



SUBJECT: New Burlington Official Plan recommended modifications for ROPA 48 conformity

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-52-22

Wards Affected: All

File Numbers: 505-08

Date to Committee: July 5, 2022

Date to Council: July 12, 2022

Recommendation:

Endorse the recommended modifications to the Burlington Official Plan, 2020, attached as Appendix A to community planning department report PL-52-22; and

Direct the Executive Director of Legal Services and Corporation Counsel, and the Director of Community Planning to advance the recommended modifications through the Ontario Land Tribunal's consideration of the appeals to the Burlington Official Plan, 2020.

PURPOSE:

To report back to Council on public input received during the engagement period for the proposed modifications to the Burlington Official Plan, 2020, to resolve certain matters of non-conformity to Regional Official Plan Amendment No. 48 (ROPA 48), and to request that Council endorse the recommended modifications attached as Appendix B, to this report, and direct staff to advance the recommended modifications through the Ontario Land Tribunal's (OLT) consideration of the appeals to Burlington Official Plan, 2020 (case number OLT-22-002219/legacy case number PL210040).

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:

As outlined in report [PL-41-22 Regional Official Plan Amendment 48 – Approach to achieve conformity](#) and further described in a [memo](#) prepared for consideration by Council, and report [PL-30-22 New Burlington Official Plan– Proposed Modifications for ROPA 48 Conformity](#), the Regional Official Plan Review (ROPR) is being advanced through several official plan amendments, with ROPA 48 being the first of those amendments to be approved by the Province.

On May 17, 2022 Council directed staff to consider agency and public comments on proposed modifications to the Burlington Official Plan, 2020 that would present a means to resolve matters of non-conformity, where possible, to Regional Official Plan Amendment (ROPA) No. 48, and to report back with final recommendations at the July 5, 2022 Community Planning, Regulation and Mobility committee meeting.

While no changes have been made as a result of public comments received, upon further review staff identified minor required changes to the proposed modifications relating to numbering, cross-referencing and terminology. Appendix A, to this report, identifies all changes that have been made since the proposed modifications were released to the public in May of 2022. Appendix B, to this report, shows the recommended modifications with changes made since May 2022 incorporated. For ease of reference, the changes outlined in table format in Appendix B are further illustrated in a tracked changes document based on excerpts from the Burlington Official Plan, 2020 and attached as Appendix C to this report. At this time modified schedules have not been included, but rather described in Appendix B. Should the recommendations of this report be approved revised mapping for the schedules will be prepared and provided to the OLT at the appropriate time, in accordance with the directions set out within Appendix B and in consultation with the Region of Halton.

The appendices to this report do not constitute an amendment to the Burlington Official Plan, 2020, which is the subject of active appeals before the Ontario Land Tribunal (OLT), and no decision is being made with respect to their approval at this time. Rather, the recommended modifications in Appendix B, to this report, are intended to represent the City's position on resolving certain matters of non-conformity in the Burlington Official Plan, 2020 in relation to ROPA 48. The recommended modifications will function as an input to the appeal process for the new Official Plan and it is the OLT that will ultimately issue any decisions regarding modifications to policies that are subject to appeal.

Strategy/process

Under the Planning Act, the City of Burlington's Official Plan must conform with the upper-tier municipal official plan, i.e., the Halton Region Official Plan. All official plans must conform to provincial plans and policies such as the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe. For lower-tier municipalities, the upper tier municipality is the approval authority for official plans and plan amendments, whereas for upper-tier plans and plan amendments, it is the province (the Minister of Municipal Affairs and Housing).

The City's Official Plan Review was initiated in 2011 to achieve conformity to updated Regional (ROPA 38) and provincial policies, and subsequently evolved into the development of a new Official Plan. On April 26, 2018, the new Burlington Official Plan was adopted by City Council. On November 30, 2020, Halton Region issued a final Notice of Decision approving the new Burlington Official Plan, deeming it as in conformity to the Regional Official Plan, consistent with the PPS and in conformity to, or not conflicting with, applicable provincial policies and plans.

Halton Region's own Official Plan Review (Municipal Comprehensive Review) was initiated in 2014. The City has actively participated in the Regional Plan Review since it was initiated and has provided input to the Region throughout the process via a number of staff reports, including comments on Discussion Papers, the Integrated Growth Management Strategy, ROPA 48, ROPA 49 and the Draft Policy Directions. Since the approval of the new Burlington Official Plan the Region has advanced its Official Plan Review through the adoption of ROPA 48, which was approved by the Minister of Municipal Affairs and Housing on November 10, 2021.

ROPA 48 Conformity Analysis

To assess the effects of ROPA 48, staff completed a conformity analysis of the Burlington Official Plan, 2020. The focus was to identify areas of non-conformity where modifications could be proposed based on non-discretionary elements of the ROPA. Further detail is provided in report [PL-52-22](#) but, at a high level, the analysis involved:

- considering the content of each numbered component of ROPA 48;
- determining which policies were relevant to the Burlington Official Plan;
- identifying and categorizing all areas of non-conformity in the Burlington Official Plan, 2020; and
- either proposing a process to address non-conformity or identifying where a process must be developed in future.

The identified areas of non-conformity were divided into five categories, according to the respective process required to resolve the conformity issue:

Category 1: Policies and schedules of the Burlington Official Plan, 2020 which are in effect and conform to ROPA 48. Given the extent of the appeals to new Official Plan, there are very few policies that fall into this category.

Category 2: Policies and schedules of the Burlington Official Plan, 2020 which are in effect and do not conform to ROPA 48. No such policies have been identified as falling into this category.

Category 3: Policies and schedules of the Burlington Official Plan which are under appeal and conform to ROPA 48. Given the recent Regional/Provincial conformity exercise undertaken through the City's Official Plan Review, a number of policies fall into this category.

Category 4: Policies and schedules of the Burlington Official Plan which are under appeal and do not conform to ROPA 48. Given the extent of the changes introduced through ROPA 48, as well as extent of the appeals to the new Official Plan, a number of policies fall into this category.

Category 4a: Policies and schedules where modifications can be proposed to address conformity with ROPA 48 at this time. For example, the policies of the Regional Official Plan setting out the Regional Urban Structure, including Protected Major Transit Station Areas (PMTSAs), density targets, and terminology and mapping changes, which have been approved by the Minister, are in full force and effect in the Regional Official Plan, and cannot be appealed.

The modifications in Appendix B, to this report, address non-conformity issues that fall under Category 4a by:

- incorporating elements of the Regional Urban Structure into the City's Growth Framework and Local Urban Structure;
- recognizing the ROPA 48 hierarchy of Strategic Growth Areas, i.e., Urban Growth Centres, Major Transit Station Areas, Regional Nodes and Regional Corridors (to be identified through ROPA 49), as areas to direct population and employment growth through mixed use intensification;
- implementing a Protected Major Transit Station Area framework which delineates the boundaries of the City's Major Transit Station Areas;
- confirming the adjusted boundary of the Downtown Burlington Urban Growth Centre (UGC) to be coincident with the Burlington GO MTSA boundary, including relocating the Upper Brant precinct policies from the Downtown Urban Centre to the adjusted Urban Growth Centre;
- establishing minimum density and proportional mix of residents and jobs targets for the UGC and MTSA's;

- incorporating the Provincial modification to ROPA 48 which recognizes that the Urban Growth Centre policies within the former UGC boundary continues to apply to applications received prior to November 10, 2021.
- modifying definitions to incorporate ROPA 48 terminology related to strategic growth areas; and
- modifying the Official Plan mapping as follows:
 - delineating the boundaries of strategic growth areas;
 - identifying Regional Nodes by way of symbol;
 - removing the MTSA symbol from Downtown Burlington;
 - updating the Halton Regional Employment Area overlay recognizing conversions advanced through ROPA 48; and
 - updating terms and titles in the legends.

Category 4b: Policies and schedules where modifications are not possible at this time because local study and interpretation is required to confirm implementation requirements. Specifically, future modifications that must be developed to achieve conformity to the majority of Regional Official Plan policy 81.2(4):

Require the Local Municipalities to prepare detailed official plan policies or an Area-Specific Plan for a Major Transit Station Area, in accordance with Sections 48 and 77(5) of this Plan that also:

- a) identifies the minimum density target to be achieved expressed as the number of residents and jobs per hectare in accordance with Table 2b.*
- b) identifies a target proportion of residents and jobs to be planned for in accordance with Section 55.3 and Table 2b of this Plan.*
- c) identifies land uses to support complete communities.*
- d) prohibits the establishment of land uses and built form that would adversely affect the achievement of the targets established in Table 2b.*
- e) identifies and protects lands that may be needed for future enhancement or expansion of transit infrastructure, as appropriate.*
- f) achieves land use compatibility, by ensuring that the planning and development of sensitive land uses or major office uses, avoids, or where avoidance is not possible, minimizes and mitigates adverse effects and potential adverse impacts on industrial, manufacturing or other uses that are vulnerable to encroachment, in accordance with Sections 79.3(12) and 83.2(7) of this Plan.*
- g) identifies transportation and transit networks which are transit- supportive and achieve multimodal access to the stations, ensure connections to all*

- transit service, and provide infrastructure to support active transportation.*
- h) encourages alternative development standards, including reduced parking standards in Major Transit Station Areas.*
 - i) establishes Affordable Housing targets in accordance with the applicable policies of Section 86 of this Plan, and inclusionary zoning policies authorizing a minimum number of Affordable Housing units, and/or a minimum gross floor area of Affordable Housing, within residential and mixed use buildings, and providing for their maintenance as Affordable Housing units over a period of time where appropriate. The Inclusionary Zoning policies will be based on the completion of an assessment report in accordance with the Planning Act, which is to the satisfaction of the Region.*
 - j) includes detailed policies and development criteria to ensure that the development of employment uses planned within the Major Transit Station Area meet the requirements of Section 79.3(13) of this Plan.*
 - k) may identify stable residential neighbourhoods where only contextually appropriate intensification opportunities in keeping with the neighbourhood character are contemplated.*

At this time, the only changes to the Burlington Official Plan that are being recommended in relation to the above policies are the limited non-discretionary elements such as MTSA boundaries, population and employment targets. Once implemented in an official plan, there are no rights of appeal under the *Planning Act* with respect to these elements of Protected Major Transit Station Areas; for ease of reference, these policies have been separately identified via green highlights in Appendix B, to this report.

Additional policy direction to implement the Protected MTSA requirements of Regional Official Plan policy 81.2(4) will be developed through the Burlington MTSA Area Specific Planning process. On July 5, 2022, City Council will be asked to receive and file staff report PL-10-22 which describes the results of the planning study that will inform the development of area-specific policies for Burlington's MTSA's. The process for incorporating these policies into the Burlington Official Plan, 2020 will be determined at a later date.

Modifications not required

Through the conformity analysis, it was also determined there were several elements of ROPA 48 that did not require an associated modification within the Burlington Official Plan. For example, while the population and employment forecast in the Regional Official Plan was amended to establish Region-wide targets to 2051, Table 1 of ROPA 48 includes this note to guide local implementation:

“The population and employment forecasts and plan horizon of 2031 contained in Table 1 will apply to all planning matters in Halton Region, including lower-tier planning matters until Halton Region has distributed the 2051 population and employment to the Local Municipalities, to replace the 2031 forecasts and to be determined through the municipal comprehensive review.”

