



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Jeff Markowiak, Director of Development Review

DATE: February 6, 2023

REPORT NO.: PD-2023-0015

SUBJECT: Recommended modifications to Official Plan Amendment 49
(OPA 49)

RECOMMENDATION:

THAT Report No. PD-2023-0015, dated February 6, 2023, regarding “Recommended modifications to Official Plan Amendment 49 (OPA 49)”, be received;

AND FURTHER THAT revised Town of Halton Hills Official Plan Amendment No. 49, which amends the Town of Halton Hills Official Plan as generally shown on SCHEDULE 1 – OFFICIAL PLAN AMENDMENT 49, be adopted as an exempt local Official Plan Amendment.

KEY POINTS:

The following are key points for consideration with respect to this report:

- On January 23, 2023, General Committee recommended approval of Report No. PD-2023-0006, dated January 10, 2023, regarding a “Recommendation Report for Town initiated amendments to the Town’s Official Plan (OPA 49) to respond to changes to the *Planning Act* resulting from Bill 109, More Homes for Everyone Act, 2022”. That report contained a recommendation that Council adopt OPA 49.
- Planning report PD-2023-0006 and the by-law to adopt OPA 49 are to receive final adoption by Council at the February 13, 2023 meeting.
- This Report is recommending modifications to OPA 49 to address subsequent comments provided by the Building Industry and Land Development Association (BILD). Revised OPA 49 is attached as SCHEDULE 1 to this report.

BACKGROUND AND DISCUSSION:

On January 23, 2023, General Committee recommended approval of Report No. PD-2023-0006, which contained a recommendation that Council adopt Town-initiated amendments to the Town's Official Plan (OPA 49) to respond to changes to the *Planning Act* resulting from Bill 109, *More Homes for Everyone Act, 2022*. That report and the by-law to adopt OPA 49 were deferred to the February 13, 2022, Council meeting for final approval.

Following the January 23rd Council meeting the Building Industry and Land Development Association (BILD) provided comments to staff that they had concerns with the language contained within OPA 49 regarding the expectation for applicants to hold a public consultation meeting at the pre-consultation stage, prior to the filing of any Zoning By-law Amendment. Although staff acknowledged through Report PD-2023-0006 that the *Planning Act* does not provide authority for a municipal Official Plan to mandate that an applicant hold a public consultation meeting prior to filing a formal application, BILD remained concerned that the amendments to Sections G12.1 and G12.2 still did not properly reflect this understanding.

Recognizing that BILD recently filed appeals against four other municipalities' Official Plan Amendments related to Bill 109, including Burlington and Oakville's, Town staff agreed to work with BILD to identify possible modifications to OPA 49 that would satisfy both parties. The result of those conversations are the following revisions that staff are recommending be made to OPA 49:

Section G12.1 PRE-CONSULTATION

For Zoning By-law Amendment applications, including those filed in conjunction with an Official Plan Amendment and/or Plan of Subdivision application, the applicant ~~should~~ **is strongly encouraged to** hold a public consultation meeting **to obtain preliminary feedback from the community regarding the proposal** in advance of filing the formal application ~~to obtain preliminary feedback from the community regarding the proposed development and to determine if additional information is needed to process the application.~~

Section G12.2 COMPLETE APPLICATIONS

- d) a completed pre-consultation form setting out the applicable information requirements. For Zoning By-law Amendment applications, including those filed in conjunction with an Official Plan Amendment and/or Plan of Subdivision application, the completed pre-consultation form should also include documentation demonstrating that a public consultation meeting was held by the applicant prior to submission of the Zoning By-law Amendment application, if ~~so~~ required **such meeting was held**.

Staff is satisfied that the proposed revisions to Sections G12.1 and G12.2 still reflect the Town's intention that applicants hold a public consultation meeting at the pre-consultation stage, prior to the filing of any formal Zoning By-law Amendment application. BILD has confirmed that they are satisfied the proposed modifications also address their concerns and that they will not appeal OPA 49 if the above revisions are passed by Council. A revised version of OPA 49 is attached to this report as SCHEDULE 1.

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

This report also identifies shaping growth as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement has been conducted as follows: a statutory Public Meeting was held on December 12, 2022. This meeting fulfilled the requirements for public participation under the Planning Act, and provided for Transparency, Notification and Participation, as defined in the Town's Public Engagement Charter.

Notice of the Statutory Public Meeting was published in the Independent & Free Press and provided to the required agencies, in accordance with the Planning Act. Notification was also provided to the Halton Hills development community.

INTERNAL CONSULTATION:

Staff consulted with the various Town departments, Town Solicitor, Region of Halton, Conservation Halton, Credit Valley Conservation and other local Halton municipalities in the preparation of this report.

FINANCIAL IMPLICATIONS:

Refunding planning application fees would have a financial impact to the Town. The refunds would otherwise have to be funded through the property tax base. Specific process changes have been set out in Report PD-2023-0006 to mitigate those potential impacts.

Reviewed and approved by,

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer