



Town of Erin Corporate Report

Department: Community Services	Report Number: PD2024-08
Business Unit: Planning & Development	Meeting Date: 6/27/2024
Presented/ Prepared By: David Waters, Manager of Planning and Development	

Subject

Recommendation Report for Official Plan Amendment OP21-01 (OPA 15), Hillsburgh Heights Inc. 5916 Trafalgar Road North and Official Plan Amendment OP23-01 (OPA 16), Beachcroft Investments Inc., 63 and 63A Trafalgar Road, Hillsburgh

Recommendation

That Council hereby receives report number PD2024-08, “Official Plan Amendment OP21-01 (OPA 15), Hillsburgh Heights Inc. 5916 Trafalgar Road North and Official Plan Amendment OP23-01 (OPA 16), Beachcroft Investments Inc., 63 and 63A Trafalgar Road, Hillsburgh” for information;

And that Council adopts Official Plan Amendment No.15, listed as By-law #24-32 on the June 27, 2024, agenda, to redesignate the subject lands from “Future Development” to “Residential”; and to repeal and replace By-law #23-42;

And that Council adopts Official Plan Amendment No.16, listed as By-law #24-33 on the June 27, 2024, agenda, to redesignate the subject lands from “Recreational” to “Residential”, “Greenlands” to “Residential”, “Residential” to “Greenlands”, designate “Special Policy Area 9”; to remove the “Proposed New Firehall Location” symbol; and to repeal and replace By-law #24-16;

And that Council directs the Town Clerk to submit Official Plan Amendments No. 15 and 16 to Wellington County for approval, in accordance with the Planning Act, recognizing approval of the Official Plan Amendments will follow the Province’s approval of Wellington County Official Plan Amendment No. 120 and the County of Wellington’s approval of Town-initiated Official Plan Amendment No. 13.

Highlights

The purpose of this report is to recommend that Council passes new By-laws to adopt OPA 15 and OPA 16 to correct a procedural defect that was discovered with respect to these Official Plan Amendments to the Town of Erin Official Plan.

Background

On October 26, 2023 Council adopted OPA 15 through the passage of By-law No. 23-42 in response to an application filed by Hillsburgh Heights Inc. for the property municipally known as 5916 Trafalgar Road in the Village of Hillsburgh. The purpose of OPA 15 is to facilitate the development of the Briarwood lands for residential and related uses in conjunction with related development applications filed by the applicant. The adoption of OPA 15 was supported by Town staff as more particularly described in report number PD2023-33.

On April 11, 2024, Council adopted OPA 16 through the passage of By-law No. 24-16 in response to an application filed by Beachcroft Investments Inc. for the property municipally known as 63 and 63A Trafalgar Road in the Village of Hillsburgh. The purpose of OPA 15 is to facilitate the development of the Beachcroft lands for residential and related uses in conjunction with related development applications filed by the applicant. The adoption of OPA 16 was supported by Town staff as more particularly described in report number PD2024-04.

In addition, Council directed staff to submit both Official Plan Amendment No. 15 and 16 to the County of Wellington for approval, in accordance with the Planning Act, recognizing approval of each Official Plan Amendment will follow the Province's approval of the County of Wellington Official Plan Amendment No. 120 and the County of Wellington's approval of Town initiated Official Plan Amendment No. 13.

In accordance with the Planning Act, the Town is required to issue Notice of Adoption once Council passes a By-Law to adopt an Official Plan Amendment and forward the planning instrument to the County for review and approval.

Discussion

Recently, it was discovered that because of an administrative error, Town staff did not issue notice of Council's adoption of Official Plan Amendment Numbers 15 and 16 to the County within 15 days after the date of adoption as prescribed by Section 17(23) of the Planning Act.

Given that the requirement to send notice is subject to a statutory time limit, it is not possible to issue a new notice and comply with the requirements of the Planning Act because the Town is out of time to do so. To remedy this situation, the advice received from the Town's external Counsel is for Council to pass new By-laws to adopt OPA 15 and OPA 16 in same form as was passed in October, 2023 and April, 2024 respectively. This will effectively re-start the clock and allow the Town to provide notice as required by Section 17(23) of the Act. If Council follows this recommendation and reaffirms the

adoption of OPA 15 and 16 on June 27, 2024, the requirements of Section 17(23) must be met by no later than Friday, July 15, 2024.

Moving forward, staff have internally communicated the proper procedures and further designated staff for the preparation and circulation of such notices to avoid repeating this error.

Strategic Pillar

Growth Management

Financial Impact

There are no financial impacts associated with the recommendations of this report.

Conclusion

Due to a procedural error, Notice of Adoption was not issued by the Town to the County in accordance with the Planning Act following Council's decision to pass By-laws to adopt OPA 15 and OPA 16 in October 2023 and April 2024, respectively.

To correct this procedural error, staff are presenting the OPA 15 and OPA 16 exactly in the form as attached to By-law Numbers 23-42 and 24-16 for Council to pass new By-Laws and forward these Amendments to the County for review and approval. This will effectively re-start the clock and allow the Town to issue notice as required by Section 17(23) of the Act.

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Rob Adams

Chief Administrative Officer