

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2023

Item 3, Report No. 37, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 26, 2023.

3. REGIONAL PLANNING TRANSITION PLAN

The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Planning and Growth Management, dated September 19, 2023:

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.

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

Staff Comments on proposed Regional Planning Transition Plan

Description of York Regional Planning Role/Responsibility	Status as of Today (June 2023)	Transition Approach and Timing	Description of End State (Proclamation TBD – possibly Q1 2024)	City Staff Comments
1. Municipal Comprehensive Review (MCR) and Official Plan Update	MCR completed and the new Official Plan has been adopted by Council and approved by MMAH in November 2022.	Region will continue to assist local municipalities with their Official Plans to ensure conformity with the approved ROP and inclusion of added policies to embed any necessary Regional policies into the local OPs (i.e. Regional road planned widths, MTSA policies, growth management).	Region will continue to gather and analyze data to forecast growth to assist local municipalities and Regional Council coordinating growth, determining infrastructure needs and phasing within the financial sustainability framework and to inform master and capital planning.	<i>A transition plan shall clearly indicate how the Region plans to gradually reduce its involvement in land use planning and eventually eliminate all its planning responsibilities as stipulated in s. 70.13 of the Planning Act.</i>
2. Responsibility for Regional Official Plan	Region has the responsibility to continue to make decisions and offer advice regarding conformity to the Regional Official Plan.	Region will continue to work with each local municipality to determine needs in preparing the local municipality to assume responsibility for implementation of the Regional Official Plan. Region will continue to provide comments and bring locally adopted OPs to Regional Council to achieve timely approvals that incorporate the approved ROP and provincial policy direction.	Region will continue to support administering and interpreting the Regional Official Plan following proclamation.	<i>There will be no need to maintain a Regional Official Plan following proclamation since local municipalities will no longer be required to implement it.</i> <i>Staff will continue working with Regional staff toward completing the City's Official Plan Review.</i>

Description of York Regional Planning Role/Responsibility	Status as of Today (June 2023)	Transition Approach and Timing	Description of End State (Proclamation TBD – possibly Q1 2024)	City Staff Comments
3. Approval Authority for Local Official Plans and Amendments	Region is approval authority for Local Official Plans and Amendments – Amendments meeting criteria defined in Regional Official Plan policy 7.3.8 can be exempted from Regional approval.	Region will continue to apply the exemption criteria where possible to streamline the approval process. Some amendments may still be subject to Regional approval delegated to staff per the delegation bylaw or approved by Regional Council, striving to achieve approval within prescribed timelines.	<p>Upon Proclamation, Region is no longer approval authority for local Official Plans and Amendments and will no longer collect decision fees.</p> <p>Regional staff will continue to advise local municipalities through comments with the goal of achieving approval ready OPAs that respect local, Regional Council and provincial policy directions within the prescribed timeframes.</p>	<p><i>As a transition, the Region shall start immediately to exempt all site-specific OPA applications from the City of Vaughan from Regional approval to help streamline the planning approval process.</i></p> <p><i>Following proclamation, there will be no need for the City of Vaughan to continue circulating OPA applications to the Region for comments and approval.</i></p>

4. Region's participation in Local Official Plans, Amendments, Secondary Plans and related background studies

Region participates in reviewing and providing comments on Official Plans, Amendments and Secondary Plans and related background studies. The amendments are circulated to the Region for review and comment following adoption. The Region is the approval authority for Official Plans, Amendments and Secondary Plans.

Region will continue to participate in reviewing and providing comments on Official Plans, Amendments and Secondary Plans and related background studies.

Region will continue to work with local municipalities to achieve approval ready OPs, OPAs and Secondary Plans.

Region will continue to participate in reviewing and providing comments on Official Plans, Amendments and Secondary Plans and related background studies, with focus on Regional matters such as:

- Municipal water and wastewater servicing
- Regional Transportation Systems
- Growth management linked to the fiscally sustainable provision of regional infrastructure and services
- Affordable and Assisted Housing
- Responsibilities associated with a specific mandate prescribed by legislation (e.g. sourcewater protection, public health)
- Other Regional Services and Council priorities.

Staff are of the opinion that, the removal of the Region's planning responsibilities shall also include removal of all its planning related servicing responsibilities, such as water supply, wastewater disposal, Regional roads, and public transit. Otherwise, hardly there will be any change to help streamline planning approvals and speed up housing supply.

Description of York Regional Planning Role/Responsibility	Status as of Today (June 2023)	Transition Approach and Timing	Description of End State (Proclamation TBD – possibly Q1 2024)	City Staff Comments
5. Region’s participation in reviewing and commenting on development applications	<p>Region is circulated, reviews and provides comments on development applications in accordance with public and resident interests.</p> <p>Region is circulated all development applications to capture growth data in a comprehensive manner and provide products back to individual local municipalities such as housing supply and servicing allocation dashboards.</p>	<p>All development applications continue to be circulated to Region.</p> <p>Region continues to be circulated, review and provide comments on development applications in accordance with public and resident interests.</p>	<p>All development applications should continue to be circulated to Region for monitoring, reporting and growth management.</p> <p>Region will continue to review and provide comments on development applications related to Regional matters such as:</p> <ul style="list-style-type: none"> • Municipal water and wastewater servicing • Regional Transportation Systems • Growth management linked to the fiscally sustainable provision of regional infrastructure and services • Affordable and Assisted Housing • Responsibilities associated with a specific mandate prescribed by legislation (e.g., sourcewater protection, public health) • Other Regional Services that have a land component 	<p><i>During transition, the Region shall consider reducing its involvement in the planning process by letting local municipalities determine what to circulate to the Region. Staff are of the opinion that development applications that directly affect Regional services and Region owned properties, shall continue to circulate to the Region for comments.</i></p> <p><i>Staff have the same comments as provided under #4 following proclamation.</i></p>

Description of York Regional Planning Role/Responsibility	Status as of Today (June 2023)	Transition Approach and Timing	Description of End State (Proclamation TBD – possibly Q1 2024)	City Staff Comments
6. Right to Appeal to the Ontario Land Tribunal (OLT)	Although rare, the Region has the ability to appeal decisions to the Ontario Land Tribunal. Appeal of local planning matters is subject to Council direction.	Region will not exercise its right to appeal, except for circumstances where public and resident interests are critically impacted, in recognition of its changing role, subject to Council direction.	Upon proclamation, Region is no longer able to appeal decisions to the OLT.	<i>City staff concur.</i>
7. Party to an OLT Hearing	Region is currently a party to many active files under litigation at the Ontario Land Tribunal.	<p>Region will actively seek opportunities to limit its involvement as a party at new Ontario Land Tribunal Hearings unless matters of critical importance to Regional Council is an issue. Staff will seek Regional Council direction for any involvement at OLT in these cases.</p> <p>Region will discuss with local municipalities the inclusion of typical Regional standards for development to ensure Regional infrastructure and assets are not compromised. Regional participation in hearings to ensure this is a smooth process may still be required during this transition period.</p>	<p>Upon proclamation, Region no longer able to be a party to a Hearing. The proposed transition provisions allow the Region to remain a party to an appeal, if it was granted party status prior to sections removing its rights came into force.</p> <p>Regional staff will make themselves available to local municipalities where requested, including authorization by Council.</p>	<i>City staff are of the opinion that the Region shall best utilize the transition to transfer the outstanding appeals that it is involved to the affected local municipalities, so that local planning staff can continue to address its concerns after proclamation.</i>