

To: Mayor and Members of Council

From: Alison Enns, Manager of Policy and Community

cc: Kevin Arjoon, City Clerk

Date: April 14, 2022

Re: Additional Information: PL-41-22 Regional Official Plan Amendment 48 - Approach to Achieve Conformity

This memo will serve to provide members of Council with additional information as requested through discussion at Community Planning Regulation and Mobility Committee on April 5, 2022.

What is staff proposing with respect to bringing the new Official Plan into conformity with ROPA 48?

Any decision made by the Ontario Lands Tribunal (OLT) with respect to the Official Plan (2020) must conform with ROPA 48, which came into effect on November 10, 2021 as approved by the Minister of Municipal Affairs and Housing. In May, the OLT will be asked to confirm which policies of the new Official Plan came into effect as of December 22, 2020 as a result of certain policies not being under appeal. It is expected that only a small number of policies will be in effect. Policies that are under appeal cannot be modified outside of the OLT process, including an Official Plan Amendment.

Conformity to ROPA 48 will occur incrementally over the duration of the OLT process. Proposed modifications to achieve conformity with ROPA 48 would be introduced through the issuance of Orders by the OLT stemming from each of the nine phases (and five sub-phases). As such, staff are recommending the development of modified policies for the Official Plan (2020) to ensure that it will conform to ROPA 48. The areas that require modification will be identified by theme and further information will be provided about how the proposed modifications will be brought forward.

The May report will distinguish the modifications that should occur through the OLT and amendments that should be undertaken through another public process, such as through the implementation process related to the Major Transit Station Area (MTSA) Area-Specific Planning (ASP) process. This is an important distinction, as it establishes that there are some elements of ROPA 48 which are foundational/non-discretionary. This approach also acknowledges the need for a public process for the elements requiring further study and interpretation to inform local implementation.

What is the benefit of this approach?

The approach presented in PL-41-22 provides an open and transparent discussion of the areas where modifications and, where appropriate, amendments to the Official Plan (2020) will be

required to conform with ROPA 48. These processes will allow for a public review of the modifications.

Implementing the remainder of ROPA 48 through the MTSA ASP work allows the public to engage in a consultation process when the draft policy amendments are under consideration.

Why is staff not proposing to proceed through an Official Plan Amendment?

As many of the policy areas in the Official Plan (2020) that will require changes to conform with ROPA 48 are under appeal, it is necessary to proceed by way of Council supported modifications at the OLT because there is no Planning Act process to amend policies that are under appeal.

How can the public influence the process? What is the scope of engagement?

The foundational elements of ROPA 48 (e.g. Regional Urban Structure, terminology, mapping and density targets) were developed through a statutory public engagement process and have been modified and approved by the Minister of Municipal Affairs and Housing. The Minister's decision cannot be appealed under the Planning Act, meaning that ROPA 48 is now in effect in the Regional Official Plan. These foundational elements and their associated modifications will be presented in May.

As noted above the implementation of ROPA 48 elements that require local interpretation/context will be achieved through, for example, amendments to the Official Plan (2020) resulting from the MTSA Area-Specific Planning work. This planning exercise will establish the City's vision for the MTSAs and include a formal public process to achieve conformity to ROPA 48, by way of amending the Burlington Official Plan (2020).

If you have any questions, please contact me.

Sincerely,

Alison Enns MCIP, RPP
Manager of Policy and Community