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DATE: August 31, 2010

TO: Chair and Members of Planning and Development Committee
Meeting Date: September 20, 2010

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Official Plan Transition Process**

RECOMMENDATION: That the report titled "Official Plan Transition Process" dated August 31, 2010 from the Commissioner of Planning and Building be received for information.

BACKGROUND: City Council, on July 7, 2010, considered two reports regarding the Draft Mississauga Official Plan and adopted recommendation PDC - 0039-2010, which reads, in part:

- "1. That the Draft Mississauga Official Plan be revised in accordance with the report titled "Report on Comments – Draft Mississauga Official Plan", dated June 8, 2010 and the report titled "Addendum Report on Comments – Draft Mississauga Official Plan" dated June 23, 2010 from the Commissioner of Planning and Building.
2. That a by-law to repeal Mississauga Plan and adopt the Draft Mississauga Official Plan, as revised, be enacted by City Council, and the City Clerk be authorized to forward the Draft Mississauga Official Plan to the Region of Peel for approval."

Further, on September 20, 2010 a report on Mississauga Official Plan outstanding issues will be presented to Planning and Development Committee and further revisions will be recommended.

The Draft Mississauga Official Plan has been revised pursuant to the above recommendations and the by-law has been prepared for City Council adoption. The purpose of this report is to describe the processes for dealing with official plan amendment applications during the transition period from Mississauga Plan (hereafter referred to as “the existing official plan”), to Mississauga Official Plan, (hereafter referred to as “the new official plan”). While the focus of this report is on official plan amendment applications, it is also applicable to City-initiated amendments.

COMMENTS:

There are three phases in the transition from the existing official plan to the new official plan, each of which will have implications for the processing of development applications:

Phase 1. City Council Adopted New Official Plan – Prior To Notice Of Decision;

Phase 2. Notice Of Decision – Appeal Period; and

Phase 3. Appeal Period Complete - New Official Plan In Effect.

Attached as Appendix 1 is a chart which summaries the processes for dealing with official plan amendment (OPA) applications in each phase.

Phase 1. City Council Adopted New Official Plan – Prior to Notice of Decision

After City Council adopts the new official plan and it is forwarded to the Region for approval, but before a Notice of Decision is issued by the Region and the appeal period is complete, the existing official plan remains in effect. However, once the new official plan is adopted by City Council, it is a statement of City Council’s position on planning matters and must be considered.

A letter will be sent to all applicants for official plan amendments advising that the new official plan has been adopted by City Council, and that the existing official plan will be repealed. Applicants will be invited to convert their application to an amendment to the new official plan, once it comes into effect.

During this phase, reference will be made to both official plans when processing applications, answering inquiries and advertising public meetings. Further, staff reports will address both official plans. However, notwithstanding the adoption of the new official plan, the key context for the review of the application will be the existing official plan in light of the *Clergy* principle. Reports recommending approval of amendments to the existing official plan will also include a recommendation requesting the Region to make appropriate modifications to the new official plan through the Regional approval process.

If an application has been partially processed (e.g., been circulated for comment or a public meeting has been held) but the application has not been approved in principle by City Council, the process must be repeated to consider the new official plan. To expedite a repeat circulation, the process may be abbreviated to only seek comments regarding the implications of the new official plan. Also, the repeat public meeting may be held in conjunction with the supplementary report.

Applications to amend the existing official plan, which have been approved in principle by City Council, but the OPA has not been adopted, may proceed with the adoption of the amendment in this phase without a repeat circulation or public meeting. The Region will be advised of these amendments so that, if required, the new official plan is modified.

Phase 2: Notice of Decision – Appeal Period

The Province has delegated approval authority to the Region and, within 180 days, the Region may approve; modify and approve as modified; or refuse to approve part, parts or the entire new official plan. The Region's role is to ensure conformity to the Regional Official Plan and Provincial policies and legislation. All parties with the right to appeal, have 20 days from when the date the Notice of Decision is issued to appeal the new official plan, as modified.

