



Terms of Reference:

# Planning Justification Report

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Town of Milton  
January 2023

**Disclaimer:** Terms of Reference documents will be reviewed and updated as necessary to reflect current policies, practices and accepted standards.

## 1. What is the purpose of this?

The purpose of this document is to provide a terms of reference for the preparation of a planning justification report, which is required as part of the submission of an application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, Site Plan and/or Consents and Minor Variances, under the Planning Act or identified through the mandatory pre-consultation process.

All planning justification reports shall follow the guidelines contained in this document. Failure to adhere to these guidelines may result in a report being considered unsatisfactory and a submitted application being deemed incomplete.

The goal of a planning justification report is to:

- Provide a clear understanding of the proposal;
- To justify why the land use and built form are appropriate;
- Why in the opinion of the author the proposal should be considered and/ or approved;
- To identify and analyze all relevant legislation, regulations and policies in a comprehensive and unbiased manner;
- Provide background context, an overview of the purpose and effect of an application;
- Establish a comprehensive professional planning rationale for an application by demonstrating how a proposal conforms to applicable planning policy documents and good planning principles; and,
- Ensure that the planning analysis is not biased, is comprehensive and does not include “cherry picking” of policies supportive of an application and the ignoring of other policies that may not in the opinion of the author cast the application in a positive light or are supportive of the development proposal. A complete and full analysis of all relevant policies, legislation and regulations shall be completed to the satisfaction of the Town of Milton.

## 2. Who should prepare this?

A planning justification report must identify the author of the report and be signed by a Registered Professional Planner (RPP) or a Certified Planning Technician (CPT).

## 3. When is this required?

A planning justification report is required for the following types of applications:

- Official Plan Amendment;

- Zoning By-law Amendment;
- Draft Plan of Subdivision/Condominium;
- Site Plan (on a site by site basis);
- Consent (on a site by site basis); and,
- Minor Variance (on a site by site basis).

Planning justification reports are expected to vary widely in content and detail according to the nature and complexity of the development application and the uses being sought. All planning justification reports however, must include the following general sections:

- Introduction;
- Site Context including site statistics;
- Description of Proposal;
- Approvals required;
- Relevant planning application history and approvals including litigation;
- Policy and Planning Analysis;
- Outline and integration of supporting studies;
- Summary/Conclusion;
- Draft of any Official Plan Amendment and/or Zoning By-law Amendment; and,
- Appendices/Maps/Plans.

The information requirements for the above sections are outlined below.

#### Planning Justification Briefs:

For less complex proposals, a planning justification brief may be requested instead of a full planning justification report. A planning justification brief may be included as a covering letter with a formal application or as a short report. The purpose of a planning justification brief is to give a summary of the proposal and outline the merits of the proposal based on good planning principles. The requirement for a planning justification brief will (in most cases) be determined on a case-by-case basis, through the pre-consultation process. The decision on whether or not a planning justification brief will be accepted will be at the sole discretion of the Town of Milton's Commissioner of Development Services.

A planning justification brief must be signed by a Registered Professional Planner (RPP) or Certified Planning Technician (CPT).

A planning justification brief does not need to include a detailed policy analysis or detailed appendices, maps or plans, but must include at a minimum:

- A short description of the proposal and the site context;

- A summary addressing how the proposal meets the general intent of Provincial policies, Halton Region Policy and the Town of Milton’s policies, including any policies specific to the subject lands; and,
- A summary of how the proposal is consistent with good planning principles

## 4. What content should be included?

### 4.1 Introduction

Every planning justification report must contain a brief introduction, which outlines:

- Who was retained, and by whom, to write the report and date retained;
- What application(s) has/have been submitted or are required;
- When the pre-consultation process took place with the Town and date of meeting(s) (include the Record of Pre-Consultation as an attachment to the report); and,
- A statement of the purpose of the planning justification report.

### 4.2 Site Context

The site context is intended to assist the reader in understanding where the proposal is located and the characteristics of the landscape on and surrounding the site of the proposal. Specifically, this section of the report will contain:

- A description of the location and existing condition of the subject lands;
- A description of surrounding land uses (if industrial or commercial, specify types of businesses) at a distance that is appropriate to provide context and to identify important community features such as roads, cultural, historic and/ or environmental features;
- Identification and location of constraints affecting the site (e.g. water features, hazard lands, Natural Heritage System (NHS) features, access restrictions, aggregate operations, etc.);
- Identification and location of any lands on the site regulated by a Conservation Authority;
- Identification of other development proposals on surrounding lands; and,
- Maps or reference to appendices, which help to provide a context for the site and the surrounding lands (surveys, aerial photographs, area maps, etc.).

### 4.3 Description of the Proposal

The intent of the proposal description is to provide sufficient information to allow the reader to understand the purpose and effect of the application(s). This section of the report must provide details about proposed uses, proposed buildings (if known), the development and planning history of the site (i.e. previous applications), and any

previous consultation with the Town, Region or a Conservation Authority.

Where modifications to the parent zoning by-law provisions are proposed, a draft Zoning By-law Amendment in the Town's standard format and a detailed concept plan shall be provided applying all applicable zoning regulations (e.g. lot frontage, setbacks, coverage, encroachments, building height, parking (both number and size of spaces) etc.).

The description of the proposal will also list and provide a brief description of any other supporting technical studies that have/ will be submitted in support of the application, as these may relate to applicable planning policies (e.g. Traffic Studies, Noise Assessments, etc.).

#### **4.4 Policy and Planning Analysis**

The Policy and Planning Analysis section is the most important part of the planning justification report or planning justification brief, as it is the basis for establishing why a proposal should be considered for approval by the Town of Milton.

The Policy and Planning Analysis section must provide an outline of applicable planning policy documents and the regulatory contexts, quoting specific policies that are relevant to the proposal.

The analysis must establish a planning basis for the application(s) by providing a detailed analysis, including a rationale and opinion, of the identified relevant policies and demonstrate:

For an Official Plan Amendment

- Whether the portions of the Official Plan that would be affected by the proposal are inconsistent with a policy statement issued under subsection 3(1) of the Planning Act or fails to conform or conflicts with a provincial plan or Regional Plan.

For a Zoning By-law Amendment

- Whether the existing part or parts of the amending by-law that would be affected by the Amendment that is the subject of the application are inconsistent with provincial plans and/ or policy statements issued under subsection 3(1) of the Planning Act, or fail to conform with or are in conflict with a provincial plan or fail to conform to a Region of Halton and/ or Town of Milton Official Plan.
- Whether the amending by-law that is the subject of the Application is consistent with policy statements issued under subsection 3(1) of the Planning Act, does not conform to or are in conflict with a provincial plan or policy statement or

- fail to conform to a Region of Halton and/or Town of Milton Official Plan.
- Where changes to zoning are proposed, the report must discuss the appropriateness of any requested zoning provisions, including the justification for any requested modifications to the parent zone provision, which are specific to the proposal.

#### For a Plan of Subdivision

- How the Plan is consistent with the provincial plans and policy statements issued under subsection 3(1) of the Planning Act and an explanation of how the plan conforms or does not conflict with the provincial plan or plans.

The following documents must be addressed, where they are applicable to a submitted application. This includes all land use policies in force and effect at the time of the submission of any application.

#### Provincial Policy and Legislation:

- Provincial Policy Statement;
- Growth Plan for the Greater Golden Horseshoe;
- Greenbelt Plan;
- Niagara Escarpment Plan;
- Parkway Belt West Plan; and
- Any other applicable policy statement issued under subsection 3(1) of the Planning Act.

#### Municipal Policy:

- Halton Region Official Plan and Guidelines;
- Town of Milton Official Plan and Guidelines;
- Secondary Plans;
- Tertiary and/or Neighbourhood Plans;
- Subwatershed Studies and Subwatershed Impact Studies;
- Master Plans;
- Council Adopted Guidelines and/ or Studies; and,
- Applicable provisions in the Town's Zoning By-law.

In addition to the above, the following should also be considered, where relevant:

- Applications for Residential Uses:
  - Applications that propose residential uses must provide an analysis of the proposed densities and unit counts compared to the requirements in applicable policy documents. Detailed explanations on why any of the provisions in the current parent zone that are not being used are not suitable for the development as proposed is required. Significant

departures from the parent zone requirements and provisions and/ or density and housing mix provisions will require greater discussion and documentation of need and appropriateness.

- Documents under Appeal:
  - In some cases policy documents or zoning by-laws affecting the subject lands may have been adopted or approved by Council, but are under appeal. In these cases, the documents are not in effect, but are relevant to the proposal. All Planning Justification Reports should address the policies in these documents as part of the Policy Analysis, and identify if changes would be needed if the document or by-law were in effect.
- Applications for Conversion from Rental Tenure to Condominium Ownership:
  - All applications for Draft Plan of Condominium, which propose to convert a building from rental tenure to condominium ownership require the submission of a Planning Justification Report. In addition to providing a site context and a description of the proposal, the report shall provide a detailed analysis addressing the criteria for rental conversions as set out in Official Plans and provincial planning documents. A detailed assessment of the current rental rates, the impacts of the proposed conversion to those rates and the maintenance of the required rental housing thresholds is required.
- Planning Analysis:
  - The planning analysis is intended to provide a rationale and opinion as to why the proposal is appropriate, in terms of how the proposal addresses “good planning principles”. For example, this may include a discussion of how the proposal provides beneficial social, cultural, economic or environmental outcomes; how the proposal contributes to creating complete, vibrant communities; and/or how potential negative impacts have been avoided and/ or mitigated. A thorough and comprehensive assessment of all relevant and appropriate planning policies at the local, regional and provincial levels is required. The “cherry picking” of policies to advance a specific position or argument is not appropriate and may result in the application being deemed incomplete.

#### 4.5 Conclusion

The purpose and intent of this portion of the report is to provide Town Staff with a summary that contains statements presenting:

- The purpose and effect of the application, including why the requested amendments are necessary;
- Whether the policies of the portions of the Official Plan(s) that would be affected by the proposal are being met or not and if not why. Discussion on conformity to Provincial, Region and local planning policies. Clear indication of

- whether the proposal conforms or not to these planning documents;
- Whether the existing part(s) of the Zoning By-law that would be affected by the Amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3(1) of the Planning Act, or fail to conform with or conflict with a provincial plan and/ or statement or fail to conform with the Halton Region and Town of Milton Official Plans;
- Whether the Zoning By-law Amendment that is the subject of the Application is consistent with policy statements issued under subsection 3(1) of the Planning Act, conforms with or does not conflict with provincial plans and conforms with the Halton Region and/ or Town of Milton Official Plans;
- How the Plan of Subdivision (if required) is consistent with policy statements issued under subsection 3(1) of the Planning Act and an explanation of how the plan conforms or does not conflict with the provincial plan(s) and the Halton Region and Town of Milton Official Plans;
- A summary of the key relevant plans and policies and how they are being addressed;
- A summary of the key merits of the application; and,
- Final recommendations.

#### **4.6 Appendices, Figures, Maps and Plans**

The following visual aids and/or appendices are commonly included in planning justification reports and should be included where applicable:

- Maps, including aerial photographs, land parcel mapping or legal surveys;
- Street level pictures of the land subject to proposed development;
- Official Plan maps of land use designations or other designations;
- Zoning mapping;
- Concept Plan or Preliminary Site Plan;
- Official Plan Amendment Sketch/Copy of draft Official Plan Amendment;
- Zoning By-law Amendment Sketch/Copy of draft Zoning By-law; and,
- Draft Plan of Subdivision (if applicable).



## 5. What other resources are available?

To hire a professional planning consultant, consult the directory:

<https://ontarioplanners.ca/hire-an-rpp>

Information related to planning policies, studies and the development review process

<https://www.milton.ca/en/build/DevelopmentinMilton.asp>

<https://www.milton.ca/en/business-and-development/official-plan.aspx>

Information on the Urban Area Comprehensive Zoning By-law 16-2014 and the Rural Area Comprehensive Zoning By-law 144-2003

<https://www.milton.ca/en/build/zoningbylaw.asp>