

Amendment 9
to the
Official Plan
for the
Region of York

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 17

BY-LAW NO. A-0265-1999-017

A by-law to authorize the exemption of
local official plan amendments in
accordance with Amendment No. 9 of the
Region of York Official Plan

WHEREAS The Minister of Municipal Affairs and Housing pursuant to Ontario Regulation 699/98 has authorized the Region of York to exempt any or all proposed local official plans from Regional approval.

The Council of The Regional Municipality of York under Section 17(10) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, HEREBY ENACTS as follows:

1. Regional Official Plan Amendment No. 9 which was adopted by Regional Council on August 27, 1998 and which establishes an exemption process for some local official plan amendments, shall take effect upon the final passing of this By-law, in accordance with Ontario Regulation 699/98.
2. The application fee applicable to a request under Regional Official Plan Amendment No. 9 shall be the fee specified as Item 23 on Schedule "A" to By-law No. A-193-96-50 as amended.

ENACTED AND PASSED this 25th day of February, 1999.

Dennis Hearse
Clerk



Bill Fisch
Chair

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 94

BY-LAW NO. OP-0010-98-094

A by-law to adopt Amendment No. 9
for the Official Plan for the Region of York

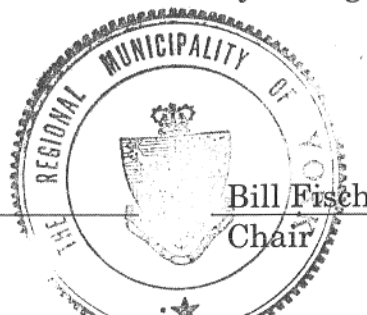
The Council of The Regional Municipality of York HEREBY ENACTS
as follows:

The Council of The Regional Municipality of York under section 17(22)
of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, HEREBY ENACTS as
follows:

1. Official Plan Amendment No. 9 for The Regional Municipality of York (OPA No. 9) consisting of the attached text is hereby adopted (Schedule "A").
2. Official Plan Amendment No. 9, by virtue of Ontario Regulation 525/97 is exempt from approval by the Minister of Municipal Affairs and Housing (the "Minister").
3. The exemption process set out in the attached OPA No. 9 does not take effect until the Minister authorizes the process by way of Order and Council passes a by-law pursuant to section 17(10) of the *Planning Act*.
4. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED this 27th day of August 1998.

Dennis Hearse
Clerk



PART A -THE PREAMBLE

PURPOSE

The purpose of this amendment is to include in the Regional Official Plan criteria establishing which local official plan amendments require a decision to be made by Regional Council. The amendment permits the exemption from Regional approval of local official plan amendments considered to be locally significant and not of Regional or Provincial significance.

LOCATION

The amendment is a policy change effecting all land within the Region of York.

BASIS

Under the new Planning Act (Bill 20), the Minister of Municipal Affairs and Housing exempted the Region of York from Provincial approval for Regional Official Plan Amendments. The Ministry of Municipal Affairs and Housing may, by order, authorize the Region of York to pass a by-law to exempt local official plan amendments from Regional approval. On December 22, 1997 the Minister of Municipal Affairs and Housing announced a Delegation/Exemption Implementation Strategy which provides for the exemption from Regional approval of local official plan amendments. The strategy implements Sections 17(9), (10), and (11) of the new Planning Act, which permits the Minister to issue an order authorizing the Region to exempt local Official Plan Amendments from Regional approval that meet conditions set out in the order.

On February 26, 1998, Regional Council adopted Planning staff's initial report on streamlining the planning approval process. The report elaborated upon the Ministry's initiative to reduce duplication and improve timeframes in the planning approval process. The report also outlined a proposed strategy to exempt from Regional approval official plan amendments that are considered to be of local significance and set out criteria for official plan amendments that would continue to require Regional approval. After reviewing the criteria with staff from the area municipalities it was agreed that official plan amendments impacting the following areas would require a decision by Regional Council:

Amendments Requiring A Decision By Regional Council

- Applications directly and substantially affecting Regional servicing infrastructure, i.e. roads, sewer, water.
- Applications that substantially change Regional capital forecasts.

- Urban boundary expansions.
- Major applications that will adversely affect Regional traffic flows.
- Non-farm development in the agricultural and/or rural area.
- Major secondary plans.
- Large retail applications having a Regional impact.
- Applications having an adverse impact on the Provincial Policy Statement.
- Applications within the Regional Greenlands System.
- Density decreases impacting the entire municipality.
- Applications with cross boundary impacts.
- Applications in the Parkway Belt and Oak Ridges Moraine.

All other local official plan amendment applications may be eligible for exemption from Regional approval. A review of local official plan amendment applications processed during the preceding 5 to 6 years for the Town of Markham indicates that approximately 60 % of the amendment applications would have been exempt from Regional approval if the proposed exemption strategy was in place. It is expected that this approximate percentage split between amendments approved by the Region and those approved by the area municipality will continue to apply in future years and also be applicable to other area municipalities in York Region.

The procedures to implement Regional Official Plan Amendment No. 9 are set out in Appendix 1 attached to this document.

PART B - THE AMENDMENT

INTRODUCTION

All of the Amendment entitled PART B - THE AMENDMENT constitutes Amendment No. 9 to the Official Plan of the Region of York.

DETAILS OF THE AMENDMENT

1. The text preceding the policies of Section 7.2 The Planning Process is amended by adding the following paragraph at the end of the section:

“Under the new Planning Act (Bill 20), the Minister of Municipal Affairs and Housing exempted the Region of York from his approval for Regional Official Plan Amendments, effective January 19, 1998. The Ministry of Municipal Affairs and Housing may, by order, authorize the Region of York to pass a by-law to exempt local official plan amendments from Regional approval.”

2. Section 7.2.6 be amended by adding the following sentence at the end of Category A:

“These applications may be exempt from Regional approval in accordance with Section 7.2.7.”

3. A new Section 7.2.7 be added as follows and the current Sections 7.2.7, 7.2.8, and 7.2.9 be renumbered accordingly:

“7.2.7 Amendments to area municipal Official Plans may be exempt from Regional approval where they are of local significance and no Regional interest is adversely affected. Amendments impacting the following areas are not eligible for exemption and a decision regarding the disposition of these amendments shall be given by Regional Council:

- a) applications directly and substantially affecting Regional servicing infrastructure, i.e. roads, sewer, water;
- b) applications that substantially change Regional capital forecasts;
- c) urban boundary expansions;
- d) major applications that will adversely affect Regional traffic flows;

- e) non-farm development in the agricultural and/or rural area;
- f) major secondary plans;
- g) large retail applications having a Regional impact;
- h) applications having an adverse impact on the Provincial Policy Statement;
- i) applications within the Regional Greenlands System;
- j) applications with cross boundary impacts; and,
- k) applications in the Parkway Belt and Oak Ridges Moraine.

In order to identify the local official plan amendments that are exempt from Regional Council's approval, the area municipality shall submit a draft amendment/application and any supporting information to the Region in sufficient time to comment on the amendment and thereby provide an exemption letter where the criteria above, a) to k) inclusive, are not affected."

APPENDIX 1 to ROPA 9

Procedures to be followed to implement exemption from Regional approval of local official plan amendments are as follows:

1. Pre-consultation between the proponent, area municipal staff and Regional staff is encouraged to assist in determining if an application will be exempt from Regional approval. Applicants should be advised of the criteria set out in Regional OPA No. 9 and the applicable Regional fee.
2. At the preliminary OPA stage, the Planning Director of an area municipality will forward a written request to the Regional Planning Commissioner requesting the proposed local official plan amendment application be exempt from Regional Planning Committee and Council approval; the request should be based on the criteria set out in Regional OPA No. 9 and be accompanied by the Regional fee and any supporting background information or local staff comments;
3. Regional Planning staff will review the application, assessing both Regional and Provincial impact, evaluating it against the criteria set out in Regional Amendment No. 9, and by consulting with any other affected Regional department, and provide a written response signed by the Regional Planning Commissioner or Director of Development Services, to the area municipality indicating one of the following:
 - the amendment is exempt from approval by Regional Planning Committee and Council;
 - the amendment is exempt provided the amendment is modified satisfactory to the Regional Planning Department; or,
 - the amendment requires a decision by Regional Planning Committee and Council; Regional Planning staff will prepare a Planning Report for their consideration subsequent to local Council making a recommendation on the application.
4. The Region's response will generally be provided in 2 to 3 weeks from receipt of the application. The response will be provided prior to the area municipality holding their statutory public meeting. Additional response time may be required for complicated amendments.
5. Once an area municipal Council has recommended the adoption of an amendment that is exempt from Regional approval, the Town or City will issue the Notice of adoption, in accordance with Section 17 (23) of the Planning Act, R.S.O. 1990. A copy of the Notice of adoption and the proposed amendment will be forwarded to Regional Planning staff for its review.

6. The Regional Commissioner of Planning may appeal, within the 20 day appeal period, the Notice of Adoption if any requirements of the Region are not included in the adopted official plan amendment. A planning report to Regional Planning Committee and Council outlining the reasons for the appeal would follow.
7. If no appeals are received during the 20 day appeal period the adopted amendment comes into force the day after the last day for filing a notice of appeal. The area municipality will be responsible for following the requirements of sending out the applicable notices, and filing the appropriate employee declaration(s) in accordance with the requirements of the Planning Act, R.S.O. 1990.
8. If a notice of appeal is filed, the area municipality is responsible for preparing the record to be forwarded to the Ontario Municipal Board, in accordance with the requirements of the Planning Act R.S.O., 1990.
9. Regional Planning staff will prepare a report on a quarterly basis for presentation to Regional Planning Committee and Council identifying all local official plan amendments that were exempt from approval by Regional Council.