

Clause 3 in Report No. 17 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on November 17, 2016.

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Implementing Bill 73 Amendments to the Planning Act

Committee of the Whole recommends:

1. Receipt of the presentation by Paul Freeman, Director of Long Range Planning.
  2. Adoption of the following recommendations contained in the report dated October 28, 2016 from the Commissioner of Corporate Services and Chief Planner:
    1. Council approve the actions and delegations of authority set out in Attachment 1 for the implementation of Bill 73 amendments concerning the Region.
    2. The Regional Clerk circulate this report and attachment to the Clerks of the local municipalities.
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Report dated October 28, 2016 from the Commissioner of Corporate Services and Chief Planner now follows:

1. Recommendations

It is recommended that:

1. Regional Council approve the actions and delegations of authority set out in Attachment 1 for the implementation of Bill 73 amendments concerning the Region.
2. The Regional Clerk circulate this report and attachment to the Clerks of the local municipalities.

2. Purpose

This report provides Council with an overview of recently enacted amendments to the *Planning Act* that were introduced by Bill 73, the *Smart Growth for Our Communities Act, 2015*, and describes their implications for York Region's

planning processes. Where required, the report requests Council's delegation of authority to staff, as outlined in Attachment 1.

### 3. Background and Previous Council Direction

York Region provided several responses to proposed changes to the *Planning Act*

Bill 73 was the outcome of Provincial consultation on the Land Use Planning and Appeal and Development Charges Systems that was undertaken from October 2013 to January 2014. York Region provided the following submissions on the proposed changes to the *Planning Act* and the *Development Charges Act, 1997*:

- The Region's initial consultation response was received by Council on January 23, 2014 through [Clause No. 19 in Report No. 1 of Committee of the Whole](#).
- The Region's response to the draft bill was adopted by Council on May 21, 2015 through [Clause 19 in Report No. 10 of Committee of the Whole](#).

Bill 73 received Royal Assent on December 3, 2015, and the changes to the *Development Charges Act* came into force on January 1, 2016. On March 24, 2016 Council received [Clause 7 in Report No. 5 of Committee of the Whole](#) regarding the implications of the *Development Charges Act* amendments.

The majority of changes to the *Planning Act* came into force on July 1, 2016, and are the subject of this report.

### 4. Analysis and Implications

A number of the Region's requested changes to the Land Use Planning and Appeal System were implemented through Bill 73

The amendments fall under three general categories, which are summarized as follows and discussed in this report:

- **Streamlining the planning process and making it more predictable**, allowing for more timely implementation of official plans (OPs) and official plan amendments (OPAs)
- **Limiting matters considered by the Ontario Municipal Board (OMB) and making it easier to resolve disputes**, giving municipalities more independence in decision making and reducing the number of appeals

- **New requirements and opportunities for public engagement**, including outlining public consultation requirements in official plans and establishing a Planning Advisory Committee

While this report provides a summary of the key amendments that apply to the Region, a number of amendments have implications only for local municipalities.

Staff recommend delegation of Council authority in order to implement a number of amendments to the *Planning Act*

Attachment 1 provides a detailed overview of all amendments to the *Planning Act* and actions being undertaken to comply with Bill 73, including actions requiring Council's delegation of authority. Staff are recommending delegation of Council's authority for amendments that specify certain actions of a municipal council or an approval authority that are time sensitive in nature. Other amendments that require actions by the Region to comply are outlined in the attachment but do not require specific delegation of authority by Council.

### Streamlining the Planning Process and Making it More Predictable

The timelines for reviewing the Provincial Policy Statement and ensuring conformity of new official plans have changed from five to ten years

The amendments revised the review cycle for the Provincial Policy Statement (PPS) from every five years to every ten years, aligning the PPS review cycle with that of Provincial plans including the *Growth Plan for the Greater Golden Horseshoe, 2006*. Section 26 of the *Planning Act* requires municipalities to ensure OP conformity with Provincial policies and plans. The timeframe for reviewing new OPs to ensure conformity has also been extended from five years to ten years. The extended PPS review cycle provides a more stable Provincial policy framework, making the planning process more predictable by reducing the number and frequency of amendments needed to keep municipal planning documents up to date.

*Planning Act* amendments prohibit private Official Plan Amendment applications on new official plans for two years

Once a new OP has been passed, no privately-initiated applications for amendment are allowed for two years. During this time, municipalities may, through Council resolution, allow certain applications, a class of applications or all applications, and can continue to undertake municipally-initiated amendments. The two year time-out provision improves the predictability of the planning system by allowing municipalities to implement their new OPs without having to

contend with immediate requests for amendments, unless allowed through Council resolution.

