

Planning Reform

Planning Act Reform and Implementation Tools

PLANNING REFORM INITIATIVES

*Planning Act Reform and
Implementation Tools:
Consultation Discussion Paper #1*

Provincial Policy Statement:
Consultation Discussion Paper# 2

Ontario Municipal Board Reform:
Consultation Discussion Paper #3

June 2004

This Consultation Discussion Paper describes potential *Planning Act* reform and Implementation Tools, including the proposed Strong Communities (Planning Amendment) Act, 2004. It is one of three consultation discussion papers to get public input on planning reform and includes consultation questions asking for your views on potential reforms.

The final section of this document can be removed and used to mail or fax back your comments.

To submit your comments electronically, you can complete an on-line questionnaire available at www.planningreform.ontario.ca.

Comments must be received no later than **August 31, 2004**.

For additional copies of this document or any other of the planning reform consultation documents in either French or English, please contact:

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Message from the Minister of Municipal Affairs and Housing

The strength of Ontario depends on the strength of its communities. The McGuinty government is acting on Ontarians' priorities and is delivering real, positive change that will build strong, prosperous communities with a healthy environment and quality of life that is second to none.

The Ontario government recognizes that our current planning system needs to be improved.

Over the past years, there has been a growing perception that the Ontario land-use planning system has not been working as effectively as it should. Our government intends to reform the land-use planning and development process to support our goal of stronger, better communities. We have already taken some important steps to achieve this goal.

In December 2003, I introduced Bill 26, the Strong Communities (Planning Amendment) Act, 2004, which proposes important amendments to the *Planning Act*. If passed, the reforms would bring more accountability, transparency and public input to the way land-use planning decisions are made in Ontario.

As part of our Planning Reform initiative we are:

- reviewing the planning process;
- determining the need for effective implementation tools for municipalities and other decision-makers;
- releasing draft policies of the Provincial Policy Statement for public review and input; and
- reviewing the Ontario Municipal Board.

We recognize that these initiatives are linked and that coordinated actions may be required to create a better land-use planning system.

Planning reform is one essential element of our government's strong communities agenda. Other initiatives under way to support this goal are a permanent Greenbelt in the Golden Horseshoe, the protection of source water and the development of a Growth Management Plan for the Golden Horseshoe.

Improving the land-use planning system requires input from a wide variety of individuals and groups. To hear your views, we are holding a series of public information sessions on planning reform across the province. Please read this consultation document, attend a meeting, and fill out the questionnaire.

I invite you to share your views on what is needed to improve the land-use planning system and to build strong communities where all Ontarians can thrive.



Hon. John Gerretsen
Minister

Setting the Stage for Planning Reform

Ontario's Planning System: It's important to all of us

Over the next 30 years, 4 million new residents will call Ontario home. The Ontario government is setting a course for building strong, safe and liveable communities in Ontario that offer residents a high quality of life.

Our approach for attracting healthy and sustainable growth will be clear, consistent and responsive to Ontarians' priorities. This will require making decisions that will lead to long term benefits – new economic growth, more liveable communities, enhanced transportation choices, clean and safe water and improvements to our environment.

The land-use planning system is of key importance to achieving these goals in Ontario.

Land-use planning establishes the rules for development, and helps to determine how our communities grow.

Ontario's land-use planning system defines the interests and responsibilities of all Ontarians in planning for future land uses. The system provides the framework for determining the future of our communities and for protecting valuable resources such as farmlands, wetlands, water and natural features.

Ontario needs effective land-use planning, and an effective land-use planning system. This is especially critical given the pressures confronting the province today, such as:

- Increasing gridlock as a result of urban sprawl;
- Unprecedented growth pressures in some parts of Ontario, such as the Golden Horseshoe region;
- Loss of prime agricultural land and other resources;
- The need for enhanced environmental protection; and
- The need for a strong economy.

It is also clear that Ontario's communities and the public need to have an effective voice in land-use planning. There is a need for balance between individual interests and the broad public interest. Municipalities must also have the right tools to achieve good land-use planning.

The Ontario government is responding to these challenges. Through the Planning Reform initiative, it is reviewing the land-use planning system to ensure it meets today's needs.

Planning reform is a key component of the government's commitment to building strong communities in Ontario. The government believes a strong and effective planning system is critical to: building strong communities, providing a clean and healthy environment, and sustaining a strong economy. This lays the foundation for enhancing the overall quality of life for Ontarians.

There are a number of interrelated initiatives to support strong communities that are currently underway. These initiatives will depend on a stronger land-use planning system for effective implementation. They include:

Strong Communities

Several initiatives are under way to support strong communities, including a new deal for our cities and towns, a “seat at the table” with provincial and federal governments, and an enhanced rural development program.

Golden Horseshoe Greenbelt

In December 2003, the McGuinty government took the first steps toward permanent protection of a greenbelt across the Golden Horseshoe region by introducing Bill 27, the Greenbelt Protection Act, 2004. If passed, the Act would create a greenbelt study area within the Golden Horseshoe and impose a one-year moratorium on new urban development on rural and agricultural lands within this area.

The Greenbelt Task Force, a team of respected, knowledgeable and diverse stakeholder representatives, was established by the government to develop recommendations on the scope, content and implementation of the greenbelt. It is conducting public consultations in May and June 2004 for the purposes of developing recommendations on how the Province could effectively establish a permanent Golden Horseshoe Greenbelt.

Growth Management in the Golden Horseshoe

This year, the government will release a Growth Management Plan for the Golden Horseshoe that will articulate a long-term strategic vision and tools for how the Golden Horseshoe and surrounding areas should grow over the next 30 years. The plan will identify priority growth areas where new population and economic investment will be encouraged and will prioritize infrastructure through the development of a 10-year infrastructure plan to ensure those areas are adequately serviced. At the same time, the plan will identify and protect those areas that provide our food, water and recreation. An important feature of the Growth Management Plan will be a transportation strategy that promotes the efficient movement of people, goods and services throughout the Golden Horseshoe.

Source Water Protection

In mid-February 2004, the Ministry of the Environment began consultations on how best to deliver watershed-based source protection as a way of securing the long-term quality and quantity of water resources throughout the province. The initiative will result in policy, procedures and proposed legislative changes that will further affect communities in Ontario.

Summary

Planning Reform and related initiatives recognize that comprehensive solutions are needed to build a strong Ontario. Consultations on these initiatives are being coordinated, and information from the other initiatives will also be coordinated and shared.

Planning Reform

As a first step in Planning Reform, the government introduced Bill 26, the Strong Communities (Planning Amendment) Act, 2004, which would amend the *Planning Act* and provide an enhanced framework for planning in Ontario.

If passed, Bill 26 would give municipalities more time to make decisions on planning applications. It would strengthen the requirement that provincial land-use policies are followed, and would empower municipalities to determine their own local growth boundaries.

Bill 26 would also provide the Ontario government with the ability to make final decisions on matters before the Ontario Municipal Board where a provincial interest has been declared.

The Ontario government recognizes that more needs to be done in reforming key aspects of the planning system. Through consultation with stakeholders and the public, the government is seeking input and advice on the following Planning Reform components:

- Whether further changes need to be made to the *Planning Act* and to Bill 26;
- The need for implementation tools to help support and implement a strong and effective land-use planning framework in Ontario.
- Proposed revisions to the Provincial Policy Statement, which provides policy direction on land-use planning; and
- The need for Ontario Municipal Board Reform. The Board is an independent tribunal that hears appeals from landowners, the public and others on land-use planning matters. It hears appeals of municipal decisions, and appeals where no decision has been made on planning applications within timelines set out in the *Planning Act*.

Consultation Booklets

This booklet and two others have been written to help you understand the initiatives and provide a range of discussion points for your consideration. They are also designed to make it easier for you to provide your thoughts and suggestions on each of the Planning Reform components (*Planning Act* Reform and Implementation Tools; draft policies of the Provincial Policy Statement; and Ontario Municipal Board Reform).

Your input on the Planning Reform components will help the provincial government to move forward with proposed land-use planning reforms and will help shape the land-use planning system of the future.

How to Participate

We want your views on ***Planning Act Reform and Implementation Tools***.

The Ontario government will be holding public information sessions on planning reform in communities across Ontario. Please visit our website at www.planningreform.ontario.ca to check for further information on dates and locations, or call us at 1-866-751-8082.

The following sections provide important background information. Specific consultation questions are included in the final section of this document. You can remove the consultation questions section and mail or fax back your comments to the Ministry of Municipal Affairs and Housing.

To submit your comments electronically, you can complete an on-line questionnaire available at www.planningreform.ontario.ca.

You may send written comments to:

Planning Reform Initiative
Ministry of Municipal Affairs and Housing
Provincial Planning and Environmental Services Branch
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E-mail: planningreform@mah.gov.on.ca
Or visit www.planningreform.ontario.ca

Comments must be received no later than August 31, 2004.

Thank you for helping to shape planning in Ontario.

Planning Act and the Planning System

The *Planning Act* provides the legislative framework for land-use planning in Ontario. It sets out how the land-use planning system works, who the decision-makers are, how to resolve disputes, and how the public can provide input.

The *Planning Act* also allows the Minister of Municipal Affairs and Housing, with the approval of the Lieutenant Governor in Council, to issue policy statements that further define key provincial land-use planning interests.

The Provincial Policy Statement (PPS) is a statement of the government's land-use priorities. It provides policy direction to municipalities and other decision-makers, including the Ontario Municipal Board (OMB), as they make land-use and development decisions. The *Planning Act* also states that in exercising any authority that affects a planning matter, decision-makers shall "have regard to" these policy statements. Under Bill 26, the Strong Communities (Planning Amendment) Act, 2004, it is proposed that the implementation standard be changed to "shall be consistent with".

The OMB is an independent administrative tribunal responsible for resolving disputes on a variety of land-use planning and municipal matters.

A range of tools is available to implement elements of the planning system, such as support materials and best practices guides for provincial policies. An example is the [Transit-Supportive Land Use Planning Guidelines](#).

Questions for Your Consideration

As you read through this paper, please keep the following questions in mind.

- 1. Do you believe any additional revisions are required to any existing provisions in the *Planning Act* to make the planning system more effective?**
- 2. Are changes needed to the *Planning Act* to meet the objectives of compact urban form, intensification, re-use of brownfield lands, and effective environmental protection which would assist in strengthening Ontario's economy?**
- 3. Do you believe any changes are required to Bill 26, the Strong Communities (Planning Amendment) Act, 2004 to make it more effective?**
- 4. Do you have any other suggestions for improving the land-use planning system in Ontario?**
- 5. What changes to *existing* planning implementation tools would assist in building strong communities and a strong economy, providing more efficient land-use planning and discouraging urban sprawl?**

6. What new planning implementation tools are needed to assist in dealing with current and future land-use planning issues?

For your convenience, please remove the final section of this consultation discussion paper and mail or fax it back with your comments to the Ministry of Municipal Affairs and Housing.

To submit your comments electronically, you can complete an on-line questionnaire at www.planningreform.ontario.ca.

Planning Act Reform

The Ontario government is moving forward to ensure that the province's land-use planning system works effectively in dealing with a range of planning and development issues. The *Planning Act* provides the legislative framework for land-use planning in Ontario. The provincial government is committed to reviewing the Act, in consultation with Ontarians, and introducing the types of changes needed to implement a more effective system.

What Have We Done So Far?

The government has proposed reforms to the *Planning Act* through Bill 26 (the Strong Communities (Planning Amendment) Act, 2004) to bring more accountability, transparency, and public input to the way land-use planning decisions are made.

Bill 26 received second reading on May 13, 2004. If passed, the Bill would provide municipalities with better control of their own land-use planning and would put the ability to guide urban development back into the hands of elected councils.

The main proposals in Bill 26 include:

1. Increasing the time that decision-makers have to review and make decisions on specific planning applications (i.e., official plans/amendments, zoning bylaws, holding bylaws, subdivisions/condominiums and consents).
2. Changing the implementation standard so that decisions affecting a planning matter must be "consistent with" provincial policy statements issued under the *Planning Act*.
3. Ensuring that municipalities have the ability to determine their urban settlement boundaries by limiting OMB appeals on applications to amend official plans or zoning bylaws for urban settlement area boundary alterations or to establish a new urban settlement area where the proposals are not supported by municipal councils.
4. Giving the province the authority to confirm, vary or rescind an OMB decision on an official plan or zoning/holding bylaw if, in the Minister's view, all or part of the matter adversely affects or is likely to adversely affect a provincial interest and a provincial interest is declared.

5. Providing the Minister with the authority to make a regulation to deal with transition matters (e.g., how to deal with planning applications currently under review).

What More Needs to be Done?

The government recognizes that the changes proposed in Bill 26 address only some of the concerns and issues with the *Planning Act* and the planning system. As a result, the government is undertaking a further review of the *Planning Act*. Your input is important to help determine what else can be done to improve and balance the system through potential amendments to the *Planning Act*. This further review may result in more fundamental reforms to the Act and to the planning system.

Ideas for Further Reform

As the government moves forward with proposed reforms to promote more efficient land-use planning and discourage urban sprawl, it is also looking for suggestions and input on additional planning reforms to build strong communities and a strong economy in Ontario.

Following are examples of ideas for further reform of the *Planning Act* and the broader planning system. These examples are provided to solicit reaction and generate ideas – they are not comprehensive, nor do they represent actions that the government is necessarily proposing to pursue.

Complete Application

When someone proposes to develop a property, certain *Planning Act* approvals may be necessary. If a *Planning Act* approval is required, the individual must apply to the approval authority (which may be the local municipality) for permission.

Currently, the *Planning Act* requires an application to include information like name of applicant, description of the subject lands, description of surrounding lands, and any surrounding applications. Municipalities have identified concerns with what is required to form a “complete application”. They have advised that the information presently required is not sufficient in many instances to properly evaluate applications. For example, certain planning studies like traffic studies, hydrogeological studies, or natural heritage impact assessments, may be important for the municipality’s review of an application.

In addition, a municipality has limited time to issue a decision on the application. If a decision is not issued within this time, the applicant may appeal the matter to the OMB. Bill 26, if passed, would provide more time for approval authorities to make decisions. However, many approval authorities believe more detailed information should also be required before an application is considered complete and the approval time-lines begin.

The development sector, on the other hand, has expressed concern that additional information is often not necessary and will result in unjustified delays and costs.

**What information do municipalities require to make well-informed decisions within the expanded time-lines proposed by Bill 26?
Does the Act and the accompanying regulations regarding “complete applications” already require adequate information to be provided with land use planning applications?**

Redevelopment, Infilling, Intensification, and Compact Form

In order to accomplish re-development and infilling within existing communities, municipalities need the ability to address issues such as noise, brownfields, and greenspace.

One suggestion that has been made is that the *Planning Act* be revised to allow conditional zoning. This would permit additional uses in existing built-up areas provided they meet certain conditions such as brownfield remediation and/or noise reduction.

There may also be a need for consideration of other matters such as municipal standards which would maximize the efficient use of land when dealing with matters like road standards, parkland requirements, utility rights-of-way, etc.

Would changes to the *Planning Act* address these issues and make the planning system more responsive to the needs of Ontario’s communities and support a healthy economy?

Bonusing

To encourage innovative development, the *Planning Act* allows municipalities to offer increased density on a development site in exchange for a specific public objective, e.g. a daycare facility, community center, recreational facilities, etc. This is known as “bonusing”.

Does the ability to bonus support the objective of compact urban form and provide for community amenities?

Transfer of Development Rights

Municipalities use zoning mainly to set limits on what can be done on a property. Zoning could also be used in a more strategic way to help municipalities achieve specific objectives while assisting the development community to attain flexibility in development opportunities. For example, the use of zoning to facilitate the transfer of development rights could be formally acknowledged in the *Planning Act*.

The transfer of rights is a relatively untested practice. This is not to be confused with “bonusing”. The transfer of development rights would essentially permit the transfer of density between building sites. For example a developer who is redeveloping an historic building site would transfer the density or height to another site in return for the protection of that building.

Should transfer of development rights be a mechanism to achieve density increases in appropriate locations?

If appropriate, should limits and conditions governing the use of this mechanism be established in the Act?

Content of Municipal Official Plans

An official plan describes how land in a community should be used. Official plans are prepared with input from local residents and help ensure that future planning and development will meet the needs of the community. The *Planning Act* describes what municipal official plans must contain. All official plans must include matters such as goals, objectives, and policies to manage and direct physical change.

There are increasing expectations and demands being placed on land-use planning in our communities. As a result, there may be a need for the *Planning Act* to include more detail on what official plans should contain to provide a better context for local decision-making, resulting in more certainty for land-use planning at the local level and helping avoid ad hoc decision-making.

However, the concern is that this may limit municipal flexibility. Some would say that the province's role should only be focused on establishing provincial policy such as the Provincial Policy Statement rather than include detailed requirements for official plans.

Should the Act more specifically set out and broaden the content of official plans? Would this help balance the strategic vision for community building and the specific policies needed for achieving that vision?

Up-to-Date Land-Use Planning Documents

The *Planning Act* requires, where official plans exist, that municipal councils hold a special meeting at least every five years to determine if their official plan needs revision. This gives councils the opportunity to keep their land-use planning documents, such as official plans and zoning bylaws, up-to-date.

However, the Act only requires that councils hold a public meeting to consider possible changes. They do not actually have to make changes. Some municipalities have been inconsistent in updating their planning documents, resulting in some very outdated planning policies. These out-of-date policies may not reflect current provincial policy and may create uncertainty.

Should the *Planning Act* require that land use planning documents such as official plans and zoning by-laws be kept more up-to-date?

Review of Official Plans

As municipalities update their official plans, the scope or form of what the "update" should include is not spelled out. However, beyond provincial policy statements, the municipality determines the extent of the official plan update and what kinds of reports, studies or analyses are used to formulate the new policy directions.

Does the *Planning Act* provide sufficient direction for the review of official plans and official plan amendments?

Should the *Planning Act* require a more comprehensive examination of matters such as local planning issues, changing local conditions, adequacy of designated land (and opportunities) for growth and matters that cross municipal boundaries? For example, the Act could require the development of official plan policies to be co-ordinated with planning for new or renewed infrastructure such as road, transit and sewers, and with planning for related matters such as community facilities.

Official Plan and Environmental Assessment Processes

Land uses have a direct impact on the natural environment; some uses have greater impact than others. For example, a waste disposal site would have a greater impact on the environment than a local park.

Uses with greater environmental impact may require not only planning approvals, but also approvals under the *Environmental Assessment Act*. In obtaining the approvals, the applicant may have to deal with duplication and delays and run the risk of obtaining planning approvals for a site that may not receive environmental assessment approvals. To assist applicants through these processes, the *Planning Act* provides that the material required for official plan amendments may be considered for the environmental assessment process.

Should the province prepare a regulation or take other action to further harmonize these processes?

Transition Provisions for Implementing Bill 26

Bill 26, if passed, would be deemed to have come into force on December 15, 2003. Accordingly, all planning decisions made after December 15, 2003 would need to have been made in accordance with the Strong Communities (Planning Amendment) Act, 2004. In other words, if Bill 26 receives Royal Assent it will make all the *Planning Act* changes retroactive to December 15, 2003. This means that planning decisions made after December 15, 2003 (e.g. decisions on applications to amend an official plan) should have been made in accordance with the changes proposed in Bill 26.

However, councils have been making decisions and are unclear as to what rules apply.

In order to address this concern, Bill 26, if passed, would provide the Minister of Municipal Affairs and Housing the ability to make transition rules to ensure that municipalities and other users of the planning system convert smoothly to the new rules.

One possible approach to support a smooth transition is a regulation that exempts all planning applications on which a decision was made before the Bill received Royal Assent. In addition, the Bill could be amended so that the proposed “shall be consistent with” implementation standard comes into effect at a later date to coincide with the approval of a revised PPS.

**How should the transition provisions deal with applications in process?
When should the “shall be consistent with” standard come into effect?**

Effective Date of Policies

In general, the policies that apply to development and other land-use applications are those that are approved and in effect when the application is made. Those policies continue to apply to the application even though new policies may have come into effect before a decision is made on the application. Thus, applications may be approved which are not in keeping with current policies on environmental and other matters.

Should the *Planning Act* be amended to state that the most up-to-date policies should apply if new policies are approved before a decision has been made on an application?

Performance Monitoring

In recent years, performance monitoring has gained increasing attention as a tool for evaluating all kinds of public policy matters. Some municipalities identify performance indicators (e.g. the amount of agricultural land converted for development purposes; the number of affordable housing units constructed; or the amount of park land created) for measuring the effectiveness of policies in their official plan.

This helps a municipality measure whether it is on track in accomplishing its official plan objectives. It also provides a mechanism to assist a municipality to maintain focus on priority activities.

The *Planning Act* does not 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 and conditions?

Should official plans be required to include policies requiring monitoring of key local conditions?

Should monitoring on a provincial scale be undertaken to support the PPS?

Implementation Tools

As the Ontario government moves forward with its proposed reforms to promote more efficient land-use planning and discourage urban sprawl, it is looking for suggestions and comments on planning-related implementation tools to help meet this objective.

Here are some examples of existing planning implementation tools:

The *Planning Act* gives most municipalities the ability to prepare **community improvement policies, plans and programs** that encourage redevelopment and/or rehabilitation improvements. Once implemented, the plan allows municipalities to make community improvement plan grants or loans to assist in the rehabilitation of lands and buildings within the community improvement plan area. Such action encourages urban revitalization, promotes urban intensification, and leads to less urban sprawl.

In addition, the *Planning Act* provides the statutory authority for the province to issue a regulation to establish a **Development Permit System (DPS)**. The DPS is designed to streamline the planning approvals process by combining three existing processes - zoning, site plan, and minor variance - into one seamless process. This new planning system supports economic development in targeted areas by providing for quicker approvals, eliminating duplication, and incorporating some flexibility for permitted uses and development standards. At the same time it provides for greater environmental protection through such matters as the ability to address vegetation removal and the placement of fill.

Before deciding if the DPS should be used more widely, the government is pilot-testing the system in five municipalities: Town of Oakville, Township of Lake of Bays, Region of Waterloo, City of Toronto, and City of Hamilton. Some of the objectives for testing the system in these areas include revitalizing historic downtown neighbourhoods, protecting sensitive shorelines, and facilitating brownfield rehabilitation. The Government is presently assessing its effectiveness and validity, and identifying any implementation issues with the legislative and regulatory framework.

The province issues **guidelines** on various planning topics to help municipalities make wise land-use planning decisions. For example, the *Transit - Supportive Land Use Planning Guidelines*, released by the Ministry of Transportation in 1992, are still extensively used to provide ideas and guidance on planning and development practices that support the provision and use of public transit.

The Province also provides support materials to help facilitate the implementation of provincial initiatives and to help municipalities address topical planning issues. Support materials have been provided to address such matters as brownfields, business improvement areas and community economic development, affordable housing and wind energy. These materials and others are available on the Ministry of Municipal Affairs and Housing website at www.mah.gov.on.ca.

Possible New Planning Tools

The following are some examples of new or revised tools to assist better land-use planning. These examples are not comprehensive, nor do they represent actions that the government is necessarily proposing to pursue. They are provided to solicit reaction and to generate ideas.

Community Improvement Plans

- Permit upper-tier municipalities to prepare Community Improvement Plans as a framework to offer financing incentives to facilitate private sector initiatives, such as transit corridors, that have region-wide significance or span more than one municipality.
- Clarify/expand the definition of Community Improvement Plan to allow for a broader range of urban-intensification initiatives.

Development Permit System (DPS)

- Amend the DPS regulation, currently being tested in five pilot projects, to allow additional municipalities to develop and use development permit system bylaws.

- Amend the DPS regulation, (and *Planning Act*, if necessary), to address other substantive community development policy matters such as affordable housing, transit, green technology, compact-form development, and source water protection.

Provincial Standards for Matters Related to Land-Use Planning and Development

- Revise provincial standards (e.g. separation distance standards) to reflect urban situations and support infill, intensification, and brownfield redevelopment in appropriate urban settings.

Implementation Support Materials

- Provide additional best practice guides and reference materials (e.g., *Transit-Supportive Land Use Planning Guidelines*, *Alternative Development Standards: Making Choices Guideline*) to support the building of strong communities and assist in implementing these policies.

Background to Bill 26

The following provides additional detail on the main provisions of Bill 26 - the Strong Communities (Planning Amendment) Act, 2004.

Increased Planning Decision Timelines

Under the *Planning Act*, proponents have the right to appeal to the OMB if an approval authority fails to give notice of a decision within prescribed time frames for applications deemed to be “complete”. Bill 26 proposes more time for approval authorities to decide on applications for:

- Official plans/amendments and subdivisions/condominiums - to 180 days from 90;
- Zoning bylaws and holding bylaws - to 120 days from 90; and
- Consents to sever a property – to 90 days from 60.

Basis for Proposed Legislative Change

Some municipalities have advised that the *Planning Act* currently provides insufficient time for meaningful consideration of planning applications. Members of the public have not had enough time to participate in the planning process. Bill 26, if passed, would provide municipalities with more time to make planning decisions and provide the public with more time to participate in the planning process.

Change the Implementation Standard to “shall be consistent with”

Currently the *Planning Act* requires that, in exercising any authority that affects a planning matter, a municipality, a local board, a planning board, a Minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, “shall have regard to” policy statements issued under the *Planning Act*. It also requires a Minister or ministry, board, commission or agency of the government to follow the same standard when providing comments, submissions or advice that affect a planning matter. The government is proposing to change the “shall have regard to” standard so that any planning “decision” “shall be consistent with” policy statements issued under the Act. In addition, Bill 26, if passed, would require municipalities, local boards and planning boards to apply the new implementation standard when providing comments, submissions or advice that affect a planning matter.

Basis for Proposed Legislative Change

The government believes the current *Planning Act* standard of "shall have regard to" is not strong enough to protect provincial interests. A "shall be consistent with" standard would give planning authorities more certainty in using the PPS and in making planning decisions that implement the PPS.

Appeal Rights

The *Planning Act* allows for appeals to the OMB for proposed amendments to official plans and zoning bylaws. Bill 26 proposes to provide municipalities with additional power to determine their boundaries by not allowing appeals to the OMB when a municipality does not support an application for an amendment that proposes to alter the municipality's urban settlement area boundary or to establish a new urban settlement area. The authority for the public to appeal a municipality's approval of an official plan amendment or zoning bylaw amendment would be maintained.

Basis for Proposed Legislative Change

Municipalities need to be able to control urban sprawl. Of particular concern, has been the ability for matters to be appealed directly to the OMB regarding a municipal decision to refuse or not make a decision on proposals that would alter urban settlement boundaries, or introduce a new urban settlement area. Such appeals have been costly and time-consuming for municipalities and can result in ad hoc decision-making.

Declaration of Provincial Interest

The *Planning Act* does not allow the province to declare a provincial interest on matters before the OMB (e.g., an official plan amendment application). As a result, final decisions rest with the OMB. Bill 26, if passed, would allow the Minister of Municipal Affairs and Housing to declare a provincial interest on official plans and zoning/holding bylaws before the OMB, if the Minister believes that all or part of the application is likely to adversely affect a provincial interest. This would allow the government to confirm, vary, or rescind an OMB decision on an official plan or zoning/holding bylaw.

Basis for Proposed Legislative Change

There may be occasions when a matter comes before the OMB where the public interest may be so great that the province needs to be able to review the OMB decision to ensure the protection of the broader public interest. This authority previously existed in the *Planning Act* and was only rarely invoked by the Minister of Municipal Affairs and Housing.

Glossary

Brownfield - lands on which industrial or commercial activity took place in the past. They may be vacant, underused or abandoned. The soil and water may or may not be impacted by contaminants as a result of past practices and uses.

Community improvement - means the planning or re-planning, design or redesign, re-subdivision, clearance, development or re-development, reconstruction and rehabilitation, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary. (from *Planning Act*)

Community improvement plan – is a document that sets out the background and policies for the community improvement area.

Community improvement project area - a municipality or an area within a municipality, the community improvement of which, in the opinion of the council, is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. (from *Planning Act*)

Consents - approval under the *Planning Act* that authorizes the division of a piece of land into two new adjoining properties.

Environmental assessment - is a decision-making process used to promote good environmental planning by assessing the potential effects of certain activities on the environment. In Ontario, this process is defined and finds its authority in the *Environmental Assessment Act*.

Green technologies - environmentally friendly technologies, including technologies that promote sustainability via efficiency improvements, reuse/recycling, and substitution.

Growth boundaries – boundary separating urban from agricultural and / or rural designated lands.

Holding by-law - imposition of a holding provision to a zoning by-law passed under the *Planning Act*, that specifies the use to which lands, buildings or structures may be put at such time in the future as the holding provision is removed by amendment to the by-law.

Hydrogeological Studies - the study of potential impacts of certain activities on ground water resources.

Infilling – development on vacant lots or underdeveloped lots within a built-up area.

Minor Variance - an authorized change to a zoning by-law not requiring a zoning by-law amendment.

Official Plan – a document that describes how land in a community should, or is intended to, be used; it must include matters such as goals, objectives, and policies to manage and direct physical change.

Planning Board - a local authority established under the *Planning Act* which co-ordinates overall future growth and land-use planning activities in areas with and without municipal organization.

Site plan – detailed plan showing the location of all buildings and structures, and the location of all facilities and works to be undertaken regarding the development of the land.

Subdivision – the division of a lot or parcel of land into multiple lots or blocks that can be sold separately.

Urban Settlement Area – means an area of land designated in an official plan for urban uses including urban areas, urban policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres or future urban use areas, or as otherwise prescribed by regulation.

Zoning (Zoning by-law) – a document regulating permitted land uses including where buildings and other structures can be located, the lot sizes and dimensions, parking requirements, building heights and setbacks from the street.

CONSULTATION QUESTIONS

Planning Act Reform

This section contains specific consultation questions to stimulate discussion and is provided for your consideration and input.

For your convenience, this section of the discussion paper can be removed and used to mail or fax back your comments to the Ministry of Municipal Affairs and Housing.

Comments should be directed to:

Planning Reform Initiative
Ministry of Municipal Affairs and Housing
Provincial Planning and Environmental Services Branch
777 Bay St., 14th Floor
Toronto ON M5G 2E5
Tel: (416) 645-8082 or 1-866-751-8082
Fax: (416) 585-4006

To submit your comments electronically, you can complete an on-line questionnaire available at www.planningreform.ontario.ca.

The government values your input and thanks you for your comments. Public input is essential to ensure that we have a land-use planning system that supports a strong Ontario.

Comments must be received no later than August 31, 2004.

Your Contact Information

Name

Organization

Address

Telephone

Fax

E-mail Address