On this basis, the 2031 forecasts remain in place at the local municipal level and no modification is required at this time. Other components of ROPA 48 where modifications are not required include definitions that were already existing within the Burlington Official Plan, 2020, as well as policies that are only relevant to Halton Region (e.g., changes to Regional Official Plan section numbers), or to other local municipalities (e.g., enabling policies for Agerton Secondary Plan in Milton).

Burlington Official Plan, 2020 Analysis

Staff also assessed the effects of ROPA 48 in terms of the planning vision established through the City’s new Official Plan, which is as follows:

The Plan will manage and direct the development and planning of land uses for a period extending to the year 2031. It is the intent of the Plan to accommodate and to plan for the growth associated with the underlying housing, population and employment projections. The planning horizon serves as an appropriate measure of the duration of the Plan and should not be regarded as a specific completion date for its implementation. There are durable elements of the urban system that extend beyond the horizon of the plan. The Plan establishes a long term vision for the urban area of a built out municipality that will grow primarily through intensification. Furthermore, the Plan should not be regarded as a static or inflexible document that is resistant to the pressures of economic, social or environmental change during the planning period. The validity and relevance of the Plan will be maintained through a process of monitoring, review and modification, as required.

Urban Structure

Burlington Official Plan, 2020 establishes an Urban Structure that elaborates on the various elements that make up the Urban Area. ROPA 48 establishes an updated urban structure for Halton Region. The City’s Urban Structure is composed of 7 elements as set out in Chapter 2 of the Official Plan, 2020. Two of those elements are refined through the recommended modifications appended to this report.

Region of Halton Employment Area

Several Employment Area conversions were advanced within the City of Burlington, informed by work undertaken by the City through the process to develop the new Burlington Official Plan (see [Appendix D - Lands Recommended for Employment](#)

[Conversion that are located within the Region of Halton](#) Employment Area overlay, to report [PB-04-18](#)). A number of small Employment Area additions, also informed by work supporting the new OP and the modifications to the new OP were proposed. The Official Plan in Chapter 2, policy 2.3.3 e) set out in policy the City's request that:

the Region of Halton consider new approaches to meeting both employment and intensification objectives through the municipal comprehensive review.

Submissions to the municipal comprehensive review process will request the consideration of the following:

- (i) To consider the City's recommended employment conversions in strategic locations, permitting non-employment uses which support the City's long term Urban Structure needs by supporting the building of compact mixed use development along a series of transit supportive, mixed use corridors, to reduce congestion and support the major transit station area policies of the Provincial Growth Plan and the Regional Official Plan.
- (ii) To consider the City's recommended employment conversions permitting non-employment uses on several small, isolated and constrained parcels; and
- (iii) To consider refinements to the extent of the employment area reflect long standing land use policy as embedded in the City's Official Plan as of December 16, 2009, or other irregularities between City and Regional land use policies.
- (iv) To work with the City to understand which of the lands currently designated for employment uses on Schedule C: Land Use – Urban Area and Schedule E: Land Use – Uptown Urban Centre, if any, should be added to the employment area.

In line with this request the Region considered strategic employment conversions and the resultant ROPA and the recommended modifications presented in this report are consistent with the intent of the Official Plan, 2020.

Mixed Use Intensification Areas

The extent of the City's Mixed Use Intensification Areas remains largely unchanged, aside from limited areas which were added or removed from the Region of Halton Employment Area. The recommended modifications are consistent with the intent of the Official Plan, 2020.