During this appeal period, reference will be made to the new official plan, and the modifications by the Region, when processing applications and responding to official plan inquiries.

Once a Notice of Decision is issued, but before Final Approval is given at the end of the appeal period, the existing official plan remains in effect. During this phase, no further modifications can be proposed to the new official plan as the Region cannot make any further changes to it.

Applicants will be discouraged from submitting OPA applications during this phase. If an application is filed, it will apply to the existing official plan.

During this phase, OPAs to the existing official plan should not be adopted for applications which have been approved in principle by City Council, as the existing official plan will be repealed and the Region cannot modify the new official plan. Applications should be disposed of after the appeal period ends, as discussed below.

Phase 3: Appeal Period Complete - New Official Plan In Effect

Following the 20-day appeal period, the Region will give final approval to the new official plan, including modifications and subject to appeals received. The existing official plan will be superseded by the new official plan, except for policies or designations that have been appealed. For appealed policies or designations, the existing official plan, and in some cases previous plans, will continue to be in effect. Production of the new official plan, as modified and appealed, will begin and copies will be available.

Amendments to the existing official plan, which are currently subject to a hearing by the Ontario Municipal Board, will continue under the existing official plan until they are disposed of by the Board, the decision of which will be incorporated into the new official plan. Where an outstanding application to amend the existing official plan is accompanied by an appeal to the new official plan, the original application will continue to be processed and considered in light of both official plans. However, notwithstanding the adoption of the new official plan, the key context for the review of the application will be the existing official plan in light of the *Clergy* principle.

Outstanding applications to amend the existing official plan which have not been converted to an amendment to the new official plan, or for which there is no appeal to the new official plan, will be terminated and the file closed. Converted applications may require a repeat circulation or public meeting. Notwithstanding the general protocol for processing development applications, if a repeat public meeting is required it may be scheduled when the supplementary report is considered.

Applications to amend the existing official plan, which have been approved in principle by City Council, but the amendment for which has not been adopted by by-law, will require a conversion to an amendment to the new official plan, unless there is an appeal of the relevant portions of the new official plan. Converted applications may require a repeat circulation, public meeting and supplementary report. The public meeting and supplementary meeting reports may be combined. If the application is not converted, or there is no appeal to the new official plan, the application will be terminated.

New applications filed to amend the new official plan will be processed under the new official plan, if the relevant parts of the new official plan are in effect. If parts of the new official plan pertaining to subject lands are not in effect, the application will be processed under the existing official plan, but consideration will be given to the new official plan.

STRATEGIC PLAN: The official plan is an important tool to implement the land use components of the Strategic Plan. The results of the “Our Future Mississauga – Be part of the conversation” public consultation informed the preparation of the official plan. The policy themes of the official plan advance the strategic pillars for change, which are:

Move:	Developing a Transit Oriented City
Belong:	Ensuring Youth, Older Adults and New Immigrants Thrive
Connect:	Complete Our Neighbourhoods
Prosper:	Cultivating Creative and Innovative Businesses
Green:	Living Green

FINANCIAL IMPACT: Not applicable

CONCLUSION: The procedures identified in this report should result in a relatively smooth transition from one official plan to the other, but will require careful management of official plan amendment applications based on their individual circumstances.

ATTACHMENTS: APPENDIX 1: Official Plan Amendment Applications - Transition Process Summary

Original Signed By:

Edward R. Sajecki
Commissioner of Planning and Building

*Prepared By: Ron Miller, Planner, Planning and Building
Department*

Official Plan Amendment Applications - Transition Process Summary

The following table summarizes the management of applications to amend the official plan during the transition from Mississauga Plan (approved in 2003 and referred to as the existing official plan) to Mississauga Official Plan (referred to as the new official plan).

