



Report to: Development Services Committee

Meeting Date: February 20, 2024

SUBJECT: Markham Official Plan Review – Work Plan

PREPARED BY: Andria Sallese, MCIP RPP, Senior Planner (ext. 3135)

REVIEWED BY: Duran Wedderburn MCIP, RPP, Manager, Policy (ext. 2109)

RECOMMENDATION:

1. THAT the report dated February 20, 2024, titled “Markham Official Plan Review – Work Plan” be received;
2. THAT staff be directed to host a special meeting in Q2 2024 in accordance with Section 26(3)(b) of the *Planning Act* to discuss the revisions that may be required to the official plan;
3. THAT Council endorse the proposed work plan outlined in this report as the basis for the City of Markham Official Plan Review; and,
4. THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To provide an overview of the proposed work plan for the City of Markham’s Official Plan Review (the “OPR”).

BACKGROUND:

What is an Official Plan?

An Official Plan is a strategic document that provides the goals, objectives, and policies to manage and direct physical growth and development in a city, while guiding matters related to the social, economic, cultural and natural environment over a certain time horizon (e.g., to 2051). An official plan forms the basis for detailed land use designations and sets out the requirements and context for the review and approval of development applications in a city.

Why is an Official Plan Review Required?

Section 26 of the *Planning Act* sets out the requirements for updating an official plan, including revising the official plan no less than every five or ten years after a new plan comes into effect, holding a Special Meeting of Council, and consulting with the approval authority and prescribed public bodies regarding revisions that may be required to the official plan.

Section 26(1) of the *Planning Act* requires that the official plan conforms with provincial plans or not conflict with them, be consistent with the policy statements and have regard for matters of provincial interest. Markham’s 2014 Official Plan (the “2014 Official

Plan”) was approved by York Region Council on June 12, 2014, and is due for a review. The Official Plan will need to be updated to conform with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) (2019), the Oak Ridges Moraine Conservation Plan (2017), and the Greenbelt Plan (2017), and be consistent with the Provincial Policy Statement (the “PPS”) (2020), and any updates thereto.

Section 2 of the *Planning Act* lists matters of provincial interest that regard must be given to during Markham’s OPR, including but not limited to the protection of natural areas, features and functions, the orderly development of safe and healthy communities, the adequate provision of community services and facilities related to education, health, social, cultural and recreation facilities, and the provision of a full range of housing including affordable housing. The thematic area review of the OPR will include a comprehensive analysis of the matters listed in Section 2 of the *Planning Act* to ensure that provincial interests are considered in any updates to the 2014 Official Plan.

Section 27(1) of the *Planning Act* requires that the official plan of the lower-tier municipality conform with the official plan of the upper-tier municipality. The York Region Official Plan (YROP) received ministerial approval in November 2022. As a lower tier municipality, Markham’s official plan must conform to York Region’s Official Plan.

OPTIONS/ DISCUSSION:

This section introduces the OPR and presents the requirements and other considerations for reviewing the 2014 Official Plan including policy areas that will need to be addressed, phasing and key thematic areas of the OPR, and summarizes the proposed public engagement approach.

Scope of the Official Plan Review

There Have Been Significant Initiatives and Changes to Provincial Policies and Legislation Since the 2014 Official Plan was Developed and Further Changes are Proposed

In the time since Markham’s Official Plan was adopted and approved, there have been significant changes to provincial policies, most recently Bill 109 [*More Homes for Everyone Act*](#) (2022), Bill 23 [*More Homes Built Faster Act*](#) (2022), and Bill 97 [*Helping Homebuyers, Protecting Tenants Act*](#) (2023), among others. Bill 23 introduced several sweeping changes, including:

- Removing Planning Approval authority from upper tier municipalities, including York Region, for local municipal official plans and official plan amendments. This legislative change has not come into effect;
- Limiting the role in planning review of Conservation Authorities;
- Allowing as-of-right zoning to permit up to three residential units per lot; and,
- Making changes to cultural heritage conservation processes and policies, parkland policies, and restrictions on the collection of development charges.

The Province has also set a goal of building 1.5 million homes by 2031 and has asked municipalities with a population projected to be 50,000 or more by 2031 to demonstrate their commitment to accelerate housing supply by identifying a locally appropriate Housing Target (i.e., new housing units) to meet current and future housing needs, and developing a Municipal Housing Pledge to increase and accelerate housing supply. In response, on March 1, 2023 the City of Markham endorsed a [Municipal Housing Pledge](#) to build 44,000 new homes over the next ten years.

Staff anticipate forthcoming changes to provincial planning legislation which may impact the City's OPR timeline and work program. These provincial policy changes will be carefully considered to ensure the updated Official Plan conforms with provincial plans or does not conflict and is consistent with provincial policy statements.

Updates are needed to the Markham Official Plan to Conform with the 2022 York Region Official Plan

As noted previously in this report, under Sections 27(1) and 27(2) of the *Planning Act*, lower-tier municipalities are required to amend their Official Plans within one year to conform to the Official Plan of an upper tier municipality from the day the Regional Official Plan comes into effect. If the Official Plan of an upper-tier municipality comes into effect, and the lower-tier municipality does not amend the plan to conform with the upper tier Official Plan within one year, the upper-tier municipality may amend the official plan of the lower tier.

The YROP was approved by the Province in 2022 and makes key changes that will impact planning in Markham, including but not limited to:

- Extending the Planning Horizon to 2051;
- Prescribing new minimum population and employment forecasts to 2051;
- Planning for minimum intensification targets in intensification areas in the Built Up Area and establishing a framework to accommodate growth and development;
- Implementing boundaries and providing minimum density targets for 22 Protected Major Transit Station Areas from the YROP;
- Expanding the city's settlement area boundary by 1,140 hectares; and,
- Planning for minimum density target of 70 people and jobs per hectare in designated greenfield areas.

Bill 23 brought forward legislative changes that will remove upper tier *Planning Act* responsibility from York Region. Should this part of Bill 23 come into effect, Markham would become responsible for implementing and interpreting the York Region Official Plan until it can be consolidated with Markham's official plan. Upon proclamation, City staff understand the Minister would replace York Region as the approval authority for local municipal official plans and amendments unless those authorities are assigned or delegated to the City. On December 13, 2023, City staff brought a [report](#) to Council with comments and recommendations on York Region's draft approach to the transition of regional planning services including matters that may also influence the OPR.

For adopted or approved official plans and official plan amendment policies approved by the Minister, policies that would not be subject to appeal include those which:

- Permit the use of inclusionary zoning;
- Permit additional residential units including proposed amendments that would remove or replace policies that permit additional residential units;
- Designate lands, including uses, and put in place appropriate densities (e.g., number of people, jobs and building floor area per hectare) for a protected major transit station area;
- Implement certain matters with previous provincial approval (for example, approved source water protection boundaries, the Growth Plan's employment and population projections, and Greenbelt Plan boundaries);
- Implement the required official plan policies to establish a community planning permit system (CPPS) that has been required by a minister's order;
- Minister's decisions on new official plans and official plan updates under section 26 of the *Planning Act*; and,
- Non-decisions on adopted lower-tier official plans and updates that the upper-tier municipality has stated do not conform with the upper-tier official plan.

A two-year Official Plan Review process comprised of a series of Official Plan Amendments by theme area is proposed

The OPR study process (**Appendix "1"**) will be conducted over a timeframe of approximately two years and proposes four thematic areas (**Table 1**). The work plan was designed to allow flexibility to be responsive to potential changes in provincial planning policy, manage staff resources and potential appeals. The work plan will be implemented in three phases, described in further detail below.

Project Initiation

Phase 1 work has begun. Project initiation tasks underway include discovery meetings with internal stakeholders and finalizing the Draft Public Engagement and Communication Plan for the Official Plan. Phase 1 will also include refining the Work Program based on further feedback, developing a Public Engagement and Communications Strategy which will capture Diversity, Equity and Inclusion and Indigenous Engagement, undertaking the Special Meeting of Council required under Section 26 of the *Planning Act*, hosting a Visioning Workshop in Q2 2024, and launching the project webpage.

Thematic Area Review and Official Plan Amendments

Phase 2 will include the release of a series of thematic discussion papers over a two-year period. The discussion papers will include background information and a series of key questions, policy considerations, and areas for further study. Phase 2 will also include a refresh of the Official Plan vision, goals, and objectives based on feedback received from the public in Phase 1.

Each theme area will inform implementing a series of Official Plan Amendments or an Amendment, depending on the complexity of the theme area. The discussion papers in Phase 2 may be advanced to a staff report and thematic Official Plan Amendments independently depending on local priorities and opportunities. In 2024, staff will be focusing on the Growing Markham sub-themes. Staff are targeting the completion of the Growing Markham Discussion Papers by Q2/Q3 2024 and an initial conformity Official Plan Amendment by the end of the year (**Appendix “2”**). Staff anticipate launching the discussion papers for subsequent Theme Areas in early 2025.

Official Plan Consolidation/Housekeeping Amendment

At the conclusion of the OPR, it is anticipated that staff will bring forward an Official Plan Amendment to address housekeeping matters. Staff will also be looking to simplify, streamline and modernize the Official Plan to make the document more user-friendly and accessible.

Table 1:

THEME	SUB-THEME
Growing Markham	<ul style="list-style-type: none"> • Growth Management (Residential and Employment Growth and Land Use) • Settlement Area Boundary Expansion • Major Transit Station Areas
Resilient Markham	<ul style="list-style-type: none"> • Climate Change & Resilience • Natural Heritage System & Water Resources • Agricultural & Rural System Update
Moving & Servicing Markham	<ul style="list-style-type: none"> • Transportation (Transit, Active Transportation, Transportation Demand Management & Parking) • Infrastructure (Roads, Water & Wastewater, Stormwater & Utilities)
Healthy & Complete Markham	<ul style="list-style-type: none"> • Community Infrastructure • Urban Design (Built Form, Public Realm & Sustainable Development) • Cultural Heritage Resources • Parks, Trails & Recreation • Arts & Culture • Age Friendly Communities

Initial Feedback from Internal Departments on the Official Plan Review Work Program and Additional Matters for Consideration

Staff have been soliciting feedback from internal departments on the official plan and the following initial items have been identified as matters for further consideration and review through the OPR:

Employment and Commercial Lands

Through the evaluation of the city's land use framework (Chapter 8), staff will need to carefully review and consider the permitted uses within Employment Areas and lands designated for commercial/mixed-use development in the context of Regional and Provincial direction. As the city continues to urbanize, it will be important to continue to protect for the right mix of jobs in Employment Areas and Key Development Areas and ensure there are opportunities for retail and commercial growth to serve the community. Staff will have to evaluate the implications of any changes to the long-term function and preservation of the city's finite employment lands.

Urban Structure, Land Use Designations, and Built Form Hierarchy

Through the OPR, staff will be reviewing the 2014 Official Plan's urban structure to implement York Region's intensification hierarchy which informs where growth should be directed and accommodated. Staff will also be reviewing the city's land use hierarchy, as well as built form and urban design policies, to assess which policies are working well, policies which may need to be improved to support Markham's growth over the next thirty years, and to continue to promote high-quality urban design to help shape the form of Markham's communities.

Housing

The City recognizes the importance of housing and affordability in the City of Markham to address the housing crisis. On June 14, 2021, Markham Council approved Markham's Affordable and Rental Housing Strategy which includes an overall vision, three goals and 35 actions to guide the city in addressing housing gaps and needs and facilitate the delivery of affordable and rental housing.

Housing policy matters, including provincial and regional conformity, and federal initiatives are potential opportunities to further support the City in achieving its housing goals. These matters will be addressed throughout the OPR across the applicable thematic areas and through forthcoming housing-related initiatives. This approach will position the City to better respond to strategic housing goals and align with housing objectives of other orders of government to increase the supply of homes will help support the provision of a range of housing options and complete communities.

City-wide Plans and Studies

There are several studies, including Markham's Urban Parks Strategy, Housing Needs Assessment, the Economic Development and Culture Strategy, the Citywide Parking Strategy, and the Active Transportation Master Plan, among others, which have been completed, are underway, or will advance concurrently with the OPR, and which will inform Markham's OPR.

An Inclusive Public Engagement and Communication Approach for the Official Plan Review

The *Planning Act* outlines minimum requirements for engagement including a special meeting, at least one public meeting and one open house while preparing an official plan. The *Planning Act* also requires that municipalities consult with the approval authority (e.g., York Region currently and potentially the Province if Bill 23 provisions are enacted) and with prescribed public bodies.

Proactive and frequent communication is critical to the success of the OPR engagement program. As such, Staff propose to exceed the minimum requirements in the *Planning Act* and will include elements such as a project webpage, virtual and in-person interactive engagement opportunities during each thematic area of the OPR. Staff are currently developing a Public Engagement and Communications Strategy that will be informed by the City's Diversity and Eliminating Anti-Black Racism Action Plans and requirements for indigenous engagement.

Next Steps

Next key steps in the OPR include:

- Launch of the project webpage on Your Voice Markham;
- Initiating Indigenous Engagement;
- Finalizing the work plan; Finalizing the Public Engagement and Communications Strategy;
- Hosting the Section 26 Special Meeting of Council in Q2 2024; and,
- Reporting to Development Services Committee with an update on public engagement and progress on the Growing Markham thematic area, including directions for the first official plan amendment in Q2/Q3 2024.

FINANCIAL CONSIDERATIONS:

No financial implications associated with this report.

HUMAN RESOURCES CONSIDERATIONS:

No human resources implications with this report. Implementing the OPR work program outlined in this report will require existing staff resources across the organization.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This report aligns with Goal 3.2 of Markham's Future Together, 2020-2023 (BMFT): "Build complete communities that offer a range of housing and employment opportunities, transportation options and outstanding community amenities".

BUSINESS UNITS CONSULTED AND AFFECTED:

The following departments were consulted on the preparation of this report: Planning & Urban Design, Economic Growth, Culture & Entrepreneurship, Engineering, Transportation Services, Recreation Services and Corporate Communications.

RECOMMENDED BY:

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ATTACHMENTS:

Appendix 1: Official Plan Review Timeline

Appendix 2: Official Plan Review Timeline (2024)