



SUBJECT: New Official Plan – Region of Halton Draft Notice of Decision

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: **PL-22-20**

Wards Affected: All

File Numbers: 505-08

Date to Committee: November 26, 2020

Date to Council: November 26, 2020

Recommendation:

Endorse the modifications to the adopted Burlington Official Plan (April 2018), as set out in the draft Notice of Decision from the Region of Halton, dated November 16, 2020 and attached as Appendix A to community planning department report PL-22-20; and

Direct the Director of Community Planning to notify the Region of Halton that the City of Burlington endorses the modifications to the adopted Burlington Official Plan, and requests that the Region issue its Notice of Decision to approve the new Burlington Official Plan, as modified; and

Direct the Director of Community Planning to provide input into the Halton Regional Official Plan Review to clarify the extent of lands requested to be added to the Region of Halton Employment Area, through the Regional Official Plan Review.

PURPOSE:

The purpose of this report is to recommend City Council endorsement of Regional modifications to the adopted Burlington Official Plan (April 2018), as outlined in the draft Halton Region Notice of Decision dated November 16, 2020. The modifications, prepared by the Region of Halton through coordination with City staff, have been released for City Council endorsement prior to the issuance of a formal Notice of Decision. This report and its associated appendices describe and present the content of the Regional draft decision from a number of different perspectives. This report provides discussion organized in the following sections:

- Project Background
- Summary of Halton Region Draft Decision
 - Region-Initiated Modifications
 - City-Initiated Modifications
- Effect of Halton Region Draft Decision

The appendices to this report provide additional information, including the full suite of modifications included in the Region's draft decision, additional technical analysis, and a tracked changes version of the adopted Official Plan reflecting all Regional modifications.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
 - Improve integrated city mobility
 - Support sustainable infrastructure and a resilient environment
 - Building more citizen engagement, community health and culture
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Background and Discussion:

1.0 Project Background

On April 26, 2018 City Council adopted a new Burlington Official Plan. For more information about the adopted Official Plan project, reference should be made to staff report PB-04-18, titled [Revised Proposed New Official Plan Recommended for Adoption](#), which summarizes the key directions of the new Official Plan and provides detailed background and planning context. As noted in PB-04-18, the adopted Official Plan:

- Updated the vision for the City's growth.
- Established a land use system for the City, including maintaining the current urban boundary, confirming the Urban Growth Centre, and refinements to mixed use areas, residential, employment and commercial areas, the transportation network, and rural, natural heritage and open space areas.
- Refined the urban structure (hierarchy of land uses, categories of land uses) to align land uses to the City's vision.
- Articulated community building priorities and areas for protection.
- Assessed land budget needs to determine the type and quantity of land needed to accommodate growth.

- Coordinated the land use system with infrastructure requirements and phasing.
- Established evaluation criteria for certain processes, such as employment conversions, site plan applications, and development applications.
- Incorporated policies to ensure conformity to senior levels of government while considering the local context.
- Established the basis for a new Zoning By-Law and the policy framework for other City plans (e.g. area specific plans, transportation plans, etc.).
- Defined key terms for consistent interpretation of policies.
- Encompassed broad public, agency and stakeholder consultation.

The new Official Plan was developed to establish strategic priorities for growth management, land use and infrastructure and to build a policy framework to guide the City's decision making and approval processes, ensuring that all new development, including planning for and investing in infrastructure, contributes to Burlington's long-term vision.

After adoption, in accordance with Section 17(31) of the *Planning Act*, the City provided the complete municipal record of the adopted Official Plan to Halton Region for review and approval on May 11, 2018. Halton Region is responsible for reviewing the City's adopted Official Plan to ensure that it conforms to or does not conflict with the Regional Official Plan, is consistent with the Provincial Policy Statement, and conforms to or does not conflict with applicable Provincial plans and policies. This includes, among others:

- A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019
- Greenbelt Plan, 2017
- Niagara Escarpment Plan, 2017
- Parkway Belt West Plan, 1978

Subsection 17(34.1) of the *Planning Act* provides 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, in the approval authority's opinion, conform with the upper-tier municipality's official plan. In addition, subsection 3(5) of the *Planning Act* provides that decisions in respect of planning matters shall conform with Provincial plans, including growth plans, that are in effect on the date of decision, and that any matter commenced, but where a decision(s) remains to be made as of May 16, 2019, is subject to the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe. To meet these requirements, the Region is authorized to make modifications to the City's adopted Official Plan, as needed.

Regional By-law No. 6-16 delegates the approval authority under Section 17(34) of the *Planning Act* to Halton Region's Chief Planning Official, provided that the Chief Planning

Official's decision is not contrary to the recommendation of City Council. As the Region's delegated representative, the Chief Planning Official is responsible for preparing a formal decision, outlining all Regional modifications to the adopted Official Plan.

Through its review of the City's adopted Official Plan, Halton Region identified, among others, the following areas of non-conformity to the Regional Official Plan:

- identification of and permitted uses within agricultural lands;
- identification of and permitted uses within the Natural Heritage System;
- transportation matters, including road classifications; and
- proposed employment land conversions and permitted uses within employment areas and lands.