Downtown Burlington Urban Growth Centre boundary and Downtown Urban Centre

The Burlington Urban Growth Centre boundary has been adjusted as proposed through the joint "[Downtown Burlington Urban Growth Centre and MTSA Supplemental Discussion Paper](#)". This adjustment prioritizes growth along existing Higher Order

Transit Corridors and Priority Transit Corridors while still reinforcing the importance of the Downtown Urban Centre within the Regional hierarchy of Strategic Growth Areas. The identification of the downtown as a Secondary Regional Node acknowledges that the downtown has an existing development pattern supportive of *active transportation* and public transit and that the downtown is an area intended to be a focus for growth through mixed use intensification at a scale appropriate to its context. Growth and change will continue in the downtown. Through the new Official Plan process, the scoped re-examination of the downtown set out a framework for accommodating new growth in the downtown in a manner that reflects the existing context and identifies potential for growth in accordance with Regional and Provincial policies. On this basis, while the existing downtown is no longer identified as a Major Transit Station and is no longer within the adjusted Urban Growth Centre boundary, only minor changes and relocation of policies are required to the recently established framework for the Downtown Urban Centre to bring the policies into conformity with the Regional Official Plan. While the adjustment of the Urban Growth Centre is a significant change the recommended modifications are consistent with the intent of the Official Plan, 2020.

Uptown Urban Centre

The identification of the Uptown Urban Centre as a Primary Regional Node supports the policies of the Official Plan, 2020 which identify opportunities for growth and development including investments in transit. The identification of the Uptown Urban Centre as a Strategic Growth Area is consistent with the direction of the Official Plan, 2020.

While ROPA 48 established the Uptown Urban Centre as a Primary Regional Node, ROPA 49, adopted by Regional Council on June 15th identifies the Uptown Urban Centre as a Secondary Regional Node. Please see the options considered section below for further discussion.

Major Transit Station Area Boundaries

Similarly, the Burlington Official Plan, 2020 already contemplates the role and significance of Major Transit Station Areas, recognition of “Major Transit Station Area Special Planning Areas” and anticipates their formal delineation by the Region through its Municipal Comprehensive Review, i.e.

2.3.1 i) In Burlington there are three MTSA Special Planning Areas identified by the City around the Burlington GO, Aldershot GO and Appleby GO Stations. All three areas are major transit station areas. In this Plan, the three MTSA

Special Planning Areas are identified as areas that will be subject to further detailed area-specific planning. The boundaries of the major transit station areas and assignment of growth targets will be confirmed through the Region of

Halton's municipal comprehensive review in conformity to the Provincial Growth Plan.

The recommended modifications are consistent with the intent of the Official Plan, 2020.

Growth Framework

The Growth Framework as proposed in the new Official Plan establishes a growth management strategy that differentiates areas within the Urban Area for the purpose of communicating clear direction about where the City will and will not be planning to accommodate growth. Relevant to the recommended modifications presented in this report, the growth framework identified the Urban Centres (Downtown Urban Centre and Uptown Urban Centre) and the MTSA Special Planning Areas, with some exceptions.

Through the identification of Regional Nodes, ROPA 48 includes all of the existing Urban Centres and emerging Major Transit Station Areas as Strategic Growth Areas in the City of Burlington. In doing so ROPA 48 includes all areas identified as Primary Growth Areas within the City's new Official Plan. No significant changes are required to the Growth Framework policies as a result of ROPA 48. The modifications do clarify that the Primary Growth Framework areas are supportive of the Regional Urban Structure Strategic Growth Areas. The recommended modifications are consistent with the intent of the Official Plan, 2020.

Overall, although a series of recommended modifications are being put forward, the high level vision of the City's new Official Plan is maintained. ROPA 48 simply re-aligns the City's Growth Framework with the updated Regional hierarchy of Strategic Growth Areas to clarify the Regional Urban Structure and refines the supporting policy framework. The more significant refinements (e.g., Employment Area Conversions, UGC adjustment, delineation of MTSAs) were developed in a collaborative manner through the Regional process and informed by local plans and priorities, as well as detailed technical studies.

The recommended modifications are also in alignment with the City's vision for growth as outlined in the Burlington Strategic Plan 2015 – 2040, e.g., attracting good jobs and economic opportunity while having achieved community responsive growth, and higher densities in key areas to build neighbourhoods that are infrastructure-efficient and transit-oriented.