Upper-tier municipalities cannot approve lower-tier official plans that do not conform with upper-tier official plans

Approval authorities may continue to modify lower-tier OPs to conform with upper-tier OPs. If an upper-tier municipality states within 180 days of receiving a lower tier OP, revised under Section 26 of the *Planning Act*, that the plan or part(s) of the plan does not conform to the upper-tier OP, the lower-tier OP cannot be appealed to the OMB. This change allows for additional time to resolve the non-conformity, ensures greater certainty that upper-tier policies will be implemented by lower-tier municipalities, and avoids unnecessary appeals to the OMB. There are additional amendments that have potential for reducing OMB appeals, discussed in the following section.

### Limiting Matters Considered by the OMB and Making it Easier to Resolve Disputes

The Province has restricted certain matters that can be appealed and types of appeals that can proceed to the OMB

A number of amendments to the *Planning Act* limit what can be appealed to the OMB. Appeals of specific provincially-approved matters within OPs and OPAs are no longer allowed. They are generally matters of Provincial interest such as legislated boundaries and forecasted population and employment growth. Removing the ability to appeal these matters will better facilitate their implementation at the municipal level. Attachment 1 (B1) lists all provincially-approved matters that are prohibited from appeal.

The amendments also restrict the types of appeals to the OMB. Appeals of entire new OPs – referred to as global appeals – are no longer allowed. Previously it was possible to appeal a new OP in its entirety. Now, appeals of a new OP can only pertain to part(s) of the new plan. However, where OP updates are adopted through a Regional Official Plan Amendment (ROPA), the entire ROPA remains appealable.

Decision periods for official plans and official plan amendments may be extended and alternative dispute resolution may be used before proceeding to the OMB

Some *Planning Act* amendments make it easier for municipalities to attempt to resolve disputes before proceeding to the OMB. For example, prior to Bill 73, approval authorities were required to make decisions on OPs and OPAs within 180 days. If no decision was issued by the approval authority, non-decision

appeals could be filed following the 180 day decision period. Now, the decision period may be extended up to an additional 90 days by written notice given by the approval authority or initiator of the OP or OPA. However, the extension may be terminated at any time by either party.

The amendments also provide approval authorities with the ability to “close the door” on non-decision appeals. After receiving notice of an appeal for non-decision, the approval authority can issue notice that sets a 20-day window, after which time no additional appeals are allowed for any part of the OP or OPA. Without setting the deadline for appeals, the appeal period for a non-decision related appeal has been open ended.

In addition, when a notice of appeal is filed, a council or approval authority may use mediation or other dispute resolution techniques to attempt to resolve the appeal. If a council or approval authority decides to do so then the timeframe for sending the appeal to the OMB is extended from 15 to 75 days to provide additional time to resolve the dispute. It is proposed that the Region make use of these new provisions in consultation with local municipalities.

New requirements are imposed on appellants to help reduce or eliminate unsubstantiated or vexatious appeals

In order to better scope appeals, the *Planning Act* now requires appellants to provide clearer reasons for an appeal in cases where they intend to argue that an OP is inconsistent with or fails to conform with a Provincial Plan. If the appeal letter does not provide such an explanation, the OMB may dismiss all or part of an appeal without holding a hearing.

### New Requirements and Opportunities for Public Engagement

The *Planning Act* now requires that official plans contain public consultation policies for most planning matters

Prior to Bill 73, municipalities could include public consultation policies in OPs but were not required to do so. Now public consultation policies must be included for most planning matters, including official plan amendments, zoning bylaws, plans of subdivision and consents. This change is intended to provide the public with greater certainty in how they will be engaged in the planning process.

The York Region Official Plan – 2010 already includes strong policies requiring engagement of the Region’s diverse communities and stakeholders on amendment applications. As part of the York Regional Official Plan review and update process, staff will enhance implementation policies, describing how the public can engage in the planning process on ROP updates and ROPAs. As an

approval authority the Region must also ensure that local OPs contain a description of the measures and procedures for obtaining the views of the public on OPs, OPAs, zoning bylaws, subdivisions and consents.

Greater consideration of public submissions by the OMB, approval authorities and municipalities is required

A number of amendments to the *Planning Act* are intended to ensure that public input received at the local municipal level continues to be considered in the decision-making process at the Regional and Provincial levels. Section 2.1 requires the OMB and upper-tier approval authorities to have regard to decisions of a municipal council and any information and material that the municipal council or approval authority considered in relation to that decision. This section was amended to clarify that 'information and material' includes written and oral submissions from the public, and to instruct the OMB to have regard to this information when hearing non-decision appeals.

Additionally, decision notices by municipalities and approval authorities must include an explanation of the effect, if any, of public submissions on the decision. The legislation does not provide specific directions for implementing this provision.

