



**SUBJECT: Regional Official Plan Amendment 48 – Approach to Achieve Conformity**

**TO: Community Planning, Regulation & Mobility Cttee.**

**FROM: Community Planning Department**

Report Number: PL-41-22

Wards Affected: All

File Numbers: 505-08

Date to Committee: April 5, 2022

Date to Council: April 19, 2022

---

### **Recommendation:**

Receive and file community planning department report PL-41-22 regarding Regional Official Plan Amendment 48 – Approach to Achieve Conformity.

### **PURPOSE:**

The purpose of this report is to outline a process to Council by which the City's new Official Plan will be brought into conformity to Regional Official Plan Amendment 48 (ROPA 48) through the Ontario Land Tribunals (OLT) appeal process for the Burlington Official Plan, 2020.

### **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

---

### **Background and Discussion:**

**Regional Official Plan Review**

The Regional Official Plan Review (ROPR) has been underway since 2014 and is being advanced in a phased approach through multiple official plan amendments. Regional Official Plan Amendment 48 (ROPA 48) was the first amendment implemented as part of the Regional Municipal Comprehensive Review and established the non-discretionary components of a Regional Urban Structure supportive of local plans and priorities.

ROPA 48 advanced some of the necessary components of the ROPR to achieve conformity with the Provincial Growth Plan related to the identification of strategic growth areas. ROPA 48:

- defines a Regional Urban Structure through establishing a hierarchy of regional strategic growth areas;
- adjusts the boundary of the Downtown Burlington Urban Growth Centre to align with the Burlington GO Major Transit Station Area (MTSA);
- delineates the boundaries of the City's Appleby and Aldershot GO MTSA's; and,
- identifies the Uptown Urban Centre as a Primary Regional node and the Downtown Urban Centre as a Secondary Regional Node.

The amendment also assigns density targets and a proportional target mix of population and employment for delineated strategic growth areas and advances strategic employment conversions. The approval of ROPA 48 enables local municipalities to move forward with local planning work, including area specific planning for strategic growth areas such as MTSA's.

Regional Council adopted ROPA 48 on July 6, 2021. As the approval authority, the Minister of Municipal Affairs and Housing issued a decision to approve ROPA 48 as adopted by Regional Council, with eight modifications, on November 10, 2021. The Minister's decision is not subject to appeal and ROPA 48, as modified and approved by the Province, is in effect as of November 10, 2021. Report [PL-06-22](#) provided an overview of the provincial modifications made to ROPA 48 and the impacts relevant to Burlington.

Under the Planning Act, local municipalities are required to amend their official plans to conform to the upper-tier municipal plan within one year of the day the plan comes into effect. In order to conform to ROPA 48, modifications will need to be made to the Burlington Official Plan by November 10, 2022.

### **Strategy/process**

On November 30, 2020, Halton Region, as the approval authority, issued a final Notice of Decision approving the City's new Official Plan. Following the twenty-day appeal period, 48 appeals to the Ontario Land Tribunal (OLT) of the new Official Plan were

received. The appeal process is underway, with a number of Case Management Conferences having taken place, resulting in a proposed phasing of the appeals into specific topic areas. The first phase is anticipated to be scheduled for later in 2022. The Planning Act requires that any decisions made regarding local official plans conform with the upper-tier official plan that is in-force at the time of decision. This includes decisions of the OLT regarding appeals to an Official Plan or Official Plan amendment. Therefore, in making any decision on the policies of the City's new Official Plan, the OLT will need to assess the plan and its policies for conformity with the Regional Official Plan as amended by ROPA 48.

When first considering ROPA 48 in PL-20-21, staff identified that:

Burlington's Official Plan will be brought into conformity with the Regional Official Plan through a phased approach. In the near-term, Staff will focus on bringing the site specific employment conversions into conformity while the broader conformity issues will be addressed through a series of Official Plan Amendments. It is expected that this will be accomplished in part through the forthcoming MTSA Area Specific Plan work and in part through a broader amendment to the new Official Plan. Staff will consider approaches in delivering this conformity and will provide update on this process at the appropriate time.

However, since the City's new Official Plan was approved by the Region in November 2020 prior to the Minister's approval of ROPA 48 in November 2021, there are areas in the City's new Official Plan that will need to be modified to conform with ROPA 48 in order for the OLT to make any decisions regarding the appeals to the plan. Work is underway to identify the areas of the Burlington Official Plan, 2020 that require modification to achieve conformity to ROPA 48.

If the vast majority of the City's new Official Plan had already been approved and in-force and was not the subject of an active appeal process at the OLT, the ROPA 48 conformity exercise would have occurred through amendments to the new Official Plan, which would have included a statutory public process. However, since the new Official Plan policies are the subject of active appeals before the OLT, ROPA 48 conformity will need be achieved through modifications to the new Official Plan policies in the context of the appeal process.

While there is no required statutory or public process required by the Planning Act for modifications to policies that are the subject of active appeals to the OLT, Staff propose that the modifications necessary to the policies of the new Official Plan be presented to Council for consideration and endorsement to ensure that members of the public have

the opportunity to comment on the proposed modifications. The modifications endorsed by Council would then be advanced by the City via the new Official Plan.

Staff will be bringing forward the proposed modifications to City Council in May 2022.

Staff will also identify a general approach for addressing any remaining ROPA 48 conformity issues, as well as a future approach for achieving conformity with ROPA 49, which is currently being prepared by the Region.

### **Options Considered**

Not applicable.

---

### **Financial Matters:**

Not applicable.

### **Total Financial Impact**

Not applicable.

### **Source of Funding**

Not applicable.

### **Other Resource Impacts**

Not applicable.

---

### **Climate Implications**

Not applicable

---

### **Engagement Matters:**

The Regional Official Plan review has been conducted with extensive public consultation and engagement. The process in which the Region adopted ROPA 48 satisfied the requirements of the Planning Act to complete a full public consultation exercise. Given that the policies of ROPA 48 are in force and effect this is an approach that is hoped to improve the efficiency of the OLT process by making clear those elements of the new Official Plan that require modification to conform with ROPA 48.

The modifications to the new Official Plan that will be presented at a later date to Council for endorsement will then be advanced by the City through the OLT appeals process in order to bring the new Official Plan into conformity with the upper tier amendment that has been consulted on and approved by the Minister of Municipal Affairs and Housing.

---

**Conclusion:**

Work is underway to assess modifications to the new Official Plan which would be required to achieve conformity with Regional Official Plan Amendment 48. Once endorsed, the modifications are to be considered by the OLT.

---

Respectfully submitted,

Alison Enns, MCIP, RPP  
Manager of Policy and Community  
905-335-7600 ext. 7787

**Notifications:**

Region of Halton

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.