Options Considered

As noted in previous reports on this matter, while conformity to the Regional Official Plan would typically be achieved by amending the Burlington Official Plan through a public process under the *Planning Act*, policies that are under appeal cannot be modified outside of the OLT process. Later this year, 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. Therefore, it is not possible to achieve conformity to ROPA 48 through an Official Plan Amendment at this time.

Given that ROPA 49 is nearing the final stages of development, staff also evaluated the feasibility of potentially waiting until all components of the ongoing Regional Official Plan Review have been completed and approved, prior to undertaking any conformity analysis with respect to the Burlington Official Plan, 2020. However, although ROPA 49 was adopted by Regional Council on June 15th, it has not yet received Provincial approval and is therefore still subject to change. Further, the final ROPA to implement the remaining components of the Regional Official Plan Review is still in the very early stages of development and is not targeted for completion until mid-2023.

Certain policies of the Burlington Official Plan, 2020 which are impacted by updated Regional policies may be adjudicated prior to the Provincial approval of all remaining components of the Regional Official Plan Review. As any decisions made by the OLT must ensure conformity to the Regional Official Plan, staff are assessing Regional conformity needs as each ROPA is approved to ensure the City's position is established in a timely manner and is available for consideration through the OLT process as needed.

Supporting the implementation of updated Regional policies and the efficient resolution of appeals to the new Burlington Official Plan will also help to avoid unintentional delays to other critical City planning initiatives which may rely on certain components of an approved ROPA, such as the Protected MTSA framework.

Financial Matters:

Not applicable.

Total Financial Impact

Not applicable.

Source of Funding

Not applicable.

Other Resource Impacts

Not applicable.

Climate Implications

The Region's Urban Structure focuses on growth within the existing Urban Areas of the Region of Halton. Through the identification of a hierarchy of Strategic Growth Areas across the Region, the Regional Urban Structure reinforces the Region's ability to accommodate intensification and encourage and prioritize transit-supportive growth.

Engagement Matters:

As previously noted, a series of staff reports and a supporting memo to Council were prepared to notify the public of the ongoing process to determine an appropriate path to resolving matters of non-conformity to ROPA 48 with respect to the Burlington Official Plan. Subscribers to the City's new Official Plan Project contact list were notified by e-mail in advance of staff report releases through committee agendas.

After the May 10th staff report outlining the proposed modifications was received by the Community Planning, Regulation and Mobility Committee and staff were directed to seek public input, the City's new Official Plan Project webpage was updated to indicate that comments would be accepted until June 3, 2022. Communication materials also noted that members of the public can register to delegate when this item was next considered by Council in July, including a notice of public meeting which was published in the [June 9, 2022](#) edition of City Update in the Burlington Post.

Materials were also circulated electronically to agencies and stakeholders, including Halton Region. Through initial discussions with staff, the Region has confirmed that it does not object to the proposed process to resolve certain matters of non-conformity to ROPA 48 in the Burlington Official Plan, 2020, as described in this report. Further, the Region has no objection to City planning staff's conclusions that the recommended modifications are substantively in accordance with the requirements of ROPA 48 and can be advanced through the OLT's consideration of the appeals to the Burlington Official Plan, 2020. However, as party to the OLT process, the Region retains the ability to provide further comment or modify its position in response to issues and information arising through adjudication.

A total of three (3) submissions were received from members of the public regarding site-specific interests. The comments and main issues are summarized below.

1. **Bronte Creek Meadows** – Requested consideration of a conversion from "Employment" to either "Residential" or "Mixed-Use". Failing a conversion, the commentor requested consideration of an urban boundary expansion north of Highway 407 into the Greenbelt Area. The commentor also noted concerns regarding the communication of the status the Burlington Official Plan, 2020 and

the Burlington Official Plan, 1997 with respect to planning applications, along with other concerns related to the Official Plan.