Staff of the Clerk's office will implement procedures to reflect consideration of all written and oral submissions by Committee of the Whole and Council in their planning decisions, where required. Attachment 1 (C6) outlines the circumstances under which the Region is required to explain the effect, if any, of written and/or oral submissions from the public.

Upper-tier and single-tier municipalities are required to appoint a Planning Advisory Committee

The *Planning Act* enables municipalities to establish a Planning Advisory Committee (PAC) in order to facilitate public input and provide advice on planning matters. The use of PACs was previously voluntary, but is now mandatory for upper and single-tier municipalities. PACs provide advice on planning matters to Council. Recommendations by a PAC are not binding and Council continues to maintain its decision making approval role.

PAC members are to be chosen by Council, and at least one member must be a resident who is not a member of a municipal council or an employee of the municipality. Consistent with Council's request in response to the draft bill, the specific role of the PAC is not prescribed, giving municipalities flexibility on how this requirement is met. Council may determine which planning matters are reviewed by the PAC.

Some upper-tier and single-tier municipalities already have citizen advisory committees, which they have indicated will be used to meet the legislative requirement for a PAC. York Region has two such committees in place, the Agricultural Advisory Liaison Group and the Accessibility Advisory Committee. However, due to their specialized focus, a new dedicated PAC will be required. Staff are monitoring how other jurisdictions intend to meet this requirement, and will bring options forward for Council's consideration early in 2017.

*A number of Planning Act amendments apply only to local municipal matters*

This report has focused on the *Planning Act* amendments that apply to York Region as an upper-tier municipality. Some amendments apply at the local municipal level, including annual reports to Council on density bonusing and parkland dedication fees, a new alternative parkland dedication rate, and a requirement to develop parks plans in order to use the alternative rate.

A two year time-out provision also applies to privately initiated applications to amend new comprehensive zoning bylaws and applications for minor variances. As with the time-out provision for new OPs, local municipalities have the ability, through Council resolution, to allow certain applications for zoning bylaw amendments and minor variance during the time-out, and can continue to approve municipally initiated amendments to the zoning bylaw.

The current Provincial review of the OMB will provide another opportunity for input on OMB reform

Not all of the Region's January 2014 recommendations relating to the OMB were addressed by Bill 73. However, the Province launched a review of the OMB in June 2016 and a consultation paper was released in October 2016.

The Provincial government sees a continuing need for the OMB in land use planning but is focusing on reviewing the OMB's scope and effectiveness. The Province is considering ways to enable more meaningful citizen participation, provide more weight to local and provincial decisions, limit the OMB's jurisdiction for certain types of appeals, support more predictable decision making, and promote alternative ways of settling disputes.

Responses to the Province on OMB reform are due December 19, 2016. Staff have attended town hall meetings held by the Province, and are consulting with local municipal staff to develop a joint response. A staff response will be submitted to the Province by the deadline and provided to Council January 2017.

## 5. Financial Implications

Limiting OMB appeals should help to reduce expenditures on hearings

As previously reported to Council in May 2015, the Region has spent more than \$4 million defending the York Region Official Plan – 2010 at the OMB, including associated appeals at the local level. The new provisions removing global appeals on new official plans and prohibiting appeals on certain Provincial conformity matters should reduce future expenditures on OMB appeals. The use of alternative dispute resolution may require additional staff resources and costs.

Costs to administer a new Planning Advisory Committee are expected to be minimal

Costs of administering a Planning Advisory Committee will depend on the structure selected by Council and the frequency of meetings. However, increased expenditures should be minimal, as the committee will be supported by the existing staff complement.

## 6. Local Municipal Impact

The *Planning Act* amendments provide greater predictability in the planning and appeals processes for the Region and its local municipalities, as well as additional opportunities for citizen input and engagement on land use planning matters. Local municipalities are in the process of updating their policies and procedures based on Bill 73. Regional staff will continue to coordinate with local municipal staff on revised *Planning Act* provisions as needed, and respond to the current review of the OMB by the Province.

## 7. Conclusion

Efforts to limit OMB appeals, provide greater opportunities for public participation, and give municipalities more predictability in the planning process are encouraging. The requirement to establish a Planning Advisory Committee will enhance the Region's existing commitment to public consultation by providing an additional opportunity for residents to become involved in land use planning matters. Staff will report back to Council on options to establish a Planning Advisory Committee early in 2017.

## Implementing Bill 73 Amendments to the Planning Act

While not all of the Region's recommendations on the appeals system were addressed by Bill 73, the current review of the OMB by the Province provides another opportunity for the Region to advocate for additional changes.

For more information on this report, please contact Sandra Malcic, Manager, Policy & Environment at ext. 75274 or Paul Freeman, Director, Long Range Planning at ext. 71534.

The Senior Management Group has reviewed this report.

