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Our File: 137008

BY EMAIL

City of Burlington
426 Brant St.
P.O. Box 5013
Burlington, ON L7R 3Z6

Attention: Ms. Alison Enns, Community Planning Department

E-mail: newop@burlington.ca

Attention: Kevin Arjoon, City Clerk

E-mail: kevin.arjoon@burlington.ca

Dear Ms. Enns and Mr. Arjoon,

**Re: City of Burlington Official Plan Project
Written Submission on Behalf of Millcroft Greens Corporation**

Aird & Berlis LLP is counsel to Millcroft Greens Corporation (“Millcroft Greens”). As the City of Burlington is aware, Millcroft Greens is pursuing private applications under the *Planning Act* pertaining to the existing Millcroft Golf Course. Applications for official plan and zoning by-law amendment were submitted to the City on October 28, 2020. Consultants for Millcroft Greens are currently working with City Staff to ensure the City has the information it requires to proceed with processing these applications.

Consultants for Millcroft Greens have also been following the progress of the City’s Official Plan Project. Whereas previously it was expected that Millcroft Greens’ private applications would be filed far in advance of the City’s completion of its scoped Official Plan review, and the Region of Halton’s approval of same, it is now clear that the City’s Official Plan may be reviewed and approved while the Millcroft Greens applications are being processed.

In this context, Millcroft Greens wishes to make submissions respecting the following process-related policies that are proposed to form part of the City’s new Official Plan:

8.4.2(2) Policies

- b) New golf courses and golf driving ranges, and expansions to existing golf courses and driving ranges requiring additional land, shall not be permitted.*

- d) A proposal to re-designate lands within the Major Parks and Open Space designation to another land use designation shall only be considered by the City in conjunction with a statutory Official Plan Review.*

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As the City is aware from the pre-consultation meetings that have taken place respecting Millcroft Greens' private applications, a reconfiguration of the existing golf course is being sought. The reconfigured golf course will not be a "new" or "expanded" course as contemplated by proposed policy 8.4.2(2)(b). However, Millcroft Greens is concerned that it may ultimately be asserted (by the City or others) that proposed policy 8.4.2(2)(b) does apply to Millcroft Greens' private applications. Accordingly, Millcroft Greens requests that the City revise this proposed policy to either explicitly exclude modifications/reconfigurations to existing golf courses or to exempt Millcroft Golf Course from the ambit of this proposed policy.

Millcroft Greens is also concerned with the procedural consequences of proposed policy 8.4.2.2(2)(d). This policy would prevent the re-designation of *Major Parks/Open Space* lands outside of an Official Plan Review undertaken in accordance with section 26 of the *Planning Act*. While there are various types of re-designations that may only be considered as part of a comprehensive review (as examples, conversions of employment area lands or expansions of settlement areas) these procedural requirements are dictated by the *Planning Act*, the Provincial Policy Statement, the Growth Plan and other Provincial statutory/regulator/policy directives. There is no similar directive concerning local parks or open space lands. Accordingly, we ask that the City either revise this policy to remove the proposed procedural limitation (i.e. that re-designations of parks/open space lands can only occur as part of an Official Plan Review) or delete this proposed policy entirely.

We would ask that we be provided notice of any adoption or approval of the new City Official Plan. By copy of this letter to the Region, we would request Notice of Decision regarding the new City Official Plan.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington

PJH/np

c.c. Millcroft Greens
Heather MacDonald, Executive Director, Community Planning Regulation and Mobility, City of Burlington
Graham Milne, Regional Clerk, Region of Halton
Curt Benson, Director, Planning Services and Chief Planning Official, Region of Halton

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