Staff Response – The Regional Employment Area and the Urban Boundary are delineated by Halton Region in the Regional Official Plan. The City’s Official Plan must conform to the boundaries as mapped by the Region. The Region has undertaken extensive public engagement throughout its Regional Official Plan Review/Integrated Growth Management Strategy, including opportunities for landowners to propose changes to the Region’s Employment Area, based on conversion criteria outlined in the Regional Official Plan.

Bronte Creek Meadows was evaluated by Halton Region through this process and it was determined that the subject lands did not meet the criteria for conversion. See [February 9, 2022 Regional Council Workshop](#) "Background Information - Regional Official Plan Review - Draft Preferred Growth Concept" Attachment 1b - [Appendix B- Existing Employment Area Delineation](#) (page 15).

The commentor is neither a party nor a participant in the ongoing OLT process for the Burlington Official Plan, 2020. No changes were made to the proposed modifications as a result of these comments as they are neither within the scope of City jurisdiction or ROPA 48 conformity.

- 2. 800 Burloak Drive** – Requested consideration of a re-designation to “Local Centre” upon implementation of the removal of the Regional “Employment Area” designation from the subject lands, as approved through ROPA 48. This request is in alignment with the preliminary recommendations of Appendix D to report PB-04-18, though the commentor does not support the recommendation for a site-specific policy prohibiting residential and other sensitive land uses on the subject lands.

The commentor also notes that an Official Plan Amendment Application (file No. 505-06/04) and a Zoning By-law Amendment Application (file No. 520-11/04) to permit a large-scale, neighbourhood commercial development was submitted in 2004 and appealed for non-decision in 2021. Through this appeal, the commentor is seeking a designation change to “Local Centre” and a zoning change to “CN1”.

Staff Response – The Burlington Official Plan, 2020 is subject to a number of broad appeals and is therefore largely not in effect, meaning it cannot be amended. Further, the subject lands are not within a Major Transition Station Area (MTSA) and are therefore not included in the City’s current MTSA Area-

Specific Planning Study. The commentor is a party (appellant) in the ongoing OLT process for the Burlington Official Plan, 2020 (OLT-22-002219).

No changes were made to the proposed modifications as a result of these comments. The process for assigning an appropriate post-conversion designation for these lands must still be determined.

3. **238 Sumach Drive** – Requested information on the anticipated process for re-designating the subject lands upon implementation of the removal of the Regional “Employment Area” designation, as approved through ROPA 48. Expressed a desired to engage in preliminary discussions with the City regarding the built form and density of the proposed residential development on the subject lands.

Staff Response – The Burlington Official Plan, 2020 is subject to a number of broad appeals and is therefore largely not in effect, meaning it cannot be amended. Further, the subject lands are not within a Major Transition Station Area (MTSA) and are therefore not included in the City’s current MTSA Area-Specific Planning Study. The commentor is neither a party nor a participant in the ongoing OLT process for the Burlington Official Plan, 2020 (OLT-22-002219).

No changes were made to the proposed modifications as a result of these comments. The process for assigning an appropriate post-conversion designation for these lands must still be determined.

Conclusion:

Planning staff are of the opinion that the recommended modifications appended to this report are appropriate and are substantively in conformity to ROPA 48. However, the modifications ultimately approved by the OLT may be subject to change as a result of adjudication, or changes implemented through concurrent planning processes (e.g., MTSA Area-Specific Planning), or the correction of formatting and/or technical errors.

As the remaining components of the Regional Official Plan Review are implemented through ROPAs approved by the Province, staff will analyze the Burlington Official Plan, 2020 and will report back to Council with proposed approaches for addressing any areas of non-conformity.

Respectfully submitted,

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Appendices:

- A. Recommended Modifications to Burlington Official Plan, 2020: Added since May 2022
- B. Recommended Modifications to Burlington Official Plan, 2020
- C. Track changes to Burlington Official Plan, 2020 (working consolidation)

Notifications:

Office of the City Clerk to consult Community Planning Department in preparation of notifications.

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.