



TOWN OF MINTO

DATE: July 14, 2016

REPORT TO: Mayor and Council

FROM: Bill White, C.A.O. Clerk

SUBJECT: Ontario Planning Act Changes, July 2016

STRATEGIC PLAN:

Ensure growth and development in Clifford, Palmerston and Harriston makes cost effective and efficient use of municipal services, and development in rural and urban areas is well planned, reflects community interests, is attractive in design and layout, and is consistent with applicable County and Provincial Policies.

BACKGROUND

The Ontario Planning Act and associated regulations specify legal requirements for all municipal land use planning systems in the Province. The Act outlines what an official plan is and how it can be changed, contents of a zoning by-law and processes for amendments, rules governing subdividing and severing land, minor variance procedures and Community Improvement Plan requirements as examples.

As of July 1 a number of amendments to the Act are now in effect. These amendments go along with the many policy and legislative changes the Province has brought forward in the last two years. This report provides background as how these Planning Act impact future decision making by Council.

There are many sections of the Act affected as of July 1. The summary below is key excerpts of interest to the Town:

- Makes “Promotion of a built form that is **well designed, creates a sense of place and high quality, attractive, vibrant, attractive places**” a matter of Provincial Interest.
- The Ontario Municipal Board shall have regard to the same decision made by the municipal council including information used by the municipality to make the decision.
- New alternative notice procedures may be put in the official plan provided there is some form of public feedback first; could provide for email or web notification
- A notice of adoption or passing of an official plan or zoning by-law change must include “**a brief explanation of the effect, if any, the “written and oral submissions mentioned had on the decision”**”. This is to demonstrate Council considered comments received
- For all planning act amendments vulnerable source protection areas, green belts, protected countryside, and oak ridges moraine cannot be appealed. Nor can population and employment growth forecasts already in the Places to Grow Act or the Greater Golden Horseshoe plan, second housing units or settlement area boundaries in a lower tier plan.
- An appeal to the OMB of any amendment for Provincial Policy or Official Plan compliance must state how the decision is “**inconsistent with, fails to confirm with or conflicts with** the PPS or upper tier OP document”
- Council may by resolution request “**alternative conflict resolution**” upon receipt of an appeal to the OMB, but participating in mediation or arbitration is not mandatory for the person or party filing an appeal.

- Extends appeal periods for “non-decisions” by Council; this gives Councils more time to review applications without being appealed to the OMB for inaction.
- A new comprehensive zoning by-law cannot be appealed for two years from the date of passing unless the municipality passes a resolution agreeing to the amendment
- Municipalities can continue to require dedication of land for parks (5% residential 2% commercial) or cash-in-lieu of parkland, but to acquire parkland at a rate of 300 units per hectare municipalities must **justify the need** for that much land in a Parks Plan.
- Cash in lieu of parkland received must be put in a special account and may be invested. Interest earned must remain in the dedicated account. The Treasurer is now required to issue an annual statement on the parkland fund identifying the amounts in the fund from the past year, expenditures from the fund and how the rest of the capital is financed for parkland matters. That statement is to be made public.
- When considering a minor variance, the Committee must decide whether it is minor, desirable for the development and use of the land, consistent with the Official Plan and zoning by-law **and other criteria the municipality may want to set out in a bylaw**
- A by-law designating new criteria for considering a minor variance will require notice to be given similar to a zoning amendment.
- Minor variance appeals no longer have to be sent to the OMB by registered mail
- New provisions related to applications for draft subdivision plan approvals and condominium approvals that apply to the County
- Municipalities can now acquire land in a **community improvement plan area** (Minto urban areas), without any restrictions on notifying the Ministry (eliminates some weird provision against municipalities acquiring land and then passing a CIP)

COMMENTS:

These changes to the Planning Act certainly serve to complicate procedures rather than streamline in an attempt to put laws in place to legislate good practice. The changes that are most interesting and will affect Minto the most are the following:

- 1) Making good design a Provincial Interest.
- 2) Decisions of Council must include and explanation of how public comments and feedback was considered in the decision.
- 3) Prohibiting appeals to the OMB on certain issues such as Source Protection Areas or other boundaries and policies in certain upper tier planning documents.
- 4) Requiring appeals to the OMB on Provincial Policy or Compliance with the Official Plan perspective contain reasons and explanations.
- 5) The OMB must consider the decision of Council and the material provided to that Council when making its own decision.
- 6) Municipalities may elect to pursue mediation or arbitration on appeals to the OMB but it is not mandatory that the person or body that file the appeal participate.
- 7) The Treasurer must give a public accounting of the parkland reserve, funds generated and spent in this area.

Planning Act changes may increase transparency with public parkland funds and make it clearer how public comment impacts a decision. There is some reform to the Ontario Municipal Board which is a big concern in many areas. Minto has few OMB hearings but the changes outlined in the Act may have relevance to this most recent appeal

FINANCIAL CONSIDERATIONS:

The cost of the new Planning Act changes will be minimal.

RECOMMENDATION:

That Council receives the C.A.O. Clerk's July 14, 2016 report regarding Ontario Planning Act Changes, July 2016 and that staff implement necessary changes.

Bill White, C.A.O. Clerk