



100 John West Way
Aurora, Ontario
L4G 6J1
(905) 727-3123
aurora.ca

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