Application Status	Action Required
Phase 1: City Council Adopted New Official Plan - Prior to Notice of Decision (180 Days)	
Public meeting held and supplementary report considered; OPA not yet adopted	If OPA is adopted during this phase it will be an amendment to the existing official plan. Request Region to modify the new official plan.
Public meeting held	Repeat circulation and public meeting required to consider new official plan. Supplementary report to reference both plans, recommend amendment to the existing official plan and request Region to modify the new official plan. If OPA is adopted during this phase it will be an amendment to the existing official plan
Application circulated; no public meeting held	Repeat circulation required to consider new official plan. Public meeting and supplementary report to reference both plans, recommend amendment to the existing official plan and request Region to modify the new official plan. If OPA is adopted during this phase it will be an amendment to the existing official plan.
New application filed	If OPA is adopted during this phase it will be an amendment to the existing official plan. Circulation, public meeting and supplementary report to reference both plans, recommend amendment to the existing official plan and request Region to modify the new official plan.
Phase 2: Notice of Decision - Appeal Period (20 Days)	
Public meeting held and supplementary report considered in previous phase; OPA not yet adopted.	No OPAs adopted during this phase; OPAs to be disposed of in Phase 3.
Public meeting held in previous phase.	Repeat circulation may be required and public meeting if they did not reference new official plan. Supplementary report to reference both official plans and recommend modification to the new official plan. Final processing to occur in Phase 3.
No public meeting held in previous phase.	Repeat circulation may be required if it did not reference new official plan. Public meeting and information report to reference both official plans. Final processing to occur in Phase 3.

New application filed to amend existing official plan.	New applicants encouraged to submit after appeal period expires and file as an application to amend the new official plan. If filed, the application will be considered an application to the existing official plan. Final processing to occur in Phase 3.
Phase 3: Appeal Period Completed - New Official Plan In Effect	
Public meeting held and supplementary report considered in previous phase; OPA not yet adopted.	<p>If converted as an OPA application to the new official plan, repeat circulation, public meeting and supplementary report if they did not reference new official plan.</p> <p>OR</p> <p>If appeal filed to the new official plan, process application under the existing official plan and consider policies of the new official plan.</p> <p>OR</p> <p>If none of the above has occurred, deem application terminated and close file.</p>
Public meeting held in previous phase.	<p>If converted as an OPA application to the new official plan, repeat circulation and public meeting if they did not reference new official plan.</p> <p>OR</p> <p>If appeal filed to the new official plan, process application under the existing official plan and consider policies of the new official plan.</p> <p>OR</p> <p>If none of the above has occurred, deem application terminated and close file.</p>
No public meeting held in previous phase.	<p>If converted as an OPA application to the new official plan, repeat circulation if it did not reference new official plan.</p> <p>OR</p> <p>If appeal filed to the new official plan, process application under the existing official plan and consider policies of the new official plan.</p> <p>OR</p> <p>If none of the above has occurred, deem application terminated and close file.</p>
New application filed	<p>If relevant parts of the new official plan are in effect, process under the new official plan.</p> <p>OR</p> <p>If appeal filed to the new official plan, process application under the existing official plan and consider policies of the new official plan.</p>

Notes:

- 1. Repeat circulations, public meetings and supplementary reports addressing the new official plan may occur during any phase and will be considered valid in subsequent phases. Repeat circulations need only consider the requirements of the new official plan. Repeat public meetings may be held when the supplementary report is being considered and fulfill minimum statutory notice requirements (i.e. newspaper notification only), as well as notice to those requesting it.*
- 2. Applicants will be invited to convert application to an amendment to new official plan when it comes into effect. Applicants will be given advance notice of this requirement. Applications that are not converted will be deemed terminated and closed unless an appeal to the new official plan has been filed.*
- 3. This chart is intended for convenience only, and is not intended to address all circumstances. There may be situations not clearly addressed by this chart for which direction will be provided by the Commissioner of Planning and Building, or his designate.*