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STATUTORY PUBLIC MEETING COMPLETE APPLICATIONS – ROPA 61 PUBLIC MEETING INFORMATION REPORT

Pursuant to Section 17(15) of the Planning Act, as amended, the Regional Planning and Economic Development Committee held a Public Meeting on April 30, 2008 to inform the Public and receive comments regarding “Complete Applications – Regional Official Plan Amendment 61”.

The Planning and Economic Development Committee recommends the following:

1. The communication from Patricia A. Foran, Aird & Berlis, April 29, 2008, representing E. Manson Investments, owners of land in York Region, be received; and
2. The recommendation contained in the following report dated April 3, 2008, from the Commissioner of Planning and Development Services, be adopted:

1. RECOMMENDATION

It is recommended that:

1. Staff receive and review comments from the public meeting held on April 30, 2008, and responses to the circulation regarding the proposed Amendment and prepare a further report with recommendations for consideration at a future Planning and Economic Development Committee meeting.

2. PURPOSE

This report provides background information for the statutory public meeting, held under the *Planning Act*, by outlining the necessary information and studies required to deem a Regional Official Plan Amendment application complete.

3. BACKGROUND

An Amendment to the Official Plan is required to add policies to specifically define elements of a complete application

The *Planning Act*, as amended, 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 just 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* 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 constitutes 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 does not commence if the supporting documentation is not provided.

Regional Planning staff has reviewed other municipal amendments defining complete application requirements

A number of York Regional local municipalities have already adopted Official Plan Amendments to define complete applications. The Town of Aurora's OPA was approved by the Region, as a routine amendment, on March 6, 2008. The Town of Richmond Hill's OPA was also approved by the Region, as a routine amendment, on March 19, 2008. The Town of Markham's OPA was exempted from Regional approval on January 23, 2008. The Town of Newmarket has incorporated the complete applications requirements into their new Official Plan. The Regional Planning Committee recommended approving Newmarket's Official Plan at its meeting on April 9, 2008.

The Region of Durham has also prepared an amendment to define the requirements to deem applications complete. The Amendment has had its Public Meeting and is scheduled to be presented to their Council in the Spring of 2008.

4. ANALYSIS AND OPTIONS

An applicant is required to provide fulsome information at the beginning of the application review process

The Province, through Bill 51, has amended the *Planning Act*, to improve the transparency and accountability, tools and flexibility, up-front planning and OMB processes that are intended to be more user-friendly.

As part of this initiative, complete applications, with all the supporting studies and reports, will permit the Region, commenting agencies and the general public to better evaluate an application earlier in the review process. It also provides guidance to the industry in respect to what studies are required for specific types of Official Plan Amendment applications.

4.1 THE PROPOSED AMENDMENT AND PRE-CONSULTATION BY-LAW

The Amendment will add a new subsection to the Regional Official Plan for complete applications

The Amendment will add a new Subsection to the Region's Official Plan: Section 7.8 - Complete Application Requirements. This Section will outline the possible types of studies required, as described in Attachment 1, when submitting an application to amend the Regional Official Plan. Such studies could include: planning justification report, environmental site assessment, and regional market impact analysis. Specific required studies will differ depending on the nature and extent of the proposed amendment and therefore, will be determined through a pre-application meeting.

Applicants will be required to attend a pre-application meeting with Regional staff

The *Planning Act* also prescribes that municipalities may require applicants to consult with staff prior to the submission of their respective development applications, subject to adoption of a pre-application by-law. The purpose of the initial meeting is for the applicant to describe their proposed amendment application and for the Region to determine the required studies in order to deem the pending application complete.

The potential contents of a future by-law requiring a pre-application meeting is undefined. Regional staff are currently examining the merits of a pre-application by-law that would be more simple in nature: only setting out the requirement to meet with Regional Planning staff, prior to formal application submission, to determine the type and number of copies of studies required in order to deem an application complete rather than a more detailed specific process outlining timeframes, responsibilities, and parties involved.

4.2 RECENT RELEVANT OMB DECISION FOR THE CITY OF TORONTO

For the purpose of a complete application, the required studies should be listed in one place within an Official Plan

In a recent OMB decision (*Top of the Tree vs. City of Toronto*), the Board ruled that Section 22(5) of the *Planning Act*, "calls for an Official Plan policy to be adopted and in force before a municipality can legally commence to impose additional requirements for complete applications. In short, the proper requirement is not just for any evaluative purpose; it must be for the purpose of a complete application." (pg. 4 & 5, of Order No. 2897, November 6, 2007)

The OMB decision applies to the City of Toronto: a single tier municipal corporation and while York Region has not had issues with the completeness of applications in the past,

given the nature of the decision and the *Planning Act* wording itself, it is prudent to follow the Board's recommendations and adopt a complete applications Amendment.

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, in the same manner for notices of public meeting, has already been anticipated in the recently adopted Regional fees by-law.

6. LOCAL MUNICIPAL IMPACT

Local municipally initiated Regional Official Plan Amendments will also have to follow the prescribed requirements and process.

There are opportunities to coordinate Regional and local municipal Official Plan amendment application processes, something staff continue to strive for. Examples include: Joint pre-application meetings, and coordinated Public Notices for Complete Applications received. Streamlining the Regional and local municipal OPA approvals process will enhance municipal services to the general public and save processing and advertising costs.

7. CONCLUSION

This information report accompanies the statutory public meeting required for the proposed ROPA dealing with complete Regional Official Plan Amendment applications.

The basis behind this proposed ROPA is from Provincial planning reforms resulting in amendments to the *Planning Act*. The Act now permits municipalities to refuse to deal with an application and the appeal period does not commence until it receives all the prescribed information and has deemed the application complete.

York Region will now 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 Ext. 1524, or Heather Konefat, Director of Community Planning at Ext. 1502.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is included with this report.)