

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Process to Consider Privately-initiated Applications for
Official Plan Amendments
Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the concurrence of the City Clerk, the report entitled “Process to Consider Privately-initiated Applications for Official Plan Amendments” **BE RECEIVED** for information.

Executive Summary

This report describes the process that will be undertaken for the consideration of Official Plan Amendments to The London Plan during the two year moratorium that applies to privately-initiated applications for an amendment to the Official Plan.

Background

1.0 Previous Reports Pertinent to this Matter

August 22, 2016: Planning and Environment Committee, “Changes to the *Planning Act* through the *Smart Growth for Our Communities Act* (Bill 73).”

June 1, 2015: Planning and Environment Committee, “Information Report: Bill 73 Amendments to the *Planning Act*.”

2.0 Background

As a result of various amendments to the *Planning Act* arising from the Smart Growth for Our Communities Act, 2015, a two year “time out” was provided that would not permit any privately-initiated application to amend a new Official Plan or Zoning By-law for two years after their adoption/enactment, unless supported by the municipality. Municipalities are permitted to make municipally-initiated amendments to a new Official Plan or Zoning By-law, and are able to pass a resolution to allow the consideration of a privately-initiated application during the two year moratorium. This provision has been in effect since July 1, 2016.

Specifically, Section 22(2.1) of the *Planning Act* states:

Two-year period, no request for amendment

(2.1) No person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect. 2015, c. 26, s. 21 (1).

As more of The London Plan comes into force and effect, this two-year prohibition will “come into play”, as The London Plan policies are to be applied in the consideration of applications to amend the Official Plan. The two year moratorium applies to the period starting when any portion of the Official Plan comes into effect. For The London Plan, this date was January 20, 2017, which was the day after the last day on which appeals to The London Plan could be submitted, and all those policies that were not under appeal came into force and effect as of that date. This means that the two year moratorium will be in place until January 20, 2019.

3.0 Process to Consider Privately-initiated Applications for Official Plan Amendments

Summary of Issues to be Considered

- The two-year moratorium applies to new official plans
- No privately-initiated applications to amend a new Official Plan are permitted until the end of the two year period (two years from the first day any part of the Plan (emphasis added) takes effect, unless the municipality passes a resolution to allow an application to be processed.
- Municipalities have the ability to make municipally-initiated amendments, and can pass resolutions to allow applications during the moratorium.
- A resolution can relate to site-specific applications, a class of applications, or applications generally.
- Any application proceeding during the moratorium would be subject to all the normal *Planning Act* requirements for public meetings, notice and appeal rights.

Summary of Approach

- The two year moratorium applies until January 20, 2019.
- Privately-initiated amendments will be considered on a site-specific bases. It is not recommended that a class of applications (for example, any application to permit residential intensification within the Primary Transit Area would be allowed to be submitted) be described, as the purpose of the two year moratorium is to provide an opportunity for the new policies to “be tested” and be applied as Council’s policy direction.
- Civic Administration will submit an Information Report to the Planning and Environment Committee for the meeting when the Delegation by the applicant has been scheduled. The report will not provide any planning analysis of the request, or any planning opinion regarding the request.
- Civic Administration will not comment on the merit of any request for consideration of an amendment or provide any planning opinion regarding the request at the meeting where the Delegation by the applicant is heard.
- The Planning and Environment Committee may refuse to allow the consideration of the request or permit the consideration of the request. Permitting the request would result in the submission of an Official Plan Amendment application that will then be processed under the normal *Planning Act* requirements with a Staff recommendation being provided at a future recommendation to the Planning and Environment Committee after the application has been processed in accordance with the *Planning Act*.

Process to Consider Privately-initiated Applications to Amend the Official Plan

- Applicant requests Delegation before the Planning and Environment Committee to request consideration of submitting an application to amend The London Plan.
- Applicant submits a written request to the City Clerk for Delegation status providing information in support of their request for permission to submit an application to amend The London Plan that would include the following:
 - Address of the property/ies to be considered
 - Land use designation (Official Plan, 1989)
 - Description of any policies (Official Plan, 1989) specific to these lands (if applicable)
 - Place Type (London Plan)
 - Description of any Specific Area Policies applicable to these lands (if applicable)

- Description of any other policies applicable to these lands (London Plan)
- Description of the requested amendment, and the purpose and effect of the proposed amendment
- The City Clerk will place the request for Delegation status at a future meeting of the Planning and Environment Committee.
- The Civic Administration prepare a report to be considered by the Planning and Environment Committee at the same meeting that the Delegation is received.
- The report submitted by Staff will provide a description of the requested amendment to the Official Plan, including matters such as:
 - Description of the property/ies to be considered
 - Description/explanation of the request, including the purpose and effect of the requested amendment
 - Description of the applicable Place Type and relevant Place Type policies.
 - Description of any previous applications related to the property/ies.
 - Description of any other policies to be considered as part of the requested amendment.
- The Planning and Environment Committee will consider the request for permission to submit an application to amend The London Plan, and will recommend an action to be considered for approval by Municipal Council.
- If the request to consider an application to amend The London Plan is approved by the Municipal Council, the Municipal Council will pass a resolution to allow the application to be submitted.
- The Applicant will submit an application to the City for an Official Plan Amendment through the standard planning application process.

4.0 Conclusion

As a result of more of the policies of The London Plan coming into force and effect, the prohibition on amendments for two years to the Official Plan as described in Section 22(2.1) of the *Planning Act* will apply. This two year period begins on the first day that any part of the Plan comes into effect. For The London Plan, portions of the Plan came into force on January 20, 2017, meaning that until January 20, 2019, amendments to The London Plan are not permitted unless Council allows the application to be made.

This report provides a process for Municipal Council to consider if an application to amend The London Plan should be considered. In permitting the application to be made, Municipal Council is not taking any position on the merits of the application; the permission would allow an application to be submitted to then be processed through the normal *Planning Act* process for the consideration of an amendment to the Official Plan. At the end of that process, Municipal Council would decide on the merits of the application at the statutory public meeting that would be scheduled for that specific application.

Prepared and Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Research
Concurred by:	Cathy Saunders City Clerk
Recommended by:	John M. Fleming, MCIP RPP Managing Director, Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services, Development and Compliance Services, and Legal and Corporate Services	

August 2, 2018

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