



**STAFF REPORT
ACTION REQUIRED**

**Request for Direction –Amendment to the Official Plan
regarding Complete Applications**

Date:	May 10, 2007
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	pg070022

SUMMARY

New provisions of the *Planning Act* came into effect on January 1, 2007. In order to implement the new authority found in the Act to allow Council to set requirements for ‘complete applications’ an amendment to the Official Plan is required.

This report seeks Planning and Growth Management Committee’s direction to give notice on a proposed amendment to the Official Plan to address the minimum complete application requirements for development applications.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Notice for the public meeting under the *Planning Act* be given in accordance with the regulations under the *Planning Act*.
2. Staff schedule a community consultation meeting with interested representatives from the Development Community and Ratepayers to obtain their comments.
3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On May 23, 2006, Council adopted various information reports from the Chief Planner advising Council of the contents and implications of Bills 51 and 53 as they pertain to land use planning matters.

ISSUE BACKGROUND

New provisions in the *Planning Act* came into effect on January 1, 2007. Changes in the *Planning Act* now allow Council to require that an applicant provide, at the time a development application is made, any and all information Council determines is needed to make an informed decision. The Act requires that policies outlining what is meant by a “complete application” are to be set out in the Official Plan for all levels of the application process, including official plan amendments, zoning by-laws, plans of subdivision, condominiums and consents.

The Province has revised the minimum standards for a complete application in its existing regulations dealing with these requirements (see Attachment 1 – for an excerpt of what information is requested by the Province for an Official Plan Amendment application). Any additional municipal requirements beyond this new minimum must be spelled out in the form of official plan policies, which can be appealed to the OMB.

Once the proposed Official Plan policies are in effect, Council will be able to refuse to accept or further consider applications until all information or materials that Council considers necessary have been received. Until Council is satisfied that complete information and fees have been received, the legislated timeframes for processing the application will not commence.

In the case of a dispute regarding application requirements, the applicant or Council will be able to make a “motion for directions” to have the OMB determine if the information and material required by Council has been provided or whether the requirement is reasonable.

It should be noted that in the coming months, Staff will be bringing forward additional amendments (i.e. enhanced Site Plan Control powers and conditional zoning) to the Official Plan to capitalize on additional powers granted to the City through changes to the *Planning Act* and *City of Toronto Act*.

COMMENTS

In order to capitalize on the new powers granted to the City through changes to the *Planning Act*, staff propose an amendment to the Official Plan to identify what Council deems to be a complete application. A Public Meeting under the *Planning Act* is targeted for the 3rd quarter of the year.

The Official Plan already identifies the need for specific planning studies (i.e. Heritage Impact Statement, Transportation Demand Study, Natural Heritage Impact Study and Environmental Impact Study) when evaluating a development application. However, a comprehensive policy is required to clarify that other studies not currently identified in the Plan may be required.

The amendment would have the effect of adding a policy in a single location in the Official Plan identifying the need for applicants submitting applications to amend the Official Plan or Zoning By-law, or submitting applications for Plans of Subdivision, Condominiums, Consents to Sever or Site Plan to refer to the Building Toronto Development Guide where the type of studies required for each application type is found (see Attachment 2 for the proposed Official Plan Amendment). The Development Guide has been used by the Development Industry and Planning Staff over the last two years with much success. The Development Guide clearly identifies the range of studies required to evaluate an application. It should be noted that the requirement to require specific studies for a Site Plan Control application is not a statutory requirement in the *Planning Act* but rather has been the practice of Council through the Development Guide to require certain studies to be submitted to support the evaluation of a Site Plan Control application.

Over the last four years staff have been working with representatives of both the Development Industry and interested ratepayers to ensure that the policies of the Official Plan are supportable and clearly understood by all interested parties using the Official Plan. It would be appropriate to engage these same parties to obtain their input on the proposed policy changes that address the “Complete Application” requirements set out in this report.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Schedule 1 – Information and Material To Be Provided With an Official Plan Amendment Application

Attachment 2: Proposed Official Plan Amendment

Request for Direction – Amendment to Official Plan

Attachment 1

Schedule 1

EXCERPT FROM ONTARIO REGULATION 543/06

INFORMATION AND MATERIAL TO BE PROVIDED WITH A REQUEST UNDER SUBSECTION 22 (4) OF THE ACT

1. The name, address, telephone number and, if applicable, the e-mail address of the applicant.
2. The name of the municipality or planning board that is being requested to initiate the amendment to its official plan.
3. The date of the request to the municipality or planning board.
4. The name of the official plan requested to be amended.
5. A description of the subject land, including such information as the municipality, or the geographic township in unorganized territory, concession and lot numbers, reference plan and part numbers, and street names and numbers.
6. If known, the approximate area of the subject land, in metric units.
7. Whether the requested amendment changes, replaces or deletes a policy in the official plan.
8. If the answer to section 7 is yes, the policy to be changed, replaced or deleted.
9. Whether the requested amendment adds a policy to the official plan.
10. The purpose of the requested amendment.
11. The current designation of the subject land in the official plan and the land uses that the designation authorizes.
12. Whether the requested amendment changes or replaces a designation in the official plan.
13. If the requested amendment changes or replaces a designation in the official plan, the designation to be changed or replaced.
14. The land uses that the requested official plan amendment would authorize.
15. Whether water will be provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body, or other means.

16. Whether sewage disposal will be provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.

17. If the requested amendment would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent would be produced per day as a result of the development being completed,

- (a) a servicing options report; and
- (b) a hydrogeological report.

18. Whether the subject land or land within 120 metres of it is the subject of an application by the applicant under the Act for,

- (a) a minor variance or a consent;
- (b) an amendment to an official plan, a zoning by-law or a Minister's zoning order; or
- (c) approval of a plan of subdivision or a site plan.

19. If the answer to section 18 is yes, the following information about each application:

- (a) its file number;
- (b) the name of the approval authority considering it;
- (c) the land it affects;
- (d) its purpose;
- (e) its status; and
- (f) its effect on the requested amendment.

20. If a policy in the official plan is being changed, replaced or deleted or if a policy is being added, the text of the requested amendment.

21. If the requested amendment changes or replaces a schedule in the official plan, the requested schedule and the text that accompanies it.

22. If the requested amendment alters all or any part of the boundary of an area of settlement in a municipality or establishes a new area of settlement in a municipality, the current official plan policies, if any, dealing with the alteration or establishment of an area of settlement.

23. If the requested amendment removes the subject land from an area of employment, the current official plan policies, if any, dealing with the removal of land from an area of employment.

24. Whether the requested amendment is consistent with the policy statements issued under subsection 3 (1) of the Act.

25. Whether the subject land is within an area of land designated under any provincial plan or plans.

26. If the answer to section 25 is yes, whether the requested amendment conforms to or does not conflict with the provincial plan or plans.

27. An affidavit or sworn declaration by the applicant certifying that the information required under this Schedule and provided by the applicant is accurate.

Attachment 2: Proposed Official Plan Amendment

1. Section 5.5, The Planning Process, is amended by adding the following subsection, associated policies and sidebar:

5.5.1 Complete Applications

The *Planning Act*, permits Council to require an applicant to provide, at the time a development application is made, any and all information Council determines is needed to make an informed decision. Regulations under the *Planning Act* prescribe minimum complete application requirements. The Act also provides for a municipality to identify additional municipal requirements beyond the prescribed minimum, by having complete application policies in the official plan. Council may refuse to accept or further consider an application until all materials have been received.

Policies

1. Applications to amend the Official Plan and Zoning By-law, and applications for Plan of Subdivision, Condominiums, Site Plan Control, or Consent will comply with the statutory complete application submission requirements of the *Planning Act*.
2. Applications to amend the Official Plan and Zoning By-law, and applications for Plan of Subdivision, Condominiums, Site Plan Control or Consent will comply with the “Compulsory Requirements” and “Other Possible Requirements” identified in “Building Toronto Together – A Development Guide, dated ?, 2007” for each application type.

Add the following un-shaded sidebar:

The “*Building Toronto Together – A Development Guide*” outlines the City’s development review processes and the requirements to meet when seeking planning approvals from the City. In addition, to the prescribed requirements of the *Planning Act*, the City requires the submission of a number of information items with an application including “Compulsory Requirements” (those that will be required for the majority of applications) and “Other Possible Requirements” (those that are dependent upon the specifics of the application). The City will consider an application to be complete if it is accompanied by the submission requirements identified in the *Planning Act* and by the required information identified in the Development Guide. Council will use this information to make an informed decision.

The following studies and information are examples of what may be required by the Development Guide when submitting an application(s) to amend the Official

Plan and/or Zoning By-law, or an application(s) to process a Plan of Subdivision, Condominium, Site Plan Control, or Consent: Planning Rational Report; Servicing Report; Community Services and Facilities Study; Stormwater Management Report; Arborist/Tree Preservation Report; Transportation Impact Study; Heritage Impact Statement/Conservation Strategy; Natural Heritage Impact Study; Environmental Impact Study; Contaminated Site Assessment; Archaeological Assessment Housing Issues Report; Urban Design Guidelines; Architectural Control Guidelines; Pedestrian Level Wind Study; Sun/Shadow Study; Loading Study; Parking Study; and Traffic Operations Assessment.

The requirement for, and scope of, any reports/studies can be determined during a pre-application consultation meeting.