October 28, 2016

Attachment (1)

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Accessible formats or communication supports are available upon request

## Summary of Bill 73 Amendments to the *Planning Act* and Implications for Regional Planning Process

Amendment	Description & Implications for Region	Action Required
<b>A. Streamlining the Planning Process and Making it More Predictable</b>		
1. Extend review cycle for provincial policy statements to 10 years s. 3(10)	Stabilizing the Provincial policy framework provides municipalities with additional time to update official plans (OPs) to align with a new Provincial Policy Statement (PPS).	York Regional Official Plan (ROP) review and update will align the ROP with the most recent PPS, 2014.
2. Limit certain approvals and appeals of a lower-tier official plan revised under Section 26 unless it conforms with existing/adopted upper-tier plan <b>ss. 17(34.1)-(34.2), 17(40.2)-(40.4) &amp; 21(2)</b>	<p>The amendments prohibit an approval authority from approving any part of a lower-tier OP revised under Section 26 that does not conform to the upper-tier OP. The amendments prohibit non-decision appeals OPs or official plan amendments (OPAs) revised under Section 26 if the approval authority states within 180 days that the plan or any part of it does not conform to the upper-tier plan.</p> <p>As a result of the addition of 17(34.1) and 17(34.2), and of 17(40.2) to 17(40.4):</p> <ul style="list-style-type: none"> <li>The Region is not permitted to approve any part of a lower-tier official plan revised under Section 26 unless it conforms to the ROP. If the Region states within 180 days that part of an official plan revised under Section 26 does not conform to the ROP, there is no ability to appeal that part for non-decision.</li> </ul>	<p>Where part of a local OP or OPA, revised under Section 26, does not conform with the ROP, the Director of Community Planning and Development Services shall consult with the local municipality regarding modifying the plan to conform. If the local municipality will not agree to revise the official plan to conform, the non-conformity will be addressed in the report to Regional Council (i.e., recommending to not approve because of the non-conformity, recommending that the part of the plan be modified to conform, or recommending deferral).</p> <p>Delegate council authority to the Chief Planner to issue a statement under 17(40.2). The Chief Planner or Director of Community Planning and Development Services will be responsible for deciding whether an appeal or part of an appeal is prohibited under 17(40.2).</p>

**\*Note:** Legislative references in bold denote *Planning Act* sections amended by Bill 73 with implications for York Region

Amendment	Description & Implications for Region	Action Required
<p>3. Prohibit privately-initiated amendments to new official plans and comprehensive zoning by-laws for 2 years unless council resolution for application/class/all ss. <b>22(2.1)-(2.2)</b> &amp; 34(10.0.0.1)-(10.0.0.2)</p>	<p>The amendments prohibit official plan amendment applications for two years after a new official plan comes into effect, unless the council has declared by resolution that a specific request, class of requests or all requests are permitted. The amendments prohibit zoning bylaw amendment applications for two years after a new zoning bylaw under Section 26(9) repeals and replaces all the zoning bylaws in effect in a municipality.</p> <p>As a result of the addition of 22(2.1) and 22(2.2):</p> <ul style="list-style-type: none"> <li>• When the Region enacts a new Regional Official Plan (ROP), no Regional Official Plan Amendment (ROPA) applications are permitted for two years, unless Regional Council by resolution permits a specific application, class of applications or all applications to be made.</li> </ul>	<p>No action required at this time. Only applies to new ROP.</p>
<p>4. Allow 10 years for update following new official plan ss. <b>26(1)-(1.2)</b></p>	<p>The timeframe for review of official plans under Section 26 has also been extended from 5 years to 10 years for new official plans.</p> <p>As a result of the amendments to 26(1) and the addition of 26(1.1) and 26(1.2):</p> <ul style="list-style-type: none"> <li>• When a new ROP is comes into effect, the next review may be extended to 10 years.</li> </ul>	<p>No action required.</p> <p>ROP Section 8.2.4 commits to 5 year reviews of the ROP.</p>

Amendment	Description & Implications for Region	Action Required
5. Remove explicit requirement to revise employment land policies during official plan update ss. 26(1)	The amendments remove the explicit requirement to update employment policies during a 5 year review. That requirement is already addressed through the requirement for conformity with the PPS and Growth Plan.	No action required.
<b>B. Limiting Matters Considered by the OMB and Making it Easier to Resolve Disputes</b>		
1. Remove ability to appeal specific provincially-approved matters in official plans <b>ss. 17(24.4)-(24.5) &amp; 17(36.2)</b>	Prohibited from appeals: <ul style="list-style-type: none"> <li>- Vulnerable areas under the Clean Water Act</li> <li>- Lake Simcoe watershed under the Lake Simcoe Protection Act</li> <li>- Greenbelt Area or Protected Countryside under the Greenbelt Act, or a specialty crop area designated by the Greenbelt Plan</li> <li>- Oak Ridges Moraine Conservation Plan Area under the ORMCP</li> <li>- Population and employment forecasts set out in the Growth Plan</li> <li>- Population and employment forecasts in a lower-tier OP if forecasts are allocated by an upper-tier OP approved by the Minister</li> <li>- Settlement area boundaries in a lower-tier OP if the boundaries reflect the boundaries in an upper-tier OP approved by the Minister</li> </ul>	The Director of Long Range Planning will be responsible for deciding whether an appeal or part of an appeal of an adopted ROPA that is exempt from Provincial approval is prohibited under 17(24.5).  The Director of Community Planning will be responsible for deciding whether an appeal or part of an appeal of a local OP or OPA is prohibited under 17(36.2).
2. Remove the ability to appeal second suite policies at five year updates (repealed) ss.17(24.2) & 17(36.2)	Official plan policies authorizing second suites cannot be appealed.	The Director of Community Planning and Development Services or the Director of Long Range Planning will be responsible for determining whether an appeal is prohibited as a result of the amendments to 17(24.2) and 17(36.2).

Amendment	Description & Implications for Region	Action Required
<p>3. Require specific reasons for appeals of alleged failures to implement provincial and local policies  <b>ss. 17(25.1), 17(37.1), 17(45)(c.1), 34(19.0.1) &amp; 34(25)(b.1)</b></p>	<p>Appellant's notice of appeal must explain how Council's decision is inconsistent with, fails to conform with, or conflicts with the Provincial policy or upper-tier plan at issue.</p>	<p>No action required.</p>
<p>4. Provide enhanced opportunities for alternative dispute resolution (ADR)  <b>ss. 17(26.1)-(26.4), 17(37.2)-(37.5), 22(8.1)-(8.4), 34(11.0.0.1)-(11.0.0.4), 34(20.1)-(20.4), 51(49.1)-(49.4) &amp; 53(27.1)-(27.4)</b></p>	<p>When a notice of appeal is filed a council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. If a council decides to do so then the timeframe for sending the appeal to the OMB is extended from 15 to 75 days.</p> <p>As a result of the addition of 17(26.1) to 17(26.4), and 17(37.2) to 17(37.5):</p> <ul style="list-style-type: none"> <li>The Region may give notice and an invitation to participate in alternative dispute resolution to appellants and extend the timeframe for sending an appeal to the OMB.</li> </ul>	<p>Delegate council authority to each of the Chief Planner and Director of Community Planning and Development Services to give notice and invitation for ADR for appeals of Regional Council's decisions on local OPs and OPAs</p> <p>Delegate council authority to each of the Chief Planner and Director of Long Range Planning to give notice and invitation for ADR for appeals of Regional Council's decisions to adopt ROPAs that are exempt from approval</p>
<p>5. Remove ability to appeal entire new official plan  <b>ss. 17(24.2)-(24.3), 17(36.2)-(36.3)</b></p>	<p>Global appeal of a new OP is prohibited, limiting appeals to only part of a plan.</p>	<p>The Director of Community Planning and Development Services or the Director of Long Range Planning will be responsible for determining whether an appeal is prohibited under 17(24.2) and 17(36.2).</p>
<p>6. Enable approval authority and initiator to extend non-decision appeal timeframe by up to 90 days  <b>ss. 17(40)-(40.1)</b></p>	<p>The 180 day decision period for OPs and OPAs may be extended up to an additional 90 days by written notice given by the approval authority or initiator. The extension may be terminated at any time by another written notice.</p>	<p>Delegate council authority to the each of the Chief Planner and Director of Community Planning and Development Services to initiate and respond to notices issued under 17(40.1).</p>

Amendment	Description & Implications for Region	Action Required
	<p>As a result of the amendments to 17(40) and the addition of 17(40.1):</p> <ul style="list-style-type: none"> <li>The Region may extend the timeframe for making a decision on local OPs and OPAs.</li> <li>The Region may receive a notice to extend the timeframe from a local municipality or from an applicant.</li> </ul>	
<p>7. Enable approval authority to give notice creating 20-day appeal period for non-decision appeals of adopted official plans s. 17(41.1)</p>	<p>When a notice of appeal for non-decision is filed an approval authority may give a notice establishing a 20-day time limit to appeal a non-decision of OPs/OPAs. Once the 20-day time limit ends no additional appeals of non-decisions may be permitted on any part of the OP/OPA.</p> <p>As a result of the addition of 17(41.1):</p> <ul style="list-style-type: none"> <li>The Region may give notice, upon receiving an appeal for non-decision of local OP/OPA, creating a 20-day appeal period for non-decision appeals.</li> </ul>	<p>Delegate council authority to each of the Chief Planner and Director of Community Planning and Development Services for giving notice under 17(41.1) to limit a non-decision appeal period.</p>
<p><b>C. New Requirements and Opportunities for Public Engagement</b></p>		
<p>1. Ensure consideration of public input at municipal level by approval authorities and Ontario Municipal Board s. 2.1*</p>	<p>The requirement that approval authorities and the OMB have regard to decisions of a municipal council, as well as any information and material that the municipal council or approval authority considered in relation to the matter, has been revised to clarify that "information and material" includes written and oral submissions from the public.</p> <p>In addition, for non-decision appeals it is now</p>	<p>A summary of public submissions considered by the local municipal council will be provided to Regional Council when approving local OPs and OPAs.</p> <p>Written and oral submissions from the public considered by the local municipal council will be provided to the Director of Community Planning when approving routine OPAs.</p>

