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COMPLETE APPLICATIONS FOR REGIONAL OFFICIAL PLAN AMENDMENTS – REGIONAL OFFICIAL PLAN AMENDMENT 61

The Planning and Economic Development Committee recommends that Council adopt the recommendations contained in the following report dated November 4, 2008, from the Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. The Commissioner of Planning and Development Services be authorized to give Notice to adopt Regional Official Plan Amendment No. 61; as appended to this staff report as *Council Attachment 1*.
2. Regional Council adopt the by-law requiring pre-application meetings for applications to amend the Regional Official Plan; as appended to this staff report as *Council Attachment 2*.
3. The Regional Solicitor be directed to proceed with the adopting by-law for Regional Official Plan Amendment No. 61.

2. PURPOSE

This report recommends the approval of Regional Official Plan No. 61, which identifies the supporting studies required for an application to amend the Regional Official Plan so that the submissions can be deemed to be “Complete Applications” under the *Planning Act*.

3. BACKGROUND

An amendment to the Regional Official Plan is required that adds policies to specifically define elements of a complete application

The *Planning Act*, as amended by Bill 51, now permits municipalities to define the requirements of an Official Plan Amendment application and this ensures that the processing timeframes, under the Act, do not start until the application is deemed complete. In the past, the appeal timeframe commenced with simply the submission of an application form and appropriate application fee.

In order for municipalities to request additional information or studies in support of the application, the *Planning Act* now requires that such additional information or supporting studies be identified in the municipality's Official Plan, for the purpose of defining the various elements that constitute a complete application. Once this new policy is in place, municipalities can, as per Section 22(6) of the *Planning Act*, refuse to deal with the application and the appeal period, for lack of a decision, does not commence if the supporting documentation is not provided.

The *Planning Act*, also permits municipalities to require an applicant to meet with staff prior to submitting an application. The Act specifies that this requirement be implemented through adoption of a by-law. The purpose of this pre-application meeting is to determine the studies required to properly evaluate a respective application and the requirements to deem the application complete.

4. ANALYSIS AND OPTIONS

The proposed amendment will consolidate the list of possible studies required to support an Amendment to the York Region Official Plan

The proposed Regional Official Plan Amendment is technical in nature, and implements one of the administrative tools provided by Bill 51. The required studies, which are currently referenced in various sections throughout the Regional Official Plan, will now be grouped and added to the Implementation section of the Official Plan. Examples of required studies could include: planning justification report, environmental site assessment, and regional market impact analysis. The proposed Amendment also indicates the circumstance in which a particular study is required (see table in *Attachment 1*).

The proposed pre-application by-law sets out the requirement for a meeting to determine the list of studies needed to deem an application complete

The pre-application by-law will permit York Region Planning staff to require a proponent to request a meeting to determine the list of studies required to properly evaluate a proposed Regional Official Plan Amendment. This list will also be used to determine whether an application can be deemed complete.

The pre-application by-law also sets out the Regional contacts and response timeframes for both the Region and the proponent. Generally, the timeframes are intended to offer a proponent a sense of predictability and better customer service through timeframe commitments. An example of this is: Regional staff will endeavour to schedule a pre-application meeting within 10 business days of receiving the meeting request.

Once an application has been deemed complete, the *Planning Act* now requires municipalities to provide notice, in the same manner as providing notices of a Public

Meeting, that an application has been received and to make the information and material provided available to the public. Notice is required within 15 days of deeming the application complete.

The proposed amendment has progressed through the complete public consultation process without any objections

The statutory Public Meeting for ROPA 61 was advertised in the Toronto Star. The meeting was held on April 30, 2008, and no member of the public attended. The proposed Amendment was also circulated to the Region's nine local municipalities, adjacent Regional, County, and local municipalities, Provincial ministries, school boards, conservation authorities, utility providers and the Building Industry and Land Development Association (BILD) for their review and comments.

Summary of comments received

Regional Planning received comments from CN Rail, Town of Georgina, Lake Simcoe Region Conservation Authority (LSRCA) and BILD. CN suggested adding noise and vibration studies, Georgina suggested adding archaeological and cultural heritage studies, and LSRCA suggested adding natural hazard studies and coastal engineering studies to the list of possible required studies. In Regional Planning staff's opinion, new development requiring a Regional Official Plan amendment typically requires a local municipal Official Plan Amendment and noise and cultural heritage studies are more appropriately undertaken in association with the local Official Plan Amendment. If no local Official Plan Amendment is submitted, staff may request these studies as part of the Regional Official Plan Amendment submission. This reduces duplicating local municipal efforts while permitting Regional staff to concentrate on Regional issues. Archaeological Assessments has been added to the list of possible required studies and the studies suggested by LSRCA are now captured under the environmental evaluation studies.

BILD is suggesting the Region explicitly acknowledge that some of the Regional required studies should only be required if the study has not been already requested by the local municipality and that the Region specifically takes responsibility of certain studies, like Agricultural Impact Studies, Transportation Plans or Detailed Servicing Plans. It is Regional Planning staff's opinion that many supporting studies are required to properly assess the merits of both Region Official Plan Amendments and local municipal Official Plan Amendments. These reports often serve a dual purpose and it would be appropriate for the Region and local municipalities to request the same report. However, the review of these reports would be conducted based on their respective interests and jurisdictions, thereby avoiding duplication. This would clearly indicate that both levels of government have an interest in the review and acceptance of such studies.

Staff agrees with BILD that the scope and breadth of a particular study would be commensurate with the complexity of the proposed Amendment application.

5. FINANCIAL IMPLICATIONS

The proposed Regional Official Plan Amendment will have no direct financial implications affecting Regional budgets or the tax levy.

The additional cost of providing notice of a complete application has already been included in the Regional fees by-law, passed in December 2007. The proponents are responsible for the costs associated with these notices.

6. LOCAL MUNICIPAL IMPACT

A number of York Regional local municipalities already have similar complete application policies in place. The preparation of ROPA 61 benefitted from their earlier efforts.

There are opportunities to coordinate Regional and local municipal Official Plan amendment application processes. Examples include: joint pre-application meetings, and coordinated Public Notices for “Complete Applications” where appropriate.

7. CONCLUSION

The basis behind this proposed ROPA is from Provincial planning reforms resulting in amendments to the *Planning Act*. The Act now enables municipalities to refuse to deal with an application and the appeal period for lack of a decision does not commence until the municipality receives all the prescribed information and has deemed the application complete. The Commissioner of Planning should be authorized to issue Notice to adopt Regional Amendment No. 61, which sets out these new requirements.

The attached By-law enables York Region to require applicants to meet with Regional Planning staff prior to submitting their application. This meeting will be used to determine the studies/requirements needed to deem their particular application complete.

For more information on this report, please contact Augustine Ko, Senior Planner, at (905) 830-4444, Ext. 1524 or Heather Konefat, Director, Community Planning, at Ext. 1502.

The Senior Management Group has reviewed this report.

(The two attachments referred to in this clause are attached to this report.)