In accordance with Subsection 17(40.2) of the *Planning Act*, the Region issued a Notice of Non-Conformity to the City on December 4, 2018, which has the effect of extending the Region's review process until such time as the Region determines that the non-conformity is rectified. This *Planning Act* tool only applies to matters of Regional conformity and cannot be utilized in relation to Provincial conformity issues. For more information on this process, reference can be made to the planning staff memo included in the December 14, 2018 [Council Information Package \(Item 1\)](#).

Since that time, City staff have collaborated extensively with Regional staff to:

- address issues of Regional and Provincial non-conformity;
- respond to Provincial policy updates occurring post-plan adoption;
- enhance Plan structure and readability; and
- incorporate housekeeping changes.

In addition, City Council has requested that the Region consider the proposed modifications endorsed through the Scoped Re-examination of the adopted Official Plan for inclusion in its decision.

2.0 Summary of Halton Region Draft Decision

The Region has prepared a draft Notice of Decision for endorsement by City Council prior to the release of a formal Notice of Decision. The Region's draft Notice of Decision, received by the City on November 16, 2020, is included as Appendix A to this report. In addition, a tracked changes version of the new Official Plan, summarizing all additions and deletions included in the Region's draft decision, is included as Appendix B to this report. These two documents should be read together, to enable a complete understanding of the changes proposed. In the case of any discrepancies between the

Region's draft decision and the tracked changes document, the Region's draft decision takes precedence.

The appendices to the adopted Official Plan have also been revised, due to a number of housekeeping needs (e.g. updates to mapping from other agencies, new Provincial guidelines, outcomes from the Scoped Re-examination of the adopted Official Plan etc.). As the appendices do not form a statutory component of the Official Plan, they were circulated to Halton Region through the approval process for information only. Only the more substantive mapping revisions to the appendices (updated Conservation Halton Approximate Regulation Limit mapping) have been reflected in the Region's draft, with all other minor updates being addressed through the City's tracked changes version of the new Official Plan. A tracked changes version of the appendices to the new Official Plan is included as Appendix C to this report.

Table 1 below provides a high-level overview of key components informing modifications to the adopted Official Plan. In some cases, a policy has been affected by more than one category of modification, e.g. changes to Provincial policy and an Official Plan Amendment. For simplicity, each modification within the Region's draft decision has been assigned to the category that best represents the primary rationale for the change.

Table 1: Modifications to the adopted Burlington Official Plan - General

Category	Explanation															
Region-Initiated Modification: Provincial Conformity	<p>Issues identified in July 2019 Ministry of Municipal Affairs & Housing (MMAH) comments, among others:</p> <ul style="list-style-type: none"> ▪ Employment Areas ▪ Prov. Agricultural System & Natural Heritage System ▪ Mobility Hubs ▪ Second Units ▪ Transportation <p>Updates to Provincial policies post-Official Plan adoption:</p> <ul style="list-style-type: none"> ▪ PPS 2020 ▪ Growth Plan 2019 ▪ Planning Act 															
Region-Initiated Modification: Regional Conformity	<p>Issues identified in Dec 2018 Regional Notice of Non-Conformity, among others:</p> <ul style="list-style-type: none"> ▪ identification of and permitted uses within agricultural lands ▪ identification of and permitted uses within the Natural Heritage System ▪ transportation matters, including road classifications ▪ proposed employment land conversions and permitted uses within the employment areas and lands 															
Region-Initiated Modification: Clarity and Consistency & City-Initiated Modification: Clarity and Consistency	<ul style="list-style-type: none"> ▪ Consistent terminology across Provincial, Regional and City policies ▪ New explanatory text to clarify, but not modify, policy intent ▪ New cross-references to aid in policy implementation ▪ Deletion of redundant or repetitive policies ▪ Editorial improvements to ensure clear and concise language ▪ Re-structuring of policies and/or numbering for enhanced readability 															
City-Initiated Modification: Official Plan Amendment	<ul style="list-style-type: none"> ▪ Official Plan Amendments approved after Official Plan adoption: <table border="0" data-bbox="610 1262 1349 1388"> <tr> <td>OPA 99</td> <td>OPA 107*</td> <td>OPA 111</td> <td>OPA 114</td> <td>OPA 117</td> </tr> <tr> <td>OPA 105</td> <td>OPA 109</td> <td>OPA 112</td> <td>OPA 115</td> <td>OPA 118</td> </tr> <tr> <td>OPA 106</td> <td>OPA 110</td> <td>OPA 113*</td> <td>OPA 116</td> <td>OPA 119*</td> </tr> </table> <p><i>*OPA previously appealed through existing OP</i></p>	OPA 99	OPA 107*	OPA 111	OPA 114	OPA 117	OPA 105	OPA 109	OPA 112	OPA 115	OPA 118	OPA 106	OPA 110	OPA 113*	OPA 116	OPA 119*
OPA 99	OPA 107*	OPA 111	OPA 114	OPA 117												
OPA 105	OPA 109	OPA 112	OPA 115	OPA 118												
OPA 106	OPA 110	OPA 113*	OPA 116	OPA 119*												
City-Initiated Modification: Housekeeping	<ul style="list-style-type: none"> ▪ Cross-referencing errors ▪ Mapping, formatting & typographical errors/issues ▪ Revisions to Appendices (which do not form part of the Official Plan) 															
City-Initiated Modification: Scoped Re-Examination & Neighbourhood Centres	<ul style="list-style-type: none"> ▪ Downtown Policy Review ▪ Neighbourhood Centres Policy Refinement 															

The more substantive modifications related to each of the categories outlined in Table 1 are discussed in greater detail in the following sub-sections, 2.1 and 2.2, respectively.

2.1 Region-Initiated Modifications

A series of appendices included in staff report PB-04-18 ([Revised Proposed New Official Plan Recommended for Adoption](#)) discussed the adopted Official Plan and how the policies addressed relevant Regional and Provincial planning documents at the time. Overall, this conformity assessment continues to appropriately describe how the overall adopted Official Plan addresses conformity and consistency with Regional and Provincial policies. Although the Region of Halton identified several areas of non-conformity to the Regional Official Plan after the Plan's adoption in 2018, many of these issues were related to matters of conflict between existing Regional policies and more recently updated Provincial policies. The following sections provide a detailed explanation of how both Regional and Provincial conformity issues have been addressed.

Regional Conformity Issues

When the new Burlington Official Plan was adopted in 2018, the Province had recently concluded the Co-ordinated Review of Ontario Land Use Plans, which resulted in a new Growth Plan, Greenbelt Plan and Niagara Escarpment Plan in 2017. Prior to that, the Provincial Policy Statement had also been significantly revised, in 2014. When Provincial policies are updated, ideally the changes are first implemented by the upper-tier municipality and then by the lower-tier municipality. Due to a continuously evolving Provincial policy framework, and often lengthy appeal processes, it is not common for changes to be implemented exactly in this order.

Generally, the lower-tier Official Plan is prepared to conform to the upper-tier Official Plan that is in-effect at the time of decision, as long as it does not conflict with applicable Provincial plans and policies. The Region commenced its next Official Plan Review in 2014. This exercise is still ongoing, as the Region works to continuously adapt to numerous and significant Provincial policy changes.

On this basis, the City's new Official Plan was prepared to conform to the Regional Official Plan reflective of Regional Official Plan Amendment 38, one of the implementing OPAs with respect to the Region's most recently completed Official Plan Review. However, this presented several issues with respect to achieving Provincial conformity in the Burlington Official Plan, as there were several areas where existing Regional policies did not conform to or conflicted with more recent Provincial policies. Examples include the Provincial Agricultural and Natural Heritage Systems introduced through the Growth Plan, 2017, which include updated permissions and mapping that has not yet been refined at the municipal level and does not align with corresponding policies and mapping in the Regional Official Plan.

According to the *Planning Act*, the City's Official Plan must conform to both Regional and Provincial policies, which presented a significant challenge to the Region in terms of approving the City's Plan. Therefore, the Region initiated the legislative pause on the decision-making timeline, to allow additional time to resolve these matters. A summary of key Regional conformity issues addressed through the Regional review and approval process is provided below.

a) Employment

Modifications with respect to employment policies relate to three key issues including clarifying terminology, confirming appropriate processes and roles, and refining - in some limited cases - the list of permitted uses. To address these issues, a series of changes were made to clarify and distinguish several terms and geographic areas related to employment:

- The term "Region of Halton Employment Area" is the mapped area found in the Region of Halton Official Plan and shown on Schedule B: Urban Structure of the adopted Official Plan. These are the lands subject to the conversion policies of the Regional Official Plan and the Provincial Growth Plan.
- The term "employment area" refers to the Region of Halton Employment Area as shown on Schedule B: Urban Structure of the Plan.
- The term "lands designated for employment uses" refer to lands within the adopted Official Plan which are, for the most part, co-incident with the "Region of Halton Employment Area" but include additional lands designated in the City of Burlington and intended to provide an employment function over the long term. This clarification included renaming "employment lands" to "lands designated for employment uses" throughout policies and schedules.

With respect to processes and roles, two issues emerged that were addressed through modifications. Given that employment conversions are to be considered through a Municipal Comprehensive Review (MCR) undertaken by the Region, modifications were proposed to remove City employment conversion policies and rely upon the Region of Halton's employment conversion policies and processes. The adopted Official Plan was also modified to clarify the role of the City in informing the Region of Halton's MCR process. Associated with this change is the deletion of Appendix A: Urban Structure Vision, which was replaced by the detailed description of the City's role in the Regional process.

Through the consideration of the adopted Official Plan the Region clarified that the addition of land to the Region of Halton Employment Area, while contemplated in the Regional Official Plan, requires an associated Regional Official Plan Amendment. Given that the Region is currently undertaking its MCR it would be the appropriate time to consider those additions. In recognition of this clarification, Schedule B: Urban Structure was modified to remove the legend item that identified lands “to be added to Region of Halton Employment Area”. Policies have been modified to ensure that the Region will work with the City to determine which, if any, lands are recommended to be considered for addition to the Region of Halton Employment Area.

Dillon Consulting prepared a brief memo dated August 24, 2020 to consider the lands identified to be added to the Region of Halton Employment Area. The objective of the work was to determine an approach to maintaining employment functions throughout the areas to be added, whether through the protection of the Region’s Employment Area or through local site-specific policies. The memo confirmed that although one vacant employment parcel would no longer be recommended for inclusion in the Region’s employment area (1309 Appleby Line), there is a sufficient supply of vacant employment land to accommodate the forecasted 20- year demand.

The Growth Plan, 2019 introduced a new policy (2.2.5.14) that states:

“Outside of employment areas, development criteria should be established to ensure that redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.”

This new policy identifies a way of ensuring a continued employment function while also affording additional flexibility in appropriate areas. Considering this new Growth Plan policy new policies related to two designations, specifically lands designated Urban Corridor - Employment and Uptown Business Corridor- Employment, have been incorporated through modification. These policies describe the circumstances where site specific Official Plan amendments to add non-employment uses may be considered and include a set of criteria. This approach allows the City’s Official Plan to protect and ensure a continued employment function of the lands as a requirement to be considered at the time of development. The City will work with the Region to identify the lands that the City recommends to be added to the Region of Halton Employment Area through the Regional MCR.

Small changes to the range of permitted uses in areas currently identified as “lands designated for employment uses”, that will continue to be recommended for addition to the Region of Halton Employment Area, were incorporated.

Although flagged generally in the Regional Notice of Non-Conformity, employment conversion recommendations have not been significantly impacted by these modifications. The lands recommended to be considered for conversion that are within the Region's Employment Area, and will be considered through the Region's Official Plan Review, are not impacted by the modifications included in the draft decision. [Appendix D](#) to Staff Report PB-04-18 ([Revised Proposed New Official Plan Recommended for Adoption](#)) describes these lands in detail.

The lands recommended for redesignation that are City-designated employment lands, that are not within the Region's Employment Area, have proceeded through the approval of the adopted Official Plan. [Appendix E](#) to Staff Report PB-04-18 describes these lands in detail. As was conveyed at the time of Plan adoption, all lands that were recommended for redesignation that are also within the Major Transit Station Area Special Planning Area boundaries continue to be designated "Urban Corridor-Employment". These lands are expected to be redesignated as a result of the area-specific plan for each respective area.

As discussed above, through changes related to the creation of development standards for employment on employment lands outside of employment areas, policies have been modified to describe the requirements for an Official Plan Amendment to add non-employment uses subject to specific criteria. These policies would guide the consideration of development applications on lands designated Urban Corridor - Employment until an area-specific plan has been completed for the subject area.

b) Agricultural System and Natural Heritage System

The Provincial Agricultural System and Natural Heritage System policies and mapping introduced through the Growth Plan in 2018 were partially reflected in the City's adopted Official Plan but required further consideration to achieve full conformity, while avoiding conflict with the Regional Official Plan.

Subsequent updates to the Growth Plan in 2019 and guidance from MMAH confirmed that the Growth Plan Agricultural System policies and mapping must be incorporated in the new Burlington Official Plan, as Burlington's rural area falls entirely within the Greenbelt Area (includes the Greenbelt Plan Area and the Niagara Escarpment Plan Area) where the Agricultural System applies immediately. To achieve Provincial conformity, the Growth Plan Agricultural Land Base, or prime agricultural area, has been incorporated as an interim complementary layer to the City's agricultural land base (as mapped by Halton Region). Permissions relating to on-farm uses have also been updated to reflect current Provincial policies for agricultural uses, agriculture-related uses and on-farm diversified uses but have been generalized to avoid conflict with the Regional Official Plan. As the Growth Plan Agricultural System has not yet been refined according to local

context, it should be noted all other policies of the adopted Official Plan, namely natural heritage system protection, continue to apply to areas mapped by the Province.

Subsequent updates to the Growth Plan in 2019 and guidance from MMAH confirmed that the Growth Plan Natural Heritage System Growth Plan mapping does not have to be incorporated in the new Burlington Official Plan until it has been implemented in the Regional Official Plan. Until that time, the policies of the Growth Plan that refer to the Natural Heritage System for the Growth Plan must be applied outside settlement areas to the natural heritage systems identified in official plans that were approved and in effect as of July 1, 2017. The Growth Plan Natural Heritage System, previously mapped as Schedule M-1: Provincial Natural Heritage System for the Greater Golden Horseshoe, has therefore been removed from the adopted Official Plan.

As the Growth Plan Natural Heritage System only applies outside of the Greenbelt Area and outside of settlement areas, the North Aldershot Area is the only location in Burlington impacted by this change. Minor refinements have been made to the North Aldershot Area policies to clarify that the Regional Natural Heritage System introduced through Regional Official Plan Amendment No. 38 in 2009 (and which came into full effect in 2014) is applicable to North Aldershot and that the policies of the Provincial Growth Plan apply within this area.

c) Transportation

The adopted Official Plan proposed a new road classification for Rural Major Arterials, to acknowledge the distinctions across urban and rural areas as it relates to road design. This introduced conflict with the road classification system of the Regional Official Plan, which is based on Provincial standards and does not contemplate differences across urban and rural areas. Concerns were also raised with respect to the distinction between City and Regional road jurisdiction, particularly in relation to City policies discouraging road widenings for the sole purpose of accommodating single occupancy vehicles. The adopted Official Plan policies were therefore modified to remove the Rural Major Arterial road classification, with considerations specific to rural roads being more generally noted elsewhere. Policies were also modified to clarify where roads were subject to Regional vs. City jurisdiction, and to clarify the applicability of Regional plans and policies.

Regional concerns were also raised with respect to the blending of the Mobility Hub and Major Transit Station Area (MTSA) concepts. Adopted Official Plan policies were therefore modified to clearly denote that the formal MTSA boundaries will be delineated through the Region's Municipal Comprehensive Review process. In addition, the former Mobility Hub Study Area boundaries have been reflected as Major Transit Station Area

Special Planning Areas to clearly distinguish the purpose of the boundary (see item “c”) below, under “Provincial Conformity Issues”, for further details).

d) North Aldershot

As part of its Regional Official Plan Review, which is scheduled for completion in 2022, Halton Region is currently undertaking a Municipal Comprehensive Review to apply the policies of the Provincial Growth Plan. Through this process, Halton Region is currently studying the North Aldershot area policy framework contained in the Regional Official Plan, which has not been updated since 1996. On this basis, Regional modifications to the City’s North Aldershot area policies were primarily limited to conformity to the in-force and effect Regional Official Plan. Modifications related to Provincial conformity were limited only to Growth Plan Natural Heritage System policies, based on explicit implementation requirements contained in the Growth Plan, 2019(see item “b”) below, under “Provincial Conformity Issues”, for further details). Once the Region’s updated Official Plan is in force and effect, the City will undertake a conformity review of the Burlington Official Plan, which will include a full review of the North Aldershot area policies. Table 2 below provides a high-level overview of the key components informing the modifications to the adopted Burlington Official Plan, specific to the North Aldershot Area.

Table 2: Modifications to the adopted Burlington Official Plan - North Aldershot

Category	Explanation
Region-Initiated Modification: Provincial Conformity	<p>Issues identified in July 2019 MMAH comments, among others:</p> <ul style="list-style-type: none"> ▪ Growth Plan Natural Heritage System ▪ Key Hydrologic Features Public Service Facilities & Institutional Uses <p>Updates to Provincial policies post-Official Plan adoption:</p> <ul style="list-style-type: none"> ▪ Growth Plan 2019, limited to explicit direction from the Province regarding the implementation of the Growth Plan Natural Heritage System
Region-Initiated Modification: Regional Conformity	<p>Issues identified in Dec 2018 Regional Notice of Non-Conformity, among others:</p> <ul style="list-style-type: none"> ▪ identification of and permitted uses within the Natural Heritage System <p>Issues identified in MMAH July 2018 comments:</p> <ul style="list-style-type: none"> ▪ differences in growth permissions between the Regional/City plans
Region-Initiated Modification: Clarity and Consistency & City-Initiated Modification: Clarity and Consistency	<p>New explanatory text and cross-references to clarify, but not modify, policy intent, specifically:</p> <ul style="list-style-type: none"> ▪ applicability of Provincial policies ▪ applicability of City and Region wide natural heritage system policies ▪ applicability of City and Region study requirements and guidelines
Housekeeping	<ul style="list-style-type: none"> ▪ Cross-referencing errors ▪ Mapping errors & graphical issues ▪ Formatting errors & typographical issues

Provincial Conformity Issues

While the Region and the City worked to resolve existing conformity issues, several changes to the Provincial policy framework occurred:

- on June 6, 2019 Bill 108 (More Homes, More Choice Act, 2019) received Royal Assent, resulting in changes to the *Planning Act*;
- on May 1, 2020 a new Provincial Policy Statement was enacted;
- on May 16, 2019 a new Growth Plan was enacted;
- on July 21, 2020 Bill 197 (COVID-19 Economic Recovery Act, 2020) received Royal Assent, resulting in changes to the *Planning Act*; and

- on August 28, 2020, Amendment 1 to the 2019 Growth Plan came into effect.

While these changes necessitated another conformity and consistency review and extended the review period, some of the policy updates to these documents also provided much needed clarity with respect to the implementation of certain new policies.

Further, through a standard component of the Region's approval process, the City's adopted Official Plan was circulated to relevant agencies for comment, including the Ministry of Municipal Affairs and Housing (MMAH), and the Niagara Escarpment Commission. In a letter to the Region of Halton dated July 12, 2019 (included as Appendix D, to this report), MMAH highlighted several recently revised Provincial policy areas and offered additional guidance regarding the appropriate balance between Regional and Provincial conformity in the Burlington Official Plan. A summary of key Provincial conformity issues addressed through the Regional review and approval process is provided below.

a) Employment Areas

Similar to the Region of Halton, the Province highlighted the need to clarify terminology, process, and interpretation. The comments have been addressed through the consideration of the Regional conformity issues discussed above.

b) Provincial Agricultural System & Natural Heritage System

Similar to the Region of Halton, the Province highlighted the need to clarify policies and mapping to achieve an appropriate balance between Provincial and Regional conformity. The comments have been addressed through the consideration of the Regional conformity issues discussed above.

c) Mobility Hubs

Through its July 2019 comments, MMAH noted that, while the City's definition of mobility hubs as Major Transit Station Areas (MTSAs) was generally appropriate, the MTSA concept had not yet been fully implemented through formal boundary delineation in the Regional Official Plan. Rather than removing references to MTSAs, the City worked with Halton Region to develop policies which introduce the concept of MTSA Special Planning Areas and which clarify that the formal delineation of MTSA boundaries is to occur through the Region's Municipal Comprehensive Review.

This approach is supported by the results of the City's Interim Control By-Law Land Use Study (discussed in greater detail in section 2.2 below). To implement OPA No.119 while ensuring clarity and consistency throughout the Official Plan, the City proposed modifications to update the overall nomenclature and policy framework for transit-

supportive development, which included the removal of the redundant term “mobility hub” and the introduction of the “MTSA Special Planning Area” concept to replace the former “Mobility Hub Study Area” terminology.

In addition, correspondence to the City of Burlington and Halton Region from the Minister of Municipal Affairs and Housing and the Minister of Transportation (MTO) dated April 27, 2020, confirmed that there is no provincial requirement for mobility hubs to be identified in municipal official plans. The letter notes that the removal of the mobility hub designation can be implemented through a municipal official plan amendment under section 17 of the *Planning Act*, outside of a municipal comprehensive review, as it is not a matter of conformity with A Place to Grow given that mobility hubs are not a component of the Growth Plan. The MMAH/MTO correspondence is included as [Appendix A](#) to staff report PL-33-20: Downtown UGC and MTSA Designations.

d) Second Units

Due to recent *Planning Act* changes, municipalities are now required to introduce policies for Additional Residential Units (ARUs) by authorizing two residential units in a house and by authorizing a residential unit within a building or structure ancillary to a house. Within the Urban Area policies of the adopted Official Plan, modifications were made to introduce ARU permissions, in alignment with the Planning Act. Within the Rural Area policies, the more restrictive policies of the Greenbelt Plan and the Niagara Escarpment Plan continue to apply.

e) Transportation

Through its July 2019 comments, MMAH highlighted two active Environmental Assessment processes relating to Provincial Infrastructure projects and indicated a need for the City’s new Official Plan to include provisions to ensure the protection of planned corridors and areas subject to Provincial study. The adopted Burlington Official Plan was therefore modified to incorporate a new policy prohibiting development on lands within or adjacent to planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified, in alignment with the PPS, 2020.

f) Updated Provincial Policies

Growth Plan, 2019 (May 2019 & Aug 2020): Replaced the Growth Plan, 2017. Key changes include clarification on the implementation of the Provincial Agricultural System and Provincial Natural Heritage System, updates to employment, growth management and Major Transit Station Area policies and alignment with PPS 2020.

Bill 197 (July 2020): Key changes include amendments to the *Planning Act* with respect to community benefits charges and Minister's Zoning Orders.

Provincial Policy Statement 2020 (May 2020): Replaced the PPS, 2014. Key changes include enhanced protection of economic uses (i.e. employment, industrial and manufacturing uses), increased housing options, prioritization of intensification and transit-supportive development, new requirements for stormwater management, additional emphasis on the impacts of a changing climate, and modifications to definitions related to cultural heritage.

Bill 108 (June 2019): Key changes include amendments to the *Planning Act* with respect to "Additional Residential Units" (formerly "Secondary Dwelling Units") and inclusionary zoning.

2.2 City-Initiated Modifications

As noted, the Region of Halton's review of the City's new Official Plan, and any resulting modifications, is based on conformity with the Regional Official Plan and applicable Provincial Plans, and consistency with the Provincial Policy Statement. However, to ensure a full review and overall process efficiency, the Region allowed the City to propose a number of City-Initiated modifications for consideration through the approval process. These City-Initiated changes fall into the categories of Clarity and Consistency, Official Plan Amendments, Housekeeping, and the Scoped Re-examination of the adopted Official Plan. The categories of Clarity and Consistency and Housekeeping are described in Table 1 above, however, further details related to Official Plan Amendments and the Scoped Re-examination of the adopted Official Plan are provided here.

Official Plan Amendments

Details on all Official Plan Amendments (OPAs) that were incorporated into the adopted Official Plan through modification are provided in Appendix E, to this report. As the policies from the approved OPAs are being incorporated into a new official plan, i.e. not amending an existing Official Plan, previous appeals are not carried forward to the new plan. All appeals to the existing Official Plan will remain in effect until those matters are disposed of by the Local Planning Appeal Tribunal but all sections of the new Official Plan where a Notice of Appeal has not been filed will come into effect on the day after the end of the appeal period.

One of the more significant Official Plan Amendments that has been incorporated into the draft decision relates to OPA No. 119, which implements the findings of the Interim Control By-Law Land Use Study, which amended the existing Official Plan and is currently under appeal. Notwithstanding the appeal, the key findings of this study informed the development of City-Initiated modifications to the adopted Official Plan which provide

policy guidance to encourage transit-supportive development. For more details on the Interim Control By-Law Land Use Study, please refer to staff reports PB-36-19, titled [Interim Control By-Law](#), and PL-01-20, titled [Interim Control By-law Land Use Study](#), as well as the memo and attachments that were presented at the January 30, 2020 [Special Council Meeting](#).

Scoped Re-Examination of the adopted Official Plan

With the Region's timeline for reviewing the adopted Official Plan being paused to allow areas of non-conformity to be addressed, City Council identified an opportunity to re-examine the policies of the adopted Official Plan while the work on the identified Regional conformity issues was ongoing. Within the December 14, 2018 [Council Information Package memo](#), the supporting information identified that: "The City of Burlington can make additional modifications before the plan is approved by the Region where there is appropriate planning justification and public consultation. Any modifications would need to be assessed for conformity against the Regional Official Plan and Provincial Plans and policy statements."

On February 7, 2019, Council directed staff as follows:

Direct the Director of City Building to immediately commence a process to re-examine the policies of the Official Plan adopted April 26, 2018 in their entirety related to matters of height and intensity and conformity with provincial density targets" (PD-01-19).

A Council workshop was held on March 18, 2019 to determine the appropriate scope for the re-examination. Among the Workshop key themes was that the adopted Official Plan brings in new policies and forward-looking approaches to land use planning and growth. In general, Council indicated that it supported the majority of the policies within the adopted Official Plan. However, the workshop determined that there were two key areas to be included in the project scope. This led to the development of a work plan approved by Council in May 2019 through report PB-47-19, titled [Work Plan for the scoped re-examination of the Adopted Official Plan](#). At the time of approval, Council also identified a third key area to be included in the project scope. The approval of this work plan therefore established that Council supported the adopted Official Plan, with the exception of requesting the further consideration of three components:

1. Re-examine the Downtown policies;

Direct the Director of City Building to proceed with the work identified in the Terms of Reference attached as appendix C to Department of City Building report PB-47-19, and the work generally identified in section 4.1 (PB-47-19).

2. Refine the Neighbourhood Centres policies;

Direct the Director of City Building to propose refinements to the Neighbourhood Centres Policy to simplify and clarify the intent of the policies, generally described in section 4.2.3 (PB-47-19)

3. Consider revisions to the Rural and Agricultural policies;

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).

For complete details on the Scoped Re-examination of the adopted Official Plan, reference can be made to the following reports and their associated appendices:

- [PB-47-19: Work Plan for the Scoped Re-examination of the adopted Official Plan](#)
- [PB-89-19: Taking a Closer Look at the Downtown: Concept Discussion](#)
- [PL-02-20: Taking a Closer Look at the Downtown: Preliminary Preferred Concept](#)
- [PL-16-20: Taking a Closer Look at the Downtown: Recommended Modifications to the adopted Official Plan](#), as [amended](#)
- [PL-18-20: Recommended modifications to Adopted Official Plan Policies for Neighbourhood Centres and for Mixed Use Nodes and Intensification Corridors](#)

The Council-endorsed policy modifications and all supporting documentation were provided to the Region of Halton for consideration for inclusion in its decision on the adopted Official Plan, effectively replacing the corresponding policies originally adopted and provided to the Region for review. No modifications to the Rural and Agricultural policies of the adopted Official Plan were recommended through the Scoped Re-examination process. Further information with respect to the Rural and Agricultural policies is provided through [Appendix 4](#) of PL-18-20.

Other – Aldershot GO Station MTSA Special Planning Area

In response to the Region's ongoing Municipal Comprehensive Review process, , Burlington City Council issued a staff direction on September 22, 2020 related to an existing residential area that is currently within the Region's proposed Aldershot GO Station MTSA boundary presented in the Regional Urban Structure Discussion Paper, as well as being included in the former Burlington Official Plan Mobility Hub boundary found within the adopted Official Plan (2018).

The City has requested that, given the recent City Council direction, the boundary of the MTSA Special Planning Area shown in the adopted Burlington Official Plan be modified to remove the Clearview/Queen Mary/St. Matthews neighbourhood, to acknowledge that the area is comprised of a stable residential neighbourhood. These properties were initially included in the City's Mobility Hub Study Area boundary to ensure they would be considered in any assessments or technical analysis completed in the Aldershot area.

This modification does not presuppose the outcome of the Region's Municipal Comprehensive Review but instead provides clarity with respect to the City's current position on the boundary. Further, the exclusion of these lands from the MTSA Special Planning Area does not preclude the consideration of any potential impacts from a transportation network perspective based on increased traffic flows from the GO Station, as well as matters such as noise and air quality.

3.0 Effect of Halton Region Draft Decision

The recommended modifications to the adopted Official Plan represent the outcome of a collaborative partnership between the Region, the City and the Burlington community. Throughout all modifications, careful consideration has been given to alignment with the underlying principles informing the Plan and, as a result, its original vision remains intact.

The adopted Official Plan's Urban Structure and Growth Framework remain largely the same, with several City-initiated refinements to the extent of the Established Neighbourhood Area boundary within the Downtown Urban Centre. These changes remain in alignment with the Growth Framework as adopted, which acknowledged the role for area-specific planning in Primary Growth Areas. Similarly, the Plan's adopted land use designations are not subject to substantive modifications, outside of changes made to incorporate Official Plan Amendments approved after the adoption of the Plan in April of 2018. For example, the findings of the Interim Control By-Law Land Use Study and OPA 119 have been incorporated as modifications to strengthen transit-supportive policies within MTSAs, and to establish MTSA typologies according to the transportation and infrastructure context, and existing and planned transit service within each of Burlington's MTSAs.

The detailed review and examination of the adopted Official Plan through cross-agency collaboration also highlighted various opportunities to enhance clarity and consistency throughout the Plan. The addition of new explanatory text, supporting cross-references, and minor structural and stylistic improvements have improved the usability of the document.

