

Matrix of Planning Reform Details

Ideas for further Reform	Ministry Discussion	Ministry Questions	Comment
Complete Application	A number of municipalities have suggested that the current <i>Planning Act</i> standards are insufficient in many cases to properly evaluate applications. They ask that <i>Planning Act</i> be amended to include reference to other studies required (such as hydrogeologic studies, traffic, natural heritage assessments) before an application is considered "complete" Further municipalities have identified that current <i>Planning Act</i> provisions permitting appeals to the OMB in 90 days from receipt of an application limits their ability to adequately assess an application The development sector has argued that additional information often unnecessary and will result in needless delay.	What information do municipalities need to make well-informed decisions within the expanded time-lines proposed in Bill 26? Does the Act and Regulations already require adequate information to be provided with land use planning applications?	Province should work with and encourage municipalities to identify the required studies up-front, but to prescribe the components may result in some development providing studies that are not required based on the scale or usage. Requirements for early consultation with municipalities and reviewing agencies may assist in this issue
Bonusing	Used to encourage innovative development and provide public realm facilities in exchange for increases in density on a site.	Does the ability to bonus support the objective of compact urban form and provide for community amenities	Use of Bonusing revisions has been very limited in York Region in the past, but as we move towards a more urban structure the use will likely increase. Has been used effectively in City of Toronto as well as North York and Scarborough Part of the "tool box" for

				municipalities to use
Transfer of Development Rights	Used to assist municipalities in protecting features or structures on a development site by transferring densities between separate sites	Should transfers of development rights be a mechanism to achieve density increases in appropriate locations? If appropriate should limits and conditions governing its use be established in the Act	Same comments as bonusing, more related to development in cities and its use could increase over time. Use and limits will depend on individual situations and would need to be assessed against strategic objective of the municipality. Province may wish to consider requiring municipalities to provide policies in their Official Plan to govern use of these provisions as well as bonusing.	
Municipal Official Plans • Content • Timeliness of Plan • Document Review Requirements	Increasing expectations are being placed on Official Plans may be a need to include more detail in about what official plans should contain Some municipalities have been inconsistent in keeping Plans up to date Scope of up-dates to Official Plan may need to be spelled out	Should the Planning Act set out and broaden the content of Official Plans to balance the strategic visions for community building? Should the Planning Act require that land-use planning documents be kept more up-to-date?	Without knowing the basis for this comments it is difficult to know the magnitude or this issue. In York region we are continually monitoring the performance of Official Plan policies and making adjustments on an as-needed basis. Part of the issue that may	

		Does the Planning Act contains sufficient direction for the review of Official Plans and amendments and should the Act require a more comprehensive examination of matters such as local planning issues changing local conditions adequacy of designated land and matters of cross-boundary issues?	arise is that updates as the Province seems to environs takes considerable staff time and substantial budget resources. This may be cost inefficient for many municipalities. Moreover, a municipal official plan should be a far sighted document that should require amendment everything a municipal infrastructure our other municipal need is identified – it should already have foreseen the need. Suggest that further discussion need to take place with the Province on this issue.	The short answer to the questions is yes, particularly for critical public infrastructure projects that have gone through considerable public review and debate. Moreover, if the Province is serious about intensifications and
Official Plan and Environmental Assessment Processes	Uses with greater environmental impacts may require not only Planning approvals but also approvals through the Environmental Assessment Act. In obtaining approvals the applicant may have to deal with duplications between the two Acts.	Should the Province prepare a regulation or take other action to further harmonize these acts		

Transition Provisions for Implementing Bill 26			redevelopment of existing urban areas then harmonization of these Acts is imperative to act as an incentive for attracting new development in areas with existing services and where planning policies have been debated and approved.
	Bill 26 will come into force as of December 15, 2003. It is unclear what policy framework will apply to applications which were in process when the Bill was enacted – the old rules or the new rules	Should the Ministry provide transition provisions for those applications in process? When should the “shall be consistent with” standard come into effect?	Previous Planning Acts have contained transition provisions that permit applications in process to continue under the old legislative framework. What the Ministry must determine however, is whether this new vision for Planning and development in Ontario can be achieved if old applications, which do not reflect the visions are permitted to continue just by virtue of their date of applications. Experience in dealing with transition provisions on the Oak Ridges Moraine has proven very difficult and the transition applications have the capacity to effectively dismantle the

			intent of ORMCP as they proceed. This should not be repeated. The ministry may wish to consider a transition framework that permits only those applications that have received municipal approval at the date of passage of the Act to continue. All others would then be subject to the new rules.
Effective date of Policies	The Ministry indicates that generally the policies that apply to a development are those that are in place when the application is made, not new policies that may come forward in the course of the review and approval process. Applications may therefore be approved that do not comply with the current policy framework.	Should the Planning Act be amended to state that if more up-to-date policies are approved before a decision has been made then the new policies should apply?	Yes. There are a number of very old applications where decisions have not been made and files are still open. For these applications to proceed based on outdated policies when new information has indicated a different policy set is unreasonable and does not result in decisions that are in the public interest. Moreover, applicants can be involved in formulation of the new policy regime and have the capacity (at least at the present time) of referring such policies

			to the OMB if they are concerned over their content or fairness.
Performance Monitoring	In recent years performance monitoring has gained attentions as a tool to evaluate public policy. Performance monitoring and performance measures assist a municipality in determining whether it is on track in accomplishing its objectives and whether official plan policies are effective. The Planning Act does not currently require performance monitoring for land use planning	Should key planning interests and conditions be monitored on a regular basis so trends can be identified and planning policies adjusted to respond to changing circumstances?	The Regional Official Plan already contains policies of this nature regardless of the wording of the Planning Act. We will continue to undertake monitoring of the effectiveness of our policies and programs as part of normal Regional activities.

Proposed Implementation Tools

Implementation Tools	Ministry Discussion	Comment
Community Improvement Plans	This tool is already embodied in the Act, however, there are some changes proposed which would permit upper tier municipalities to prepare CIP as a framework to offer financing incentives to facilitate private sector initiatives such as transit corridors that have Region-wide impact. Further the definition of CIP could be broadened to include a wider range of urban-intensifications initiatives.	Support Any tools that provide more capacity at the region and local level to promote and encourage intensification are appropriate, However, the financial and fiscal drivers are not yet announced for this government vision and before determining how effect this tools is further financial information is required.
Development Permit System (DPS)	The proposal is to amend the DPS regulation to allow additional municipalities to develop and use development permit system by-laws	Support. Municipalities have been requesting this for some time, particularly in relation to the ORMCP. This proposal should be enacted as soon as practical and

		the Province, upper and lower tier municipalities and the development sector should work together to implement this system
Provincial Standards for matters related to Land use Planning	Revise provincial standards to reflect urban situations and support in-fill	Support This is necessary and likely overdue.
Implementation Support materials	Provide additional best practice guides and reference materials to assist municipalities	Support