Amendment	Description & Implications for Region	Action Required
	<p>required that the OMB have regard to any information and material received by the municipal council or approval authority, including written and oral submissions from the public.</p> <p>As a result of the amendments to section 2.1:</p> <ul style="list-style-type: none"> <li>• The Region is now specifically required to have regard to written and oral submissions considered by the municipal council when making decisions on local OPs and OPAs.</li> <li>• In addition, the Region is now required to capture oral submissions from the public to provide to the approval authority, if applicable, or the OMB, in the event of an appeal. (Written submissions are already provided to the approval authority if applicable and the OMB in the event of an appeal.)</li> </ul>	<p>Staff of the Clerk's Office will provide written and oral submissions to the approval authority, if applicable, or the OMB, in the event of an appeal.</p>
<p>2. Require upper/single-tier planning advisory committees and mandate at least one resident member on all planning advisory committees <b>s. 8(1), 8(2), 8(3), 8(4), 8(5)</b></p>	<p>The amendments make a planning advisory committee mandatory for certain municipalities, including every upper-tier municipality.</p> <p>The purpose, role and function of the committee are not defined, providing municipalities with flexibility to implement.</p> <p>As a result of the amendments to 8(1) and addition of 8(4):</p> <ul style="list-style-type: none"> <li>• Regional Council is required to appoint a Planning Advisory Committee which includes at least one resident who is not on a municipal council or a Regional employee.</li> </ul>	<p>Options for meeting the requirement for a Planning Advisory Committee will be brought to Council for consideration in 2017.</p>

Amendment	Description & Implications for Region	Action Required
<p>3. Require official plans to contain measures and procedures for obtaining public input <b>s. 16</b></p>	<p>It is now mandatory for official plans to contain a description of measures and procedures for informing and obtaining views of the public, relating to official plan amendments, zoning by-laws, plans of subdivision and consent applications.</p> <p>As a result of the amendments to 16(1) and 16(2):</p> <ul style="list-style-type: none"> <li>The Region is required to include in the ROP a description of measures and procedures for obtaining public input on proposed amendments or proposed revisions to the ROP.</li> </ul>	<p>Through the ROP review and update process, the public engagement policies in YROP-2010 Section 8.1 will be revised with consideration of the need to be enhanced, with greater details on how the Region will consult the public with respect to ROP updates and/or ROPAs.</p>
<p>4. Require municipality to submit draft official plan to Ministry of Municipal Affairs 90 days prior to the notice of public meeting <b>s. 17(17.1)</b></p>	<p>As a result of the addition of 17(17.1), the Region will submit draft ROP to Ministry of Municipal Affairs 90 days prior to the notice of public meeting.</p>	<p>Accounted for in ROP update and review timeline</p>
<p>5. Expand ability to use alternative measures for informing and obtaining the views of the public to apply to privately initiated official plan amendment requests <b>ss. 17(19.3), 17(19.4), 34(14.3), 51(19.3) &amp; 53(4.3)</b></p>	<p>The amendments extend the existing ability to include in an official plan alternative public notice and consultation provisions for OPs and ZBs, to also include privately initiated OPA applications, plans of subdivision and applications for consents. The effect of including alternative public notices provisions in an official plan is that they take the place of the ordinary public notice and consultation provisions set out in the relevant section of the Planning Act.</p> <p>In addition, the amendments add the requirement that before including such alternative measures</p>	<p>Staff will explore the use of alternative measures, if needed, through the ROP review and update.</p>