The recommended modifications also advance and improve the City's position with respect to conformity and consistency with the updated Provincial policy framework, while still achieving the primary objective of conformity with the Regional Official Plan. This

alignment across policy documents will support efficient implementation through planning and development approval processes, while strengthening the defensibility of the City's planning positions. Finally, these advances will benefit the City in terms of its current participation in the Regional Official Plan Review, as well as during its future conformity exercise following full Regional implementation of the Provincial policy framework.

Strategy/process

The final approval of the City's adopted Official Plan is delegated to the Chief Planning Official at the Region of Halton. However, this authority is undelegated and is returned to Regional Council if a proposed decision were to be contrary to the recommendation of the local municipal council.

Should Burlington endorse the draft Notice of Decision, the Region's Chief Planning Official will prepare the final Notice of Decision. Should City Council not endorse the draft Notice of Decision - in effect not recommending approval of the Official Plan - the draft Notice of Decision will be presented to Regional Council for decision.

At the conclusion of this process, the Region will issue a final Notice of Decision including an explanation of the purpose and effect of the proposed Official Plan, and a statement that the Region has made a decision to approve, modify and approve, or refuse the proposed Official Plan. In the case of a refusal, the Notice of Decision will include a written explanation for the refusal.

If the City's Official Plan is approved, a 20-day appeal period will commence once the Notice of Decision has been issued. During the appeal period, eligible parties may file a Notice of Appeal directly with the Local Planning Appeal Tribunal. Eligible parties include:

- a person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council;
- the Ontario Minister of Municipal Affairs and Housing; and
- other eligible parties, subject to LPAT discretion.

Sections of the Official Plan where a Notice of Appeal has not been filed will come into effect on the day after the end of the appeal period. At the appropriate time, through consultation with City legal staff, planning staff will bring forward a repeal by-law for the former Burlington Official Plan.

Options Considered

Not applicable

Financial Matters:

The work related to the adopted Official Plan was completed within the budget established.

Total Financial Impact

Not applicable

Source of Funding

Not applicable

Other Resource Impacts

Not applicable

Climate Implications

On April 23, 2019, Burlington's City Council unanimously passed a motion to declare a climate emergency. The new Official Plan contains policies that contribute to the mitigation of greenhouse gas and fuel emissions through sustainable, effective and efficient land use and transportation policies, as well as policies that enhance carbon sinks, such as the Natural Heritage System, and address adaptation to minimize the city's vulnerability, all of which contribute to a more resilient community and infrastructure. The new Official Plan also incorporates updated Provincial policies emphasizing consideration and preparation for the impacts of a changing climate.

Engagement Matters:

Extensive public consultation was conducted throughout the new Official Plan project from 2011 to as recently as October 2020. Public participation occurred through the various phases of the new Official Plan project, i.e.:

- the City review of the existing plan;
- the adoption of the new plan; and
- the Scoped Re-Examination of the adopted plan.

For a summary of all engagement activities, related to the adoption of the Official Plan see staff report PB-04-18 and for all engagement activities related to the Scoped Re-

examination of the adopted Official Plan see staff reports PB-89-19, PL-02-20 and PL-16-20.

During the Regional review of the adopted Official Plan, interested parties were able to submit comments directly to Halton Region, up until the point at which a decision is issued. Once the City's Official Plan has been approved, the Region's formal Notice of Decision will include a brief summary of the effect of written submissions received by the approval authority.

Members of the public are also able to participate in the final stages of the Regional approval process by registering to delegate at the November 26 Community, Planning, Regulation and Mobility committee meeting, where Council will decide whether to endorse the Region's draft decision and modifications to the adopted Official Plan. The November 26 meeting is not a statutory public meeting but will still include an opportunity for Committee to hear input from the public through pre-registered delegations.

Conclusion:

In concert with addressing the issues identified in the December 2018 Regional Notice of Non-Conformity, changes to Provincial policies that occurred after the April 2018 adoption of the City's Official Plan, Official Plan Amendments, and the need to balance both Regional and Provincial conformity requirements, there were a number of policies which required further consideration through the Regional review and approval process. These lesser matters were resolved through minor modifications to enhance Plan structure and readability and incorporate housekeeping changes, without impacting original policy intent.

In addition, Council identified three areas to re-examine and endorsed policy modifications with respect to two of those areas, which have been carried forward in the modifications outlined in the Region of Halton draft Notice of Decision.

Together, the recommended modifications establish a comprehensive policy framework to a planning horizon of the year 2031. Burlington's new Official Plan provides clear direction on the City's long-term vision for sustainable growth, and communicates the City's priorities with respect to intensification, the wise use of resources and responding to the impacts of a changing climate.

Council's endorsement of the Halton Region draft Notice of Decision is the City's final input into the process of receiving Regional approval of the City of Burlington's new Official Plan.

Respectfully submitted,

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Appendices:

- A. Region of Halton Draft Notice of Decision, dated November 17, 2020
- B. Tracked Changes Burlington Official Plan, dated November 17, 2020
- C. Tracked Changes Burlington Official Plan Appendices, dated November 17, 2020
- D. Ministry of Municipal Affairs and Housing Comment Letter, dated July 12, 2019
- E. Official Plan Amendment Details

Notifications:

Curt Benson, Region of Halton

Agency Notification List

Official Plan Mailing List (e-mail)

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.