply to the Committed Infrastructure Areas:

(i) The Committed Infrastructure Areas have the highest level of commitment for immediate development;

(ii) Development priority will be given to those lands where servicing capacity is already in place; and

(iii) Priority will be given to servicing projects that enhance the potential for additional lands within the Committed Infrastructure Areas to be developed.

(c) Adjoining Infrastructure Areas Site Specific Policies

The Adjoining Infrastructure Areas shown on the attached Schedule abut the existing Committed Infrastructure Areas.

(i) Cataraqui West and the Rideau Community Adjoining Infrastructure Areas

The lands located in the north-west corner of the Adjoining Infrastructure Area are known as Cataraqui West. The lands located on the east side of the Great Cataraqui River form part of the Rideau Community. The following specific policies shall apply to these two Adjoining Infrastructure Areas:

(a) These two areas may be developed at the same time as the Committed Infrastructure Areas subject to the availability of servicing capacity and the ability to construct infrastructure pursuant to the Development Charges By-Law and the Impost Fees By-Law; and
(b) The Comprehensive Analysis as set out in Section 4 for these two areas shall include a Secondary Plan and a Master Servicing Plan.

(ii) Clogg’s Road

The triangular shaped area accessed by way of Clogg’s Road and located north of Creekford Road and west of Highway No. 38 is included within the Adjoining Infrastructure Area shown on the attached Schedule and is subject to the following specific policies:

(a) The Comprehensive Analysis, as set out in Section 4 for the Clogg’s Road area shall include a Secondary Plan, a Master Servicing Plan, a Financial Implementation Plan, and a Phasing and Timing Program.

(b) Regardless of the timing of the preparation of the Comprehensive Analysis, the commencement of development shall be in accordance with the policies of the Urban Growth Strategy as set out in Section 3.

(iii) Westbrook East

Property east of Westbrook, south of the Hydro corridor, and west of Collins Creek is included within the Adjoining Infrastructure Area shown on the attached Schedule and is subject to the following specific policies:

(a) The Comprehensive Analysis, as set out in Section 4, for the Westbrook East area shall include a Secondary Plan, Master Servicing Plan and a Financial Implementation Plan. For the purposes of this development, a Secondary Plan shall mean a concept plan that shows the proposed development on the subject lands, and how it interacts with adjacent developed lands in terms of road layout, park land, environmentally sensitive areas, access to Princess Street and future access to Creekford Road.

(b) The Comprehensive Analysis must be undertaken within the broader context of the Study Area shown on Figure 2 of the Westbrook Community Plan dated February, 1997.

(c) Regardless of the timing of the preparation of the Comprehensive Analysis, the commencement of development shall be in accordance with the policies of the Urban Growth Strategy as set out in Section 3.

(iv) Butternut Creek Village Area

The rectangular shaped area, located immediately north of the St. Lawrence Business Park, east of Highway No. 15, is included within the Adjoining
Infrastructure Area as shown on the attached Schedule and is subject to the following specific policies:

(a) The Comprehensive Analysis, as set out in Section 4 for the Butternut Creek Village area shall include a Master Servicing Plan, a Financial Implementation Plan, and a Phasing and Timing Program.

(b) The Comprehensive Analysis shall have regard for the relevant provisions of the Rideau Community Plan.

(c) Regardless of the timing of the preparation of the Comprehensive Analysis, the commencement of development shall be in accordance with the policies of the Urban Growth Strategy as set out in Section 3.

6. **COMPREHENSIVE SECONDARY PLANNING AND SPECIAL PLANNING AREAS POLICIES**

(a) **General Policies for Comprehensive Secondary Planning and Special Planning Areas**

The following general policies shall apply to the Comprehensive Secondary Planning Areas and the Special Planning Areas as shown on the attached Schedule:

(i) These lands are to be developed as an expansion of the Committed Infrastructure and Adjoining Infrastructure Areas and development shall proceed on the basis of full municipal services;

(ii) Existing municipal piped water systems are recognized by this Plan and any public works that are required to maintain these systems shall be permitted;

(iii) Existing municipal sanitary sewer systems, including any water pollution control plant, are recognized by this Plan and any public works that are required to maintain these systems shall be permitted;

(iv) the City shall not approve applications for draft plans of subdivision, and/or implementing zoning by-law amendments resulting from a Comprehensive Analysis until such time as the Official Plan is amended to include these lands in the Committed Infrastructure or Adjoining Infrastructure Areas;

(v) Prior to long term urban development on full municipal services, and where it is considered premature to introduce a Holding category, undeveloped lands may be placed in a Development Zone that includes existing uses, interim uses and public uses in accordance with the following policies:

   (a) Existing uses will continue to be permitted;
(b) The interim uses shall be of a temporary nature which does not limit the long term potential of the land to accommodate urban development and may include such uses as agriculture, forestry, open space and outdoor recreation; and

c) Permanent public uses which do not require municipal sewer and water services shall also be permitted.

(b) **Comprehensive Secondary Planning Areas Specific Policies**

The Comprehensive Secondary Planning Areas are shown on the attached Schedule and indicate additional lands which may be suitable for urban development on full municipal services. The following specific policies shall also apply to the Comprehensive Secondary Planning Areas:

(i) The Comprehensive Secondary Planning Areas shall proceed in accordance with the Order of Development as set out in Section 3;

(ii) Development within the Comprehensive Secondary Planning Areas shall be on the basis of full municipal services as an expansion of the Committed Infrastructure Areas or the Adjoining Infrastructure Areas;

(iii) Development shall proceed only when the City has determined that adequate water distribution system capacity and sanitary sewer system capacity are available, or are imminent as a result of an expansion or upgrade of the systems;

(iv) Partial water servicing shall only be permitted in the Comprehensive Secondary Planning Areas on existing watermains where there is adequate water distribution systems capacity and under the following circumstances:

   (a) where the water service to the lot may be connected to an existing watermain without requiring a watermain extension and is designed in accordance with City Engineering Standards;

   (b) where an individual water connection is determined by the municipality to be necessary due to health or environmental problems to replace a private on-site water service for an existing development;

   (c) to allow for minimal infilling on vacant lands within existing registered plans of subdivision provided that site conditions are suitable for the long term land use and the provision of such water service and private on-site sewage treatment.

(v) The timing of development shall periodically be reviewed by the City in accordance with the Strategy Review policy of Section 3.(g);

(vi) Prior to the development of any lands located in the Comprehensive Secondary Planning Areas, a Comprehensive Analysis shall be prepared in
accordance with the provisions of Section 4 for an appropriately defined study area;

(vii) Regardless of the timing of the preparation and/or adoption of the Comprehensive Analysis as set out in Section 4, the commencement of development shall be in accordance with the policies of the Urban Growth Strategy as set out in Section 3.

(viii) The development may proceed in stages in accordance with the Phasing and Timing Program of the Comprehensive Analysis and any necessary front-ending agreement;

(ix) ensuring that new development maintains adequate separation distances from sewage treatment plants and waste stabilization ponds, particularly if the Master Servicing Plan identifies that the impact of development of the Secondary Planning Area results in the need to upgrade or expand the sewage treatment plant.

(c) Special Planning Areas Specific Policies

The Special Planning Areas are shown on the attached Schedule. The western portion of these identified lands is known as the Collins Bay Penitentiary lands while the eastern portion consists of a portion of the southerly area of Canadian Forces Base (CFB) Kingston. The following specific policies shall apply to these land areas:

(i) These lands have been identified as having development potential but are currently not available for development;

(ii) These lands are committed to their existing institutionally related uses for the foreseeable future;

(iii) If the status of these areas changes and they become available for development, the timing of the development of these lands shall be reviewed by the City in accordance with the Strategy Review policy of Section 3.(g); and

(iv) As part of the reassessment of the Urban Growth Strategy, as set out in Section 3 and prior to the development of either or both of these lands, a Comprehensive Analysis shall be prepared in partnership with the City and in accordance with the provisions of Section 4.

7. COMPLEMENTARY URBAN GROWTH POLICIES

It is the intent of Council to support and encourage the long term development of a compact, efficient urban area in order to optimize the use of land to reduce infrastructure and public facilities costs, to support public transit, to reduce energy consumption and to slow the growth of the City’s greenhouse gas emissions. The following complementary policies shall apply:
(a) **Urban Residential Density and Intensification**

The intent of this Plan is to manage the geographic expansion of the City’s urban built-up area and to increase the overall residential density where possible. The following policies shall apply:

(i) Within the existing built-up urban area, the overall residential density should be increased by encouraging sensitive infill, redevelopment and the development of vacant lands.

(ii) Within newly developing urban residential areas, densities should be increased as part of the planning process of the Comprehensive Analysis set out in Section 4 and by way of implementing Official Plan policy and Zoning By-Laws in accordance with smart growth principles, in order to:

   (a) support compact development forms that make efficient use of planned infrastructure and reduce land consumption;

   (b) support the viability of public transit; and

   (c) reduce air and other forms of pollution.

(iii) Density shall only be increased where it has been determined by the City that servicing capacity exists, or that capacity expansions are imminent or planned in the urban area.

(b) **Mixed Land Use Development**

Mixed Land Use Development with the possibility of reduced and shorter journeys within the urban area may enhance the pedestrian, cycling and transit elements of the transportation system as an alternative to automobile use and reduce the City’s greenhouse gas emissions. The following policies shall apply:

(i) For the purpose of this policy, Mixed Land Use Development is intended to mean the locating of employment and service land uses as close to residential land uses as possible, subject to compatibility.

(ii) As part of any Secondary Planning process undertaken as a component of a Comprehensive Analysis, undertaken in accordance with Section 4, Mixed Land Use is encouraged.