Amendment	Description & Implications for Region	Action Required
	<p>in an official plan the council shall consider whether prescribed persons and public bodies should receive notice of the applications.</p> <p>As a result of the amendments to 17(19.3) and the addition of 17(19.4):</p> <ul style="list-style-type: none"> <li>If the Region were to decide to include measures for public notice and consultation on ROPAs alternative to those in the Planning Act, those measures could now apply to privately initiated ROPA applications.</li> </ul>	
<p>6. Require explanation of effect of public input on planning decisions  <b>ss. 17(23.1), 17(35.1), 22(6.7), 34(10.10), 34(18.1), 45(8.1), 51(38) &amp; 53(18)</b></p>	<p>Notices of adoption of OPs and OPAs (as well as decisions pertaining to minor variance, subdivision, and consents), and notices of approval of OPs and OPAs, must now contain a brief explanation of the effect, if any, of written and, if applicable, oral submissions from the public.</p> <p>As a result of the amendments to subsections 17(35.1), 17(23.1) and 22(6.7):</p> <ul style="list-style-type: none"> <li>When issuing notices of decision on local OPs and OPAs, the Region is now required to include a brief explanation of the effect, if any, of written submissions made to the Region before its decision.</li> <li>When issuing a notice of adoption of a new ROP or a ROPA, the Region is now required to include a brief explanation of the effect, if any, of written submissions made to Regional Council before its decision and oral submissions made at a public meeting.</li> </ul>	<p>Staff of the Clerk's Office will implement procedures to reflect consideration of written and oral submissions by Committee of the Whole and Council in their planning decisions. Where required, notices of decision will include a statement indicating that public input was received and taken into consideration.</p> <p>The Director of Community Planning and Development Services will include an explanation of the effect of written submissions made to the approval authority before its decision, in notices of decision to approve local OPs and OPAs.</p> <ul style="list-style-type: none"> <li>For decisions made by Regional Council the explanation will contain the statement from the Council minutes or Committee report regarding public submissions.</li> <li>For decisions on routine OPAs made by the Director of Community Planning and</li> </ul>

Amendment	Description & Implications for Region	Action Required
	<ul style="list-style-type: none"> <li>When issuing a notice of refusal of a ROPA application, the Region is now required to include a brief explanation of the effect, if any, of written submissions made to Regional Council before its decision and oral submissions made at a public meeting.</li> </ul>	<p>Development Services, the explanation will be the responsibility of the Director.</p> <p>The Director of Long Range Planning will include an explanation of the effect of written and oral submissions on decisions by Regional Council to adopt a new ROP and adopt or refuse ROPAs.</p>
<p>7. Facilitate modernization of giving notice ss. <b>17(23)</b>, <b>17(35)</b>, 22(6.6), 34(10.9), 34(18), 51(37), 51(45), 53(17), &amp; 53(24)</p>	<p>The amendments permit notices of planning decisions to be issued by email, including notices of decisions on OPs, OPAs, ZBs, ZBAs, plans of subdivision and consents. The regulations include further provision for notices by email.</p> <p>As a result of the amendments to 17(23), 22(6.6) and 17(35):</p> <ul style="list-style-type: none"> <li>The Region is now able to issue by email notices of decision on local OPs and OPAs, and on the ROP and ROPAs.</li> </ul>	<p>The Director of Community Planning and Development Services, and the Director of Long Range Planning, will utilize the new provision allowing emailing of notices of decision on local OPs and OPAs, and the ROP and ROPAs.</p>
<b>D. Miscellaneous</b>		
<p>1. Identify provincial interest relating to built form s. 2(r)</p>	<p>Ensures that built form is considered in planning decisions; decision-makers “shall have regard to” built form.</p>	<p>No action required</p>
<p>2. Require official plans to contain policies relating to built environment s. 16(1)</p>	<p>References to ‘built form’ are already included in a number of policies in the ROP.</p>	<p>Existing policies relating to built form will be reviewed during ROP update and will be enhanced as needed.</p>

Amendment	Description & Implications for Region	Action Required
<b>E. Local Municipal Matters – No Regional Action Required</b>		
1.	Reduce the maximum alternative parkland dedication rate for cash-in-lieu payments from 1 hectare for every 300 units to 1 hectare for every 500 units ss. 42(6.0.1) & 51.1(3.1)	
2.	Require parks plan, in consultation with school boards, before adopting alternative parkland dedication policies ss. 42(4.1)-(4.3) & 51.1(2.1)-(2.3)	
3.	Reporting required for density bonusing and parkland fees ss. 42(6.0.3) & 51.1(3)-(3.2)	
4.	Provide regulation-making authority to establish additional criteria for minor variance applications s. 45(1.0.1)	
5.	Prohibit minor variance applications for 2 years after site specific rezoning unless council resolution for application/class/all ss. 45(1.2)-(1.4)	
6.	Create regulation-making authority to prohibit privately-initiated amendments to development permit systems for 5 years and to make this prohibition inapplicable where council resolution to permit application s. 70.2(2.1)	
7.	Enable “community planning permit system” to be used as name of development permit system s. 70.2.1	
8.	Provide authority for Minister/approval authority to require establishment of development permit system by local municipalities for prescribed purposes s. 70.2.2	



# Implementing Bill 73 Amendments to the *Planning Act*

Presentation to  
**Committee of the Whole**

**Paul Freeman, Director, Long Range Planning**

November 10, 2016

# Overview

- Background
  - Land Use Planning and Appeal System Review
  - *Smart Growth for Our Communities Act, 2015* (Bill 73)
- Review of Amendments to the *Planning Act* and Implications for York Region
- Ontario Municipal Board Review
- Next Steps

# Land Use Planning and Appeal System Review



# Smart Growth for Our Communities Act, 2015 (Bill 73)

- Amended the following legislation:
  - **Development Charges Act, 1997:** amendments in force as of January 1, 2016
    - Council received Clause 7 in Report No. 5 of Committee of the Whole in March 2016
  - **Planning Act:** amendments in force as of July 1, 2016
    - Focus of this report

Input from York Region was well-received and addressed through a number of amendments

# Amendments to the *Planning Act* fall under three categories



Streamlining the Planning Process



Limiting OMB Appeals



More Public Engagement



# Streamlining the Planning Process

## **Amendment:**

- Local official plan review period can be stopped to address issues of non-conformity with York Region Official Plan – 2010

## **Regional Process Change:**

- Delegation of authority to Director, Community Planning and Development Services to issue statement that the local official plan does not conform, within 180 days



# Limiting OMB Appeals

## **Amendments:**

- Applicants may no longer appeal:
  - New official plans in their entirety
  - Official plan policies implementing select Provincially-approved matters

## **Regional Process Change:**

- Staff will assess matters included in appeals to determine if appeal is permitted



# Limiting OMB Appeals

## **Amendment:**

- After receiving a non-decision appeal of official plans/official plan amendments, the Region may give notice setting a 20-day time limit for additional appeals

## **Regional Process Change:**

- Delegate authority to staff to give notice to limit the non-decision appeal period



# More Public Engagement

## **Amendments:**

- Approval authorities are required to have regard to written and oral submissions considered by municipal councils

## **Regional Process Change:**

- Summary of public submissions is provided to Council when approving local official plans and official plan amendments
- Staff will provide submissions to the Province and/or OMB as required



# More Public Engagement

## **Amendment:**

- Decision notices must explain the effect, if any, of public submissions

## **Regional Process Change:**

- Staff will indicate on decision notices that public input was received and considered



# More Public Engagement

## **Amendment:**

- York Region is required to appoint a Planning Advisory Committee
  - Flexible mandate
  - Resident representation

## **Regional Process Change:**

- Options will be brought to Council early in 2017

# Additional Amendments



- Provincial Policy Statement and new OP reviews increased from five to ten years
- Two-year prohibition on private amendment applications of new OPs

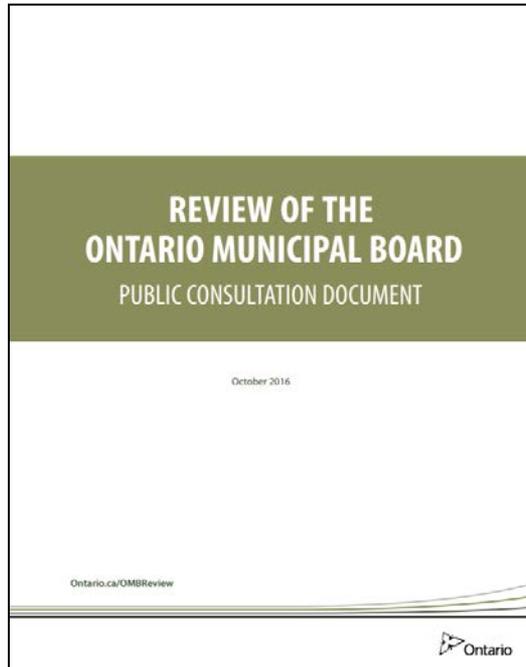


- Additional time provided for Alternative Dispute Resolution before proceeding to OMB



- OPs are required to include public consultation policies

# Ontario Municipal Board Review



- Jurisdiction and powers
- Citizen participation and local perspective
- Clear and predictable decision-making
- Modern procedures and faster decisions
- Alternative dispute resolution and fewer hearings

Opportunity to address Regional input not reflected in  
*Smart Growth for Our Communities Act, 2015*

# Next Steps

- OMB review comments due December 19, 2016
- Planning Advisory Committee options report to Council early 2017
- Report to follow with draft Terms of Reference to be approved by Council

# Report Recommendations

1. Regional Council approve the actions and delegations of authority set out in Attachment 1 for the implementation of Bill 73 amendments concerning the Region.
2. The Regional Clerk circulate this report and attachments to the Clerks of the local municipalities.