

Committee of the Whole (2) Report

DATE: Tuesday, September 19, 2023

WARD(S): ALL

TITLE: REGIONAL PLANNING TRANSITION PLAN

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

This report provides staff comments on a proposed Regional Planning Transition Plan in a memo to Regional Council on June 29, 2023.

Report Highlights

- The Planning Act (s.70.13) has removed York Region's land use planning responsibilities.
- Further proclamation is anticipated to transition the removed responsibilities.
- A Regional transition plan is needed.
- The Regional transition plan shall gradually reduce and eventually eliminate its planning responsibilities.

Recommendations

1. THAT Council request York Region to develop a Regional Planning Transition Plan that will gradually reduce and eventually eliminate the Region's planning responsibilities as stipulated in section 70.13 of the Planning Act.
2. THAT Council direct staff to forward a copy of this report to York Region Council and all the lower-tier municipal Councils in York Region, as well as the Minister of Municipal Affairs and Housing, for their information.

Background

On November 28, 2022, Bill 23, the More Homes Built Faster Act, 2022 received Royal Assent, which, amongst many other things, removed the land use planning responsibilities from certain upper-tier municipalities including York Region. As a result, Regional Council will no longer be the approval authority of local municipal official plans and amendments, local municipalities will no longer be required to implement the Region's Official Plan, and the Region will no longer have right to appeal land use planning decisions of local municipal Councils. Further proclamation is anticipated to transition the removed responsibilities. On June 29, 2023, a memorandum (the Memo) was delivered to Regional Council outlining the approach Regional staff plan to take during the transition:

<https://yorkpublishing.escribemeetings.com/filestream.ashx?DocumentId=40544>

Previous Reports/Authority

N/A

Analysis and Options

City staff have reviewed the Memo and come up with the following findings and opinions. Additional details are provided in Attachment 1.

1. Exempting Regional approval of site-specific OPAs

The Official Plan is a policy document, and site-specific Official Plan Amendments (OPAs) are unlikely to affect the Region's interests. In fact, as the Memo says, "Most local official plan amendments are already exempt from Regional approval, ...". Therefore, City staff are of the opinion that the Region should take action to immediately exempt all site-specific OPAs from Regional approval. A continued involvement of Regional staff in the review and approval of these site-specific OPAs is contrary to the intent of Bill 23 to remove the Region's planning responsibilities and can cause delays.

City staff will continue to collaborate with York Region staff during transition to complete the City's ongoing Official Plan Review, as required by sections 26 and 27 of the Planning Act.

2. Growth management

Since municipalities are no longer required to conform to Schedule 3 of the Growth Plan for the Greater Golden Horseshoe (2020), which provides specific population and employment forecasts by 2051, faster growing municipalities will likely exceed the limits

allocated by the Region's Official Plan. As such, when removing the Region's planning responsibilities, a solution must be found regarding the future of the services currently regulated and delivered by York Region, such as water supply, wastewater disposal, transportation, and transit, that are integral to planning and growth management.

3. Development applications

Staff are of the opinion that during transition, the Region's planning staff shall consider reducing its involvement in planning decisions and let local municipalities determine circulation of applications to the Region.

From the City's perspective, certain development applications that directly affect services and properties currently delivered, operated, or owned by the Region shall continue to be circulated to the Region for comments. In consultation with Regional staff, during transition, City staff may decide not to circulate other development applications to the Region to help streamline the planning process and minimize delays if, in staff's opinion, they are unlikely to adversely affect the Region.

4. OLT appeals during transition

City staff concur that the Region will not exercise its right to appeal to the Ontario Land Tribunal (OLT) local land use planning decisions without having a local Council direction first and limit its involvement as a party at new OLT hearings during transition.

However, City staff are of the opinion that Regional staff should be directed to utilize the transition to transfer all outstanding appeals that it has been involved with to the affected local municipalities, so that local planning staff can continue to address the concerns after the proclamation of Bill 23.

Financial Impact

This report does not have direct financial impacts.

Operational Impact

N/A

Broader Regional Impacts/Considerations

N/A

Conclusion

City staff believe that a Regional planning transition plan should clearly demonstrate how the Region plans to gradually reduce and eventually eliminate its planning

responsibilities, rather than “continue to comment on planning applications and assist local municipalities with ensuring conformity ...” as said in the Memo. Furthermore, Regional Council should refrain from giving staff direction on post-proclamation activities based on the presupposition that all planning related service deliveries will stay the same.

For more information, please contact: Christina Bruce, Director of Planning Policy and Special Programs, ext. 8231, and Nancy Tuckett, Director of Development Planning, ext. 8529.

Attachments

1. Staff Comments on proposed Regional Planning Transition Plan

Prepared by

Haiqing Xu, Deputy City Manager, Planning & Growth Management, ext. 8445
Christina Bruce, Director of Policy Planning and Special Programs, ext. 8231
Nancy Tuckett, Director of Development Planning, ext. 8529.

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager