

Committee of the Whole (1) Report

DATE: Tuesday, May 7, 2024

WARD(S): ALL

TITLE: VAUGHAN OFFICIAL PLAN REVIEW UPDATE REPORT

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: FOR INFORMATION

Purpose

To provide an update on the status of the Vaughan Official Plan Review, including Provincial legislative changes that have impacted the project and the updated project timeline as contained in this report.

Report Highlights

- Provincial legislative changes included through Bills 109, 23, 97, 136, 150 and 162 have delayed the Official Plan Review requiring the project team to re-evaluate and update the timeline.
- The updated project timeline provided by the project consultants, WSP Canada, is provided in the Analysis/Options section of this report.
- The Official Plan Amendment to the Vaughan Official Plan is targeted for adoption by the end of Q4 2024.

Recommendation

1. THAT an update on the status of the Vaughan Official Plan Review, including the updated project timeline as contained in this report, be received.

Background

On October 13, 2021, a statutory special meeting was held to fulfill the requirements of Section 26 (3) of the Planning Act

In addition to fulfilling the requirements of the *Planning Act*, the purpose of the statutory public meeting was to update the Committee of the Whole and the public on the Vaughan Official Plan Review (OPR), including the workplan and Communication and Engagement Strategy, and seek Council endorsement of the OPR workplan, timeline and Communication and Engagement Strategy. The October 13, 2021, Section 26 OPR

report to the Vaughan Committee of the Whole provided background information on the OPR project and fulsomely outlines the initial project timeline.

Council endorsed the project timeline included in the October 13, 2021, report as recommended by Policy Planning staff

This timeline had a targeted project completion date of June 2023 and consisted of the following four phases and targeted completion dates:

Phase 1: Visioning and Background Review (Q1 2020 to Q4 2021)

Phase 2: Policy Development (Q1 2022 to Q1 2023)

Phase 3: Statutory Phase/Adoption (Q1 2023 to Q2 2023)

Phase 4: Post Adoption/Approval (Q2 2023 Onward)

The 2021 OPR workplan and timeline was coordinated with York Region's Municipal Comprehensive Review process to maximize information exchange and ensure that the City's updated Vaughan Official Plan (VOP) could be adopted in accordance with the timeframes prescribed by the *Planning Act*. The York Region Official Plan (YROP) was approved by the Minister of Municipal Affairs and Housing, with modifications, in November 2022.

The updated VOP is required by the Planning Act to conform with all Provincial policy and legislation as well as Regional policy

The updated VOP must conform with new Provincial legislation, policies and plans, including the [Provincial Policy Statement](#), [Greenbelt Plan](#), [Oak Ridges Moraine Conservation Plan](#), [Growth Plan for the Greater Golden Horseshoe](#) and 2051 growth targets for people and jobs. It must also conform with the [York Region Official Plan](#) which was approved by the Minister on November 4, 2022.

Significant changes to Provincial legislation and policy resulted in delays to the policy development phase of the OPR

Throughout Phase 2 Policy Development, various Bills were introduced by the Province that required the project team to await further direction regarding the implications of the legislative changes. These legislative changes necessitated policy work beyond the original project scope to align draft policies with the Provincial and Regional changes.

The Provincial legislative changes that have delayed the OPR project to-date are as follows:

Bill 109, *More Homes for Everyone Act, 2022* (Royal Assent: April 14, 2022)

The [More Homes for Everyone Act](#) amended various statutes with respect to housing and development, including the *Planning Act* and the *Development Charges Act*. The goal as stated by the Province was to increase housing supply and streamline development approvals. In response to the new legislation, additional work had to be undertaken to draft updated policies, namely Official Plan Amendment No. 93, to streamline the development application process in order to meet the more stringent

statutory timelines for Official Plan Amendment, Zoning By-law and Site Plan applications.

Bill 23, *More Homes Built Faster Act, 2022* (Royal Assent: November 28, 2022)

The goal of the [*More Homes Built Faster Act*](#), as stated by the Province, was to increase housing supply and affordability in Ontario. The Act made several significant changes to Ontario planning processes by amending the *Municipal Act*, the *Planning Act*, the *Conservation Authorities Act*, the *Ontario Land Tribunal Act* and the *Ontario Heritage Act*, among others, and made extensive changes which impacted a number of regulations. Although Bill 23 received Royal Assent, many of the new regulatory provisions created by Bill 23 are not yet in force and will come into effect on a date to be proclaimed.

Uncertainty regarding future changes to regulations that are not yet in effect has further impacted the OPR timeline as staff await further Provincial direction. Notably, the *More Homes Built Faster Act* will amend the *Planning Act* by removing planning approval powers and responsibilities from some regional municipalities, including York Region. As proposed, York Region would no longer be the approval authority for local municipal Official Plan Amendments (OPA) that otherwise require approval. York Region would also not be able to adopt an official plan. As this provision is not yet in effect, it is uncertain how the removal of York Region's planning responsibilities will affect its role in the planning process, the City of Vaughan's planning process, or the City's updates to the VOP.

Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023* (Royal Assent: June 8, 2023)

The [*Helping Homebuyers, Protecting Tenants Act*](#) amends several statutes, including the *Planning Act* and the *Municipal Act*, to facilitate the [*Ontario's Housing Supply Action Plan*](#) with the Provincially stated goal to increase housing supply. Amendments to the *Planning Act* include updates to Site Plan Control requirements and amending the commencement date prescribed through Bill 109 for fee refund provisions. Other amendments to the *Planning Act* included narrowing the scope of what constitutes an 'area of employment' and amended notice requirements and new appeal rights for Interim Control By-laws. Employment Area policies and schedules in the VOP will require further review to ensure any necessary revisions are made to conform with the change in scope.

Bill 136, *Greenbelt Statute Law Amendment Act, 2023* (Royal Assent: December 6, 2023)

The [*Greenbelt Statute Law Amendment Act*](#) restores the 15 areas of land that were redesignated or removed from the Greenbelt in December 2022, including lands in Vaughan, and ensures that any future changes to the Greenbelt boundary can only be made through legislative changes. This change requires updates to the draft VOP schedules to redesignate the lands in Vaughan previously removed from the Greenbelt boundary.

In July 2023, the project workplan was revised to align with the November 2023 statutory conformity deadline and address changes to Provincial legislation and policy

The original workplan, which had planned for the VOP to be updated with one OPA, was split into a two-part process, Part A and Part B, through a revised workplan. The Part A OPA was scoped to deal solely with matters of Provincial and Regional conformity to align with the conformity deadline. The Part B OPA was scoped to include all updates beyond the conformity exercise presented in Part A including recommendations from the background work, best practice research, as well as the engagement process. The September 13, 2023, Vaughan OPR Update report to the Vaughan Committee of the Whole provided details regarding the updated Part A and Part B process and the July 2023 revised project workplan.

In accordance with the July 2023 revised workplan, Policy Planning staff brought forward a report to a statutory public meeting on October 3, 2023

This report provided an update on the OPR, and the public meeting provided an opportunity to receive feedback from community members, stakeholders and the Committee of the Whole on the draft Part A OPA released publicly on September 6, 2023. The public meeting fulfilled a statutory requirement under Section 17(15) of the *Planning Act*.

The October 3, 2023 report included a comprehensive overview of the OPR workplan for the Part A and Part B OPAs, key deliverables and the intensive engagement efforts completed to-date, and next steps. The report also summarized the draft policy conformity updates included in the September 6, 2023 draft Part A OPA.

Following the public meeting, the OPR project team continued work on the draft Part A OPA with the intent to bring it forward to the November 7, 2023, Vaughan Committee of the Whole meeting for adoption.

The draft Part A OPA did not proceed to the targeted November 7, 2023 Committee of the Whole meeting due to a statement released by the Province

On October 23, 2023, the Minister of Municipal Affairs and Housing released a [statement](#) announcing new legislation was being introduced to reverse official plan decisions for York Region among other Regional and single-tier municipalities. The new legislation, Bill 150, [Planning Statute Law Amendment Act](#), 2023, reversed Provincial modifications to Regional and single-tier official plans, except in circumstances where construction had begun or where doing so would contravene existing Provincial legislation and regulation. This Act revised policy language in the YROP with special provisions for specific lands in Vaughan. The York Region urban boundary expansion area remains and was not impacted by this Act.

The draft Part A OPA was postponed due to uncertainty around what changes would be made to the YROP once Bill 150 was enacted. City staff awaited direction from the Province and York Region as further updates to the draft Part A OPA would be necessary.

Bill 150 received Royal Assent on December 6, 2023

Schedule 1 of Bill 150 enacts the [Official Plan Adjustments Act](#), 2023, and “provides that specified decisions under subsection 17 (34) of the *Planning Act* are deemed never to have been made and that the official plans and amendments to official plans that were the subject of those decisions are approved as of the dates of the respective decisions”. Bill 150 reversed the [Provincial modifications](#) made to the YROP except modifications numbered 8, 18, 25, 30, 40, 41, 42, 44, 45, 47, 48, 58, 59, 60 i), 61, 78, 79 ii) and 80. The Bill also made two new updates to the plan, one of which deleted YROP policies pursuant to Future Major Transit Station Areas.

Bill 162, Get it Done Act, 2024, proposes to repeal and replace the table from Schedule 1 of Bill 150 which indicates which provincial modifications to the YROP remain in effect

[Bill 162](#) was introduced February 20, 2024, and has not yet received Royal Assent. The new table proposes that modifications numbered 15, 16, 22, 32, 57, 62 to 65, 79 iv) and 79 v) will also remain in effect for the Provincially approved YROP; the majority of which relate to urban area expansions supported by the municipality. Specific to Vaughan are modifications 79 iv) and v) that pertain to the extension of the Protected Major Transit Station Area (PMTSA) boundaries for PMTSA 56 Creditstone BRT and PMTSA 65 Rutherford GO Station.

The Bill 162 table was based on feedback from local municipalities through the Province’s engagement efforts for Bill 150

Policy Planning staff reported to Vaughan Council at the November 29, 2023, Special Council Meeting in response to Bill 150 with recommendations on which provincial modifications should be removed, kept or reinstated for the YROP. This feedback was submitted to the Ministry of Municipal Affairs and Housing prior to the December 7, 2023, deadline. Staff recommended reinstating provincial modifications 79 iv) and 79 v), which are now proposed to be reinstated through Bill 162, as outlined above. Staff also recommended reinstating provincial modifications 6, 26 and 27 which are not proposed to be reinstated through Bill 162.

Further refinement to the draft OPA policies and relevant schedules are necessary to conform with the YROP amendments that will be made once Bill 162 is enacted.

Regulatory changes to the Conservation Authorities Act introduced as a result of Bill 23 (among other Bills) were announced February 16, 2024, and are effective April 1, 2024

The Provincially-stated intent of these changes is to facilitate streamlined, timely and consistent conservation authority (CA) permitting decisions and to ensure permit decisions prioritize natural hazards and public safety. Modifications to Section 28 of the [Conservation Authorities Act](#) outline where certain development activities are prohibited directly in the legislation instead of individual CA regulations. There is new regulation-making authority with respect to the updated permitting framework which has resulted in the repeal of 36 CA-specific regulations and replaced them with one new Minister’s

regulation governing prohibited activities, exemptions and permits under the *Conservation Authorities Act*. Policy updates to the VOP will be required to reflect these changes as they relate to the Toronto and Region Conservation Authority's role in the development application review process.

On April 10, 2024, the Province proposed new legislation that would amend various statutes including the Planning Act, if passed

The Provincially-stated intent of the Bill 185: [Cutting Red Tape to Build More Homes Act, 2024](#), is to streamline approvals and increase housing and infrastructure development across Ontario by removing unnecessary burdens and ensuring appropriate regulatory oversights that protect the public, workers and the environment.

Among the statutes proposed to be amended by Bill 185 is the *Planning Act*, for which some of the amendments include:

- Identifying York Region, Halton Region, and Peel Region as upper-tier municipalities without planning responsibilities as of the later of July 1, 2024 or when Bill 185 receives Royal Assent
- Prohibiting parking minimums in protected major transit station areas and in areas where minimum densities are required by official plans or Provincial policies
- Prohibiting third-party appeal rights for Official Plan Amendment and Zoning By-law Amendment applications
- Making pre-application consultations with municipalities voluntary and not mandatory
- Provisions regarding when a municipality is required to refund fees for specific development applications are repealed

If Bill 185 receives Royal Assent, policy updates to the VOP will be required to reflect the Bill's amendments to the *Planning Act*, among other amendments. If enacted as proposed, York Region will no longer be the approval authority for the OPA to the VOP as of July 1, 2024 (at the earliest).

Previous Reports/Authority

Previous reports related to the Official Plan Review can be found at the following links:

City of Vaughan Response to Provincial Modifications to York Region Official Plan, 2022, Council Report
[November 29, 2023, Special Council Meeting \(Item 4, Report 1\)](#)

Official Plan Review: Proposed Part A Official Plan Amendment – Statutory Public Meeting, Public Meeting Report
[October 3, 2023, Committee of the Whole Public Meeting \(Item 4, Report 2\)](#)

City of Vaughan Official Plan Review Update Report, Special Committee of the Whole (Working Session) Report

[September 13, 2023, Special Committee of the Whole \(Working Session\) \(Item 5, Report 1\)](#)

Statutory Initiation of the Vaughan Official Plan Review 2051, Section 26 (3) of the *Planning Act*; And Update on the Vaughan Official Plan Review Including Timeline, Workplan and Communication and Engagement Strategy Report, Special Committee of the Whole Report

[October 13, 2021, Special Committee of the Whole \(Item 6, Report 1\)](#)

Analysis and Options

The project workplan has been revised to consolidate the ongoing Part A and Part B work into a single Official Plan Amendment

Separating the OPR into two parts is no longer required or preferable as changes in Provincial legislation has caused delay in the adoption of the conformity amendment (Part A). Consolidating the Part A and Part B work into a single OPA allows the project team more time to ensure the OPA conforms to all Provincial legislative and Regional policy changes as outlined above and gives more opportunity for staff review and comment on draft policies and schedules. It will also allow for the project team to engage with the public and stakeholders more meaningfully and receive comments on the entire OPA prior to the statutory consultation period, which can mitigate the risk of appeals post-adoption.

The Official Plan Amendment to the VOP is targeted for Vaughan Council adoption in Q4 2024

The project timeline will proceed as follows:

June to August 2024

- On or before June 3, 2024, the second draft of the OPA will be delivered to City staff for review and comment in collaboration with the Technical Advisory Committee.
- The fourth Community Working Group meeting and second Building Industry and Land Development Association - York Chapter meeting will be held.
- Members of Council will be updated on the progress.

September 2024

- Engage Members of Council on the progress of the third draft of the OPA, including a Council Working Session to receive and discuss input.
- The third draft of the OPA that addresses the input received will be completed.
- **Late September:** The third draft of the OPA will be publicly released in accordance with statutory Public Notice requirements under the *Planning Act* and Council's Notification Protocol.

October 2024

- On or before October 1, 2024, a statutory Public Open House in accordance with requirements under the *Planning Act* will be held in-person and via livestream.
- **October 8, 2024:** A statutory Public Meeting in accordance with requirements under the *Planning Act* will be held both in-person and via livestream.

November 2024

- The final draft of the OPA will be prepared that addresses feedback received at the statutory Public Open House and Public Meeting, written comments and any additional City staff comments.
- The Phase 3 Engagement Summary Report and the Implementation and Administrative Action Plan will be completed by WSP by the end of November.

December 2024

- **December 3, 2024:** The proposed OPA will be brought forward to the Committee of the Whole (1) Meeting for consideration.
- **December 17, 2024:** Council Meeting for adoption.

Onward

- Phase 4 of the project, the Post-Adoption Approval Process, will be initiated following Vaughan Council ratification and the Council adopted OPA will be forwarded to the appropriate approval authority for approval.
- The Statutory Review Period will commence.

Financial Impact

A capital project budget to deliver the proposed workplan was established at the onset of the project and has been monitored throughout the project. The costs associated with the additional work and revised timeline will be paid to the project consultant WSP Canada. There is sufficient budget remaining in the capital project to fund the work required to complete the project.

Operational Impact

All major deliverables were circulated to, and address feedback received from the OPR Technical Advisory Committee that included staff from many City departments, York Region, and Toronto and Region Conservation Authority. The VOP is an overarching strategic document, and as such, the OPR process and updated policy work impacts the development of other plans and projects currently being undertaken by other City departments. Efforts have been and continue to be made to align the OPR work with other City initiatives wherever possible, and vice versa.

Broader Regional Impacts/Considerations

On account of York Region previously being identified as the approval authority for the OPA to the VOP (which Bill 185 proposed to amend), York Region staff has reviewed and provided feedback on all major deliverables to-date, including the seven background papers, the Policy Directions Report, and the September 6, 2023 draft Part

A OPA and associated mapping. York Region has been actively involved and engaged as a member of the Technical Advisory Committee for the OPR.

Conclusion

This report provides a status update on the OPR, including Provincial legislative changes that have impacted the project and an updated project timeline. The updated project timeline and workplan allows the project team time to make the necessary conformity updates to the draft Official Plan Amendment as required by the *Planning Act*, while targeting adoption by the end of Q4 2024.

For more information, please contact: Fausto Filipetto, Senior Manager of Policy & Sustainability, ext. 8699.

Attachments

None.

Prepared by

Carly Murphy, Planner 1, Policy Planning and Special Programs, ext. 8630.
Ash Faulkner, Senior Planner, Policy Planning and Special Programs, ext. 8733.
Fausto Filipetto, Senior Manager of Policy Planning, ext. 8699.
Christina Bruce, Director of Policy Planning and Special Programs, ext. 8231.
Effie Lidakis, Deputy City Solicitor, Legal Services, ext. 8851