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Town of Aurora
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September 28, 2023

Delivered by email
regional.clerk@york.ca

Christopher Raynor, Regional Clerk
The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Christopher:

**Re: Town of Aurora Council Resolution of September 26, 2023
Item 8.2.8 - PDS23-112 - Review of the York Regional Planning Transition Plan**

Please be advised that this matter was considered by Council at its meeting held on September 26, 2023, and in this regard, Council adopted the following resolution:

- 1. That Report No. PDS23-112 be received; and**
- 2. That the Region of York be advised that the Town of Aurora has comments on the Regional memorandum dated June 19, 2023, regarding the Regional Planning Transition Plan; and**
- 3. That a copy of report No. PDS23-112 be forwarded to the Regional Clerk for information.**

Kindly note that staff report No. PDS23-112 is attached for your reference. The above is for your consideration and any attention deemed necessary.

Yours sincerely,

Michael de Rond
Town Clerk
The Corporation of the Town of Aurora

MdR/lb

Attachment (1)

Copy: Marco Ramunno, Director, Planning and Development Services



8. Standing Committee Reports

Moved by Councillor Kim

Seconded by Councillor Gilliland

That the Standing Committee Reports, items 8.1 to 8.3 inclusive, be received and the recommendations carried by the Committee approved, with the exception of sub-items 8.1.8, 8.1.10, 8.2.4, and 8.2.5, which were discussed and voted on separately as recorded below.

Yeas (7): Mayor Mrakas, Councillor Weese, Councillor Gilliland, Councillor Gaertner, Councillor Thompson, Councillor Gallo, and Councillor Kim

Carried (7 to 0)

8.2 General Committee Meeting Report of September 19, 2023

8.2.8 PDS23-112 - Review of the York Regional Planning Transition Plan

1. That Report No. PDS23-112 be received; and
2. That the Region of York be advised that the Town of Aurora has comments on the Regional memorandum dated June 19, 2023, regarding the Regional Planning Transition Plan; and
3. That a copy of report No. PDS23-112 be forwarded to the Regional Clerk for information.

Carried



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Town of Aurora

General Committee Report

No. PDS23-112

Subject: Review of the York Regional Planning Transition Plan

Prepared by: Adam Robb, MCIP, RPP, Senior Planner
Lawrence Kuk, MCIP, RPP, Manager of Development Planning

Department: Planning and Development Services

Date: September 19, 2023

Recommendation

1. That Report No. PDS23-112 be received;
2. That the Region of York be advised that the Town of Aurora has comments on the Regional memorandum dated June 19, 2023, regarding the Regional Planning Transition Plan; and
3. That a copy of report No. PDS23-112 be forwarded to the Regional Clerk for information.

Executive Summary

This report presents Planning staff's evaluation of the York Regional Planning Transition Plan regarding the roles and responsibilities of Regional Planning post-proclamation of Bill 23, the *More Homes Built Faster Act, 2022*.

- Bill 23 is set to remove planning responsibilities from the Region by 2024;
- Regional Council directed Regional Staff to obtain local municipal planning opinion on the Regional Planning Transition Plan;
- The Region will no longer be the approval authority of Planning applications, with a focus instead being on data analytics on infrastructure needs and financial sustainability;
- Planning Staff agrees with the Region on data collection, transition of approval authority to local municipalities and the entering into of memorandums of understanding;

- Planning Staff has commentary on the clarification of roles, staff restructuring/recruitment, and the value of certain planned activities;
- Continuing to administer the Regional Official Plan after proclamation is in contravention of Bill 23.

Background

Bill 23 is set to remove planning responsibilities from the Region by 2024

Among other matters, Bill 23 removes planning responsibilities and approval authorities from various upper-tier municipalities including York Region. The timing to enforce these measures through the proclamation of Bill 23 has yet to be determined, but Staff believes the earliest this could occur is by early 2024.

The removal of Regional Planning responsibilities includes the following:

- No longer adopting a Regional Official Plan;
- No longer being the approval authority of the lower-tier Official Plans or Amendments, Plans of Subdivisions or being able to appeal planning decisions or be a party without being requested at the Tribunal;
- No longer commenting on planning applications from a planning perspective.

Regional Council directed Regional Staff to obtain local municipal planning opinion on the Regional Planning Transition Plan.

On June 29, 2023, Regional Staff presented a draft Regional Planning Transition Plan to Regional Council to address the removal of Planning responsibilities outlined in Bill 23 (Appendix A). Although Regional Staff indicated that the local planning staff are in general support of this memo, Regional Council received the memorandum dated June 19, 2023, and directed Regional staff to obtain input from planning staff in all nine local municipalities.

Summary of the Draft Regional Planning Transition Plan

The Region will no longer be the approval authority of all Planning applications, with a focus instead being on data analytics on infrastructure needs and financial sustainability.

The Draft Regional Planning Transition Plan provides a list of roles/responsibilities under three categories: Current Status, Transition Period, and After Bill 23 is in full effect. A list of activities planned or underway to prepare for proclamation is also provided. Overall, Regional Staff is making no amendments to the existing planning

process under the transition period. However, the Region is proposing the following amendments to the Regional Planning role/responsibilities after Bill 23 is fully enforced:

The Region will no longer:

- Be the approval authority for local Official Plan and Amendments and will not collect decision fees;
- Appeal planning decisions or request to be a party to a hearing at the Ontario Land Tribunal without being requested by the Town;

The Region is proposing to continue:

- Gathering data to forecast growth and to determine infrastructure needs and financial sustainability;
- Administering, interpreting and enforcing the Regional Official Plan policies;
- Providing Regional comments regarding Servicing, Transportation, Infrastructure, Public Health, Affordable and Assisted Housing and Other Regional Services/Council Priorities;

Analysis and Comments

Planning Staff agrees with the Region on data collection, transition of approval authority to local municipalities and the entering into of memorandums of understanding.

The intent of Bill 23 is to better align with the evolving needs and capacities of local municipalities in order to meet housing needs. As such, Planning Staff agrees with the following:

1. **Data Collection and Assessment:** Planning Staff acknowledge the Region's expertise in data collection and analysis. It is recommended that the Region continue to play a role in this capacity, leveraging its expertise to determine infrastructure and financial sustainability to inform decision-making at both local and regional levels.
2. **Approval Authority Transition to the Local Municipality:** Planning staff is in favour of transitioning the approval authority for local Official Plans, Amendments/Secondary Plans from the Region. This approach aims to empower local municipalities in planning decisions that are more closely aligned with their individual contexts and preferences.

3. **Appeal Decision Elimination:** Planning Staff have no concerns with the Region ceasing to participate in the process of appealing planning decisions. This step aligns with the intention to respect local autonomy and decision-making.
4. **Memorandum of Understanding:** Planning Staff agrees a Memorandum of Understanding is necessary to detail the new co-operation and coordinated efforts between the Town's Planning and the Regional Infrastructure and Finance teams.

Planning Staff has commentary on the clarification of roles, staff restructuring/recruitment, and the value of certain planned activities.

The Regional Planning Transition Plan's intention is to ensure a streamlined and effective transition process at the Regional level post-proclamation. However, the following are Town Planning Staff comments aimed to ensure a more focused, efficient, and effective transition process.

1. **Clarification of Roles:** The Draft Transition Plan does not clearly specify whether Regional Planning Staff will undertake the collection of data and provide comments or a more direct approach with the Engineering/Environmental Services team that oversees infrastructure delivery is intended.
2. **Unclear Information on Staff Restructuring:** The memo lacks transparency regarding potential changes to the structure of development and policy planning staff at the Regional level. This ambiguity hinders a comprehensive understanding of how the local municipality will communicate with Regional planning staff.
3. **Lack of Clarity on New Staff Recruitment:** Similarly, the memo does not provide clear information about the Region's intentions regarding the recruitment of new staff for monitoring, and specifically whether additional resources are needed within the infrastructure/environmental services and finance departments.
4. **Value of Certain Planned Activities:** Another area of concern pertains to the list of activities planned within the proposal. Engaging in the list of proposed activities could divert resources and attention away from the intended implementation of Bill 23, poses the risk of inefficient resource allocation, and potential duplication of efforts.

Further detailed comments and responses on planned activities by the Region are provided in the following table:

| Planned Activities proposed by the Region | Planning Staff Response |
|--|---|
| <ul style="list-style-type: none"> • Inform local municipalities of development trends; • Dashboard and Growth Analysis on housing supply | <p>The Planning Act was amended to give the Ministry authority to require some local municipalities to report information on planning matters on an annual basis. This activity by the Region may be duplicating initiatives at the local level.</p> |
| <ul style="list-style-type: none"> • Assist Local Municipalities with embedding Regional Official Plan into the local Official Plan • Option for Environmental Plan Review | <p>Local Planning will continue to collaborate with external consultants and key stakeholders to effectively address this matter and find constructive solutions.</p> |
| <ul style="list-style-type: none"> • Update the Archaeological Master Plan | <p>Local Planning can directly engage with the ministry on individual development applications to efficiently resolve this matter. This direct collaboration ensures streamlined decision-making for timely outcomes.</p> |
| <ul style="list-style-type: none"> • Facilitate process improvement and standardization such as Collaborative Application Preparation | <p>Recognizing the unique requirements of each municipality, it is evident that a standardized approach might not suffice. This is evident as some stakeholders are resorting to appealing sections of the local Official Plans implemented under such an approach.</p> |

Continuing to administer the Regional Official Plan after proclamation is in contravention of Bill 23.

The following provisions appear to be in contradiction with the requirements outlined in Bill 23. While the Bill emphasizes a shift in roles and responsibilities, the following points in the Regional Memo suggests that the Region will maintain its involvement in administering the Regional Official Plan and providing advice to local municipalities, potentially conflicting with the intended changes of the Bill:

- Region will continue to support administering and interpreting the Regional Official Plan policies following proclamation.

- 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.

These matters should be revisited due to potential contradiction with Bill 23.

Advisory Committee Review

None.

Legal Considerations

Bill 23 has resulted in changes to the *Planning Act* that promote the streamlining of development application reviews. In line with the intent of Bill 23, opportunities to reduce delays at the Regional level will reduce red tape and make meeting the review timelines of the *Planning Act* more feasible.

Upon proclamation, the relevant sections of the Bill will remove the Region's responsibility and role in the review and approval of land use planning matters. Regions will be unable to assume land use planning functions from lower-tier municipalities, and effectively will become upper-tier municipalities without planning responsibilities. Once in effect, any portion of the upper tier municipality's Official Plan which applies to a lower tier is deemed to constitute an Official Plan of the lower tier, which effectively provides lower-tier municipalities with full control over Official Plan matters including Official Plan Amendments. Further, lower tier municipalities will retain exclusive decision-making control over subdivisions and consents, and the Region will not be able to appeal land use planning matters.

Financial Implications

There are no financial implications directly associated with this report.

Communications Considerations

The Town will inform the public about the information contained in this report by posting it to the Town's website.

Climate Change Considerations

There are no climate change considerations directly associated with this report.

Link to Strategic Plan

This report supports the Strategic Plan goal of supporting an exceptional quality of life for all through its accomplishment in satisfying the objectives of strengthening the fabric of our community by ensuring the review of planning applications and delivery of housing is completed in a timely, efficient, and effective manner.

Alternative(s) to the Recommendation

1. That the report be received for information only.

Conclusions

Bill 23 has altered the planning process in Ontario with a view to streamlining approvals and the delivery of housing. There are concerns that the Regional Planning Transition Plan does not align with this new direction under Bill 23, with the Town being well-equipped to independently manage planning roles and responsibilities moving forward.

Attachments

Appendix A – York Region Staff Memorandum - Regional Planning Transition Plan

Previous Reports

There are no previous reports from the Town related to this matter. Regional Council was presented with a Regional Staff memorandum on the Regional Planning Transition Plan at the Regional Council meeting dated June 29, 2023.

Pre-submission Review

Agenda Management Team review on August 31, 2023

Approvals

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer

MEMORANDUM

To: Regional Chair Emmerson and Members of Regional Council

From: Paul Freeman
Chief Planner

Date: June 19, 2023

Re: Regional Planning Transition Plan

This memorandum updates Council on the approach to transition Regional planning services due to legislative changes introduced through the [More Homes Built Faster Act, 2022](#) (Bill 23).

Bill 23, when fully implemented will fundamentally change Ontario's land use planning system

Bill 23 is omnibus legislation introduced on October 25, 2022. In response to a [November 10, 2022](#) report containing a high-level assessment of proposed changes on Bill 23, Council requested the Province halt Bill 23 to allow for fulsome consultation. On [December 15, 2022](#) Council endorsed comments submitted to the Province before Bill 23 received Royal Assent on November 28, 2022. On February 23, 2023 a [report](#), [memo](#) and [presentation](#) provided additional information, and Council considered the opportunities and challenges with Bill 23, including addressing housing affordability and maintaining municipal financial sustainability.

One of the updates provided through Bill 23 removes planning responsibilities from prescribed upper-tier municipalities, including York Region. These changes remove Regional Council's approval authority over local municipal official plans and amendments, requiring local municipalities to implement the Regional Official Plan, and remove the Region's right to appeal land use planning decisions. Many of the approaches to transition responsibilities will not be triggered until further proclamation occurs, the date of which is currently unknown. Material released with the proposed Provincial Planning Statement indicated the earliest this could occur is winter 2024.

Transition planning is advancing in collaboration with all nine local municipalities

York Region and local municipal planning staff have a long standing, collaborative relationship on land use planning matters, underpinned by a shared interest in achieving complete communities. One-on-one meetings with local municipal staff have occurred to begin supporting transition of planning responsibilities. Most local official plan amendments are already exempt from Regional approval, and there is a shared interest in continued streamlining of the development review and approval process to build more homes faster. These meetings are a first step towards retooling how to support the planning process post Bill 23. Regional staff will continue to comment on planning applications and assist local municipalities with ensuring conformity and addressing cross boundary issues.

The current status of approaches to transition Regional planning services, and a list of activities planned or underway is provided through Appendix A. The intent is to provide value added service. Further discussions with the local municipalities will occur to identify opportunities tailored to meet the needs of each and ensure a smooth transition.

Growth management will remain critical to coordinate growth with infrastructure service delivery and maintain financial sustainability

Growth management is intricately linked to land use, infrastructure and financial planning. Growth forecasts are used to plan communities and determine infrastructure and services required to serve residents and businesses. Continued coordination of growth management, land use planning and the development approvals process will be required to avoid slower planning approvals, delays in infrastructure delivery, and competing local municipal priorities. As a result, York Region will continue to support its local municipalities from a growth management perspective.

A collaborative approach to the planning process will continue, to ensure public safety and interests are addressed

When the Bill 23 changes related to the Region's planning authority are in full force and effect, the Region will continue to support the local municipalities by providing expertise and insights into the approvals process as outlined in Appendix A. Specifically, there is a continued shared need and interest in aligning growth with infrastructure, addressing housing affordability, assisting with implementation of Regional and Provincial policy and streamlining planning approvals. There is also continued need to protect the safety of the Region's roads and transportation system, which benefits all nine local municipalities. This will be done through commenting on new development and construction approvals, and other tools such as a Right-of-Way Management Bylaw.

Ongoing data stewardship, monitoring and reporting will provide timely, standardized information on growth and development, affordable housing, economic development, and other key elements of complete communities. It is anticipated that, through this transition of planning

authority, partnerships and opportunities to collaborate will be strengthened, and roles and responsibilities more clearly defined.

For more information on this memo, please contact Sandra Malcic, Director Planning, Policy and Data at 1-877-464-9675 ext. 75274. Accessible formats or communication supports are available upon request.



Paul Freeman, MCIP, RPP
Chief Planner



Bruce Macgregor
Chief Administrative Officer

June 16, 2023
#15269917

Appendix A – Summary of Approaches to Transition Regional Planning Services (Bill 23)

Summary of Approaches to Transition Regional Planning Services (Bill 23)

| 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) |
|--|---|---|--|
| <p>1. Municipal Comprehensive Review (MCR) and Official Plan Update</p> | <p>MCR completed and the new Official Plan has been adopted by Council and approved by MMAH in November 2022.</p> | <p>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).</p> | <p>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.</p> |
| <p>2. Responsibility for Regional Official Plan</p> | <p>Region has the responsibility to continue to make decisions and offer advice regarding conformity to the Regional Official Plan.</p> | <p>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.</p> <p>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.</p> | <p>Region will continue to support administering and interpreting the Regional Official Plan following proclamation.</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) |
|---|---|---|--|
| <p>3. Approval Authority for Local Official Plans and Amendments</p> | <p>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.</p> | <p>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> | <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>4. Region’s participation in Local Official Plans, Amendments, Secondary Plans and related background studies</p> | <p>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</p> | <p>Region will continue to participate in reviewing and providing comments on Official Plans, Amendments and Secondary Plans and related background studies.</p> <p>Region will continue to work with local municipalities to achieve approval ready OPs, OPAs and Secondary Plans.</p> | <p>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:</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 |

| 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) |
|---|--|--|---|
| <p>5. Region’s participation in reviewing and commenting on development applications</p> | <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>legislation (e.g. sourcewater protection, public health)</p> <ul style="list-style-type: none"> • Other Regional Services and Council priorities. <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 |

| 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) |
|--|--|---|---|
| 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. |
| 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> |

List of Activities planned or underway to prepare for proclamation and implementing the future state

- Retooling of Planning and Economic Development workplan priorities is based on the following priorities:
 - Agility & innovation related to Provincial legislative changes
 - Timely development comments and approvals while mandated
 - Growth management to align infrastructure and growth
 - Local municipal support to implement complete communities, address housing affordability and promote economic development
 - Planning data/analytics to monitor targets and trends to inform Council
- Continue to develop dashboards and growth analysis products such as housing supply for use by local municipalities and the Province.
- Continue to facilitate process improvement and standardization such as the Collaborative Application Preparation (CAP) process in partnership with local municipalities to streamline the development process and meet Provincially mandated timeframes.
- Clearly define the services provided by the Region to local municipalities through MOUs, including additional items not referenced in this table as may be requested by the local municipality.
- Continue to progress the open sharing of development data and information through the establishment of data exchanges and reporting.
- Explore options for environmental plan review (natural heritage and water resources) to ensure local municipalities have consistent professional natural heritage advice without incurring additional costs or delays.
- Continue to assist local municipalities with embedding ROP policies into local plans.
- Ensure protection of critical Regional infrastructure and safety for all travelers through the implementation of a Right-of-Way Management Bylaw.
- Continue to monitor growth and inform local municipalities of trends impacting community objectives.
- Determine the need to update the Archaeological Master Plan.
- Region to finalize work with Conservation Authorities and execute agreements to deliver non-Planning Act services.