

Appendix 4 of report PL-18-20: Information on Review of Rural and Agricultural Policies of the Adopted Official Plan

Shortly after City Council passed the February 2019 motion to commence the re-examination of the adopted Official Plan in relation to height, intensity and provincial density targets, members of the newly formalized Burlington Agricultural and Rural Affairs Advisory Committee (BARAAC) expressed remaining concerns with a number of adopted Official Plan policies pertaining to agriculture.

In May 2019, City Council passed a second motion to “*Direct the Director of City Building to consider revisions to adopted Official Plan policies that are within the City's legislative authority, based on recommendations from the Agricultural and Rural Affairs Advisory Committee and report back to Council as to the appropriateness of preparing Official Plan modifications for Regional consideration through the scoped re-examination of the Adopted Official Plan Study*” ([PB-47-19](#)). In response, BARAAC formed a sub-committee to prepare an initial list of concerns, which were then refined through discussion with the broader committee.

BARAAC's primary concerns relate to achieving a more reasonable balance between conformity to the current Regional Official Plan and recently updated provincial policies. Since the adoption of the Regional Official Plan in 2009, there have been substantial changes to the Provincial Policy Statement, Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan, including an expansion of permitted on-farm uses within prime agricultural areas and enhanced protections for the agricultural system.

The City's adopted Official Plan was prepared to conform to the in-force and effect Regional Official Plan as required by subsection 34(1) of the Planning Act, which states that an approval authority shall not approve any part of a lower-tier municipality's plan if the plan or any part of it does not conform with the upper-tier municipality's Official Plan. Yet, subsection 3(5) of the Planning Act also states that decisions in respect of planning matters shall conform with provincial plans that are in effect on the date of decision, and that any matter commenced, but where a decision remains to be made as of May 16, 2019, is subject to the policies of A Place to Grow.

Through discussion with the committee, it was clarified that the Region's primary mandate as an approval authority is to review the City's adopted Official Plan in terms of conformity with the Regional Official Plan, and that new provincial policies are not typically incorporated at the lower-tier level until they have been implemented through the applicable upper-tier official plan, unless they are subject to specific direction from the Province.

On this basis, revisions to the City's adopted Official Plan are not being recommended through the scoped re-examination process. Rather, BARAAC has provided feedback for consideration during the overall Regional approval process of the adopted Official Plan, as staff work to achieve the appropriate balance between conformity with the

Regional Official Plan and more recently updated provincial policies. BARAAC has also drafted a separate set of preliminary comments on the Halton Region Official Plan and will be providing detailed feedback throughout the remaining two phases of the ongoing Regional Official Plan Review.

Overall, BARAAC's suggestions focus on reducing conflict with current provincial policies, encouraging efficient decision-making, and the removal of barriers to agricultural viability. BARAAC's comments regarding the City's adopted Official Plan are fully supported by planning staff and have been submitted to the Region for consideration via the approval process. Regional planning staff have not identified any major concerns with BARAAC's feedback to date and the City continues to work with Regional staff to resolve conformity issues.