
Terms of Reference:

Planning Justification Reports and Briefs

August 2023

Purpose

The purpose of this document is to provide a Terms of Reference for the preparation of Planning Justification Reports and Planning Justification Briefs. Planning Justification Reports are required to accompany submissions of development related applications such as Official Plan and Zoning By-law Amendment applications and Draft Plan of Subdivision/Condominium applications and on occasion Site Plan applications. Planning Justification Briefs may also be required for less complex applications such as Consent or Minor Variance applications.

All reports shall follow the Terms of Reference contained in this document. Failure to adhere to the Terms of Reference may result in a report being considered unsatisfactory and the submitted application(s) being deemed incomplete.

The goal of a Planning Justification Report is to provide background context of the proposal, an overview of the purpose and effect of the application(s) and to provide a professional planning rationale for the application(s) by demonstrating how the proposal is consistent with provincial policy and conforms to applicable planning policy documents and good planning principles.

Who Should Prepare This

All reports shall indicate the author of the report and be signed by a Registered Professional Planner (RPP). A Candidate Member (defined by the Professional Standards Board) or a Certified Planning Technician (CPT) may also prepare the report, however it is required to be signed and reviewed by an RPP.

When Required

A Planning Justification Report is required to support the following development applications or as identified by staff:

- Official Plan Amendment
- Zoning By-law Amendment
- Draft Plan of Subdivision
- Plan of Condominium (conversion of existing rental housing to condominium only)
- Site Plan (Planning Justification Brief - on a site by site basis)
- Consent (Planning Justification Brief - on a site by site basis)
- Minor Variance (Planning Justification Brief - on a site by site basis)

Required Contents

Please note that the requirements of this study may vary depending on the nature of the proposal. This will be determined through the pre-consultation process and in consultation with any applicable external agencies.

Planning Justification Reports will vary in content and detail depending on the nature and complexity of the proposal and application(s) being sought, however all reports shall include the following:

- Introduction;
- Site context;
- Description of the proposal including site statistics;
- Approvals required (i.e. proposed OPA, ZBA, etc.);
- Outline and integration of supporting studies and key findings;
- Policy and planning analysis;
- Community engagement plan;
- Summary and conclusions;
- Draft of any Official Plan Amendment and/or Zoning By-law Amendment; and
- Appendices/maps/plans

Notes

If the proposed development is revised, the study/report shall reflect the revisions by an updated report or letter from the author indicating the recommendations and conclusions are the same.

Please note that a peer review may be required. The cost of the peer review will be borne by the applicant.

If the submitted study is incomplete, is authored by an unqualified individual, or does not contain adequate analysis, the application will be considered incomplete and returned to the applicant.

PLANNING JUSTIFICATION REPORTS:

The framework for a Planning Justification Report shall be based on the following:

A. Introduction

Every report contains a brief introduction which outlines:

- Who was retained to write the report, when and by whom
- What application(s) have been submitted or are required to support the proposal
- Date of the pre-consultation meeting(s)
- A statement of the purpose of the report

B. Site Context

The site context is intended to provide an understanding of where the proposal is located and the characteristics of the site and surrounding area. This section of the report contains:

- A description of the location, existing condition and existing land uses of the subject lands
- A description of the surrounding land uses and important features such as roadways, significant buildings/features or characteristics of the area
- Identification of constraints affecting the site such as hazards, natural heritage features, access restrictions, servicing restrictions, cultural heritage resources, etc.
- Identification of any lands on the site that may be regulated by the Niagara Peninsula Conservation Authority (NPCA) and/or Niagara Escarpment Commission (NEC)
- Identification of any other known development proposals affecting the area
- Maps or reference to appendices that help provide a context for the site and surrounding land uses, such as surveys, aerial photographs, site photographs, maps, etc.

C. Description of Proposal

The description of the proposal is to provide detailed information and site statistics to allow the reader to understand the purpose and outcome of the application(s). This section of the report provides details about proposed uses, proposed building design and orientation, landscaping, