

**Appendix B**

City of Markham Comments on the Regional Planning Transition Plan

**Table A – Summary of Approaches to Transition Regional Planning Services (Bill 23)**

No.	Description of York Regional Planning Role/Responsibility	Status as of Today (June 2023)	Transition Approach and Timing	Description of End State (Proclamation TBD – possibly Q1 2024)	Markham Staff Comments
1.	<b>Municipal Comprehensive Review (MCR) and Official Plan Update</b>	MCR completed and the new Official Plan has been adopted by Council and approved by MMAH in November 2022.	Region will continue to assist local municipalities with their Official Plans to ensure conformity with the approved ROP and inclusion of added policies to embed any necessary Regional policies into the local OPs (i.e. Regional road planned widths, MTSA policies, growth management).	Region will continue to gather and analyze data to forecast growth to assist local municipalities and Regional Council coordinating growth, determining infrastructure needs and phasing within the financial sustainability framework and to inform master and capital planning.	York Region should continue its forecasting work in a supportive role to assist local municipalities prepare local forecasts. The forecasts approved by local Councils should be used to inform Regional master and capital plans, and phasing.
2.	<b>Responsibility for Regional Official Plan</b>	Region has the responsibility to continue to make decisions and offer advice regarding conformity to the Regional Official Plan.	Region will continue to work with each local municipality to determine needs in preparing the local municipality to assume responsibility for implementation of the Regional Official Plan. Region will continue to provide comments and bring locally adopted OPs to Regional Council to achieve timely approvals that incorporate the approved ROP and provincial policy direction.	Region will continue to support administering and interpreting the Regional Official Plan following proclamation.	Additional support specifically related to interpretation and administration of the York Region Official Plan (YROP) should be an optional service given that Markham will be responsible for making decisions regarding conformity with the 2022 YROP whereas other local municipalities in York Region may seek additional support.
3.	<b>Approval Authority for Local Official Plans and Amendments</b>	Region is approval authority for Local Official Plans and Amendments – Amendments meeting criteria defined in Regional Official Plan policy 7.3.8 can be exempted from Regional approval.	Region will continue to apply the exemption criteria where possible to streamline the approval process. Some amendments may still be subject to Regional approval delegated to staff per the delegation bylaw or approved by Regional Council, striving to achieve approval within prescribed timelines.	Upon Proclamation, Region is no longer the approval authority for local Official Plans and Amendments and will no longer collect decision fees. 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.	York Region comments on official plan amendments post-proclamation should be focused to matters where York Region has authority (i.e., servicing, regional transportation systems, assisted and affordable housing, etc.) given that the 2022 YROP will be deemed to be a part of Markham’s official plan until the City updates its own official plan. All comments on Regional matters must be provided in a timely manner as per the City’s Pre-Application Consultation process.  It is also noted that the approval authority for subdivisions and consents would be assigned to Markham, unless the Minister of Municipal Affairs and Housing provides otherwise through regulation.
4.	<b>Region’s participation in Local Official Plans, Amendments, Secondary Plans and related background studies</b>	Region participates in reviewing and providing comments on Official Plans, Amendments and Secondary Plans and related background studies. The amendments are circulated to the Region for review and comment following adoption. The Region is the approval authority for Official Plans, Amendments and Secondary Plans	Region will continue to participate in reviewing and providing comments on Official Plans, Amendments and Secondary Plans and related background studies. Region will continue to work with local municipalities to achieve approval ready OPs, OPAs and Secondary Plans.	Region will continue to participate in reviewing and providing comments on Official Plans, Amendments and Secondary Plans and related background studies, with focus on Regional matters such as: · Municipal water and wastewater servicing · Regional Transportation Systems	York Region’s role as a commenting agency should also include providing support on City-led initiatives and studies related to matters where the Region has authority (e.g., local transportation master plans, housing strategies, etc.).

				<ul style="list-style-type: none"> <li>· Growth management linked to the fiscally sustainable provision of regional infrastructure and services</li> <li>· Affordable and Assisted Housing</li> <li>· Responsibilities associated with a specific mandate prescribed by legislation (e.g. sourcewater protection, public health)</li> <li>· Other Regional Services and Council priorities.</li> </ul>	
5.	<b>Region's participation in reviewing and commenting on development applications</b>	Region is circulated, reviews and provides comments on development applications in accordance with public and resident interests Region is circulated all development applications to capture growth data in a comprehensive manner and provide products back to individual local municipalities such as housing supply and servicing allocation dashboards.	All development applications continue to be circulated to Region. Region continues to be circulated, review and provide comments on development applications in accordance with public and resident interests.	All development applications should continue to be circulated to Region for monitoring, reporting and growth management. Region will continue to review and provide comments on development applications related to Regional matters such as: <ul style="list-style-type: none"> <li>· Municipal water and wastewater servicing</li> <li>· Regional Transportation Systems</li> <li>· Growth management linked to the fiscally sustainable provision of regional infrastructure and services</li> <li>· Affordable and Assisted Housing</li> <li>· Responsibilities associated with a specific mandate prescribed by legislation (e.g., sourcewater protection, public health)</li> <li>· Other Regional Services that have a land component.</li> </ul>	Criteria or guidelines should be established to determine which development applications with matters where York Region has authority would need to be reviewed by York Region staff (e.g., applications within a certain distance from a Regional road, etc.).
6.	<b>Right to Appeal to the Ontario Land Tribunal (OLT)</b>	Although rare, the Region has the ability to appeal decisions to the Ontario Land Tribunal Appeal of local planning matters is subject to Council direction.	Region will not exercise its right to appeal, except for circumstances where public and resident interests are critically impacted, in recognition of its changing role, subject to Council direction.	Upon proclamation, Region is no longer able to appeal decisions to the OLT.	York Region's right to appeal local planning decisions is rarely used; removal of York Region's appeal rights will have minimal impact on Markham, but provide enhanced autonomy and authority in the City's decision making.
7.	<b>Party to an OLT Hearing</b>	Region is currently a party to many active files under litigation at the Ontario Land Tribunal.	Region will actively seek opportunities to limit its involvement as a party at new Ontario Land Tribunal Hearings unless matters of critical importance to Regional Council is an issue. Staff will seek Regional Council direction for any involvement at OLT in these cases. Region will discuss with local municipalities the inclusion of typical Regional standards for development to ensure Regional infrastructure and assets are not compromised. Regional participation in hearings to ensure this is	Upon proclamation, Region no longer able to be a party to a Hearing. The proposed transition provisions allow the Region to remain a party to an appeal, if it was granted party status prior to sections removing its rights came into force. Regional staff will make themselves available to local municipalities where requested, including authorization by Council.	Markham staff will still require support and expertise from York Region for OLT matters that involve regional infrastructure and service provision. Therefore, more detailed information on the level and mechanisms of support York Region will provide to local municipalities on OLT matters related to York Region infrastructure (e.g., York Region's right of way requirements, design specifications, etc.) post proclamation, is needed.

		a smooth process may still be required during this transition period.		
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**Table B – List of Activities planned or underway to prepare for proclamation and implementing the future state**

No.	Activities Planned or Underway	Markham Staff Comments
1.	<p>Retooling of Planning and Economic Development workplan priorities is based on the following priorities:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Agility &amp; innovation related to Provincial legislative changes</li> <li><input type="checkbox"/> Timely development comments and approvals while mandated</li> <li><input type="checkbox"/> Growth management to align infrastructure and growth</li> <li><input type="checkbox"/> Local municipal support to implement complete communities, address housing affordability and promote economic development</li> <li><input type="checkbox"/> Planning data/analytics to monitor targets and trends to inform Council</li> </ul>	See comments to item 1 in Table A which relate to the growth management priority.
2.	Continue to develop dashboards and growth analysis products such as housing supply for use by local municipalities and the Province.	The City uses data sources and products prepared by York Region (e.g., Population and Household Estimate, York Region Employment Survey, Development Activity Summary, housing data, woodland inventories, sourcewater protection data, transportation model, etc.) to inform annual monitoring and reporting programs, as well as other City-led initiatives. York Region has many years of experience with preparing high quality data products, and City staff support York Region’s plan to continue to provide this data to its provincial and local municipal partners. Clarification is requested about the specific types of data products York Region will continue preparing and when they will be made available and/or updated.
3.	Continue to facilitate process improvement and standardization such as the Collaborative Application Preparation (CAP) process in partnership with local municipalities to streamline the development process and meet Provincially mandated timeframes.	The City and York Region will continue to coordinate the review of development applications through a CAP process or through the review of services levels and implementation of an alternative process that would be best suited to the Markham process in order to meet the Province’s timelines.
4.	Clearly define the services provided by the Region to local municipalities through MOUs, including additional items not referenced in this table as may be requested by the local municipality.	Further discussion through one to one meeting(s) with Markham staff is requested to define the services provided by York Region, as well as cost-sharing programs (e.g., Municipal Streetscape Partnership Program, etc.), to inform subsequent agreements between the two municipalities.
5.	Continue to progress the open sharing of development data and information through the establishment of data exchanges and reporting.	See comments to item 2 above.
6.	Explore options for environmental plan review (natural heritage and water resources) to ensure local municipalities have consistent professional natural heritage advice without incurring additional costs or delays.	The City has natural heritage staff who provide environmental plan review functions. There may be a need to retain additional technical peer review support in terrestrial and aquatic ecology for non-routine and complex applications which can no longer be accessed from the Toronto and Region Conservation Authority. Staff will continue to assess whether additional resources, including alternative service delivery options with York Region, are necessary to meet legislated review timelines.
7.	Continue to assist local municipalities with embedding ROP policies into local plans.	See comments to item 2 in Table A which relate to responsibility for the YROP post-proclamation.
8.	Ensure protection of critical Regional infrastructure and safety for all travelers through the implementation of a Right-of-Way Management Bylaw.	No comments.
9.	Continue to monitor growth and inform local municipalities of trends impacting community objectives.	See comments to item 2 above.
10.	Determine the need to update the Archaeological Master Plan.	An Archaeological Master Plan (AMP) was recently prepared for York Region, and informed policies in the 2022 YROP. Markham staff currently use the AMP archaeological potential mapping to determine when an archaeological assessment will be required as part of a development application. York Region is responsible for

		future updates to the AMP, however further discussion is recommended to confirm the impacts to this service post proclamation.
11.	Region to finalize work with Conservation Authorities and execute agreements to deliver non-Planning Act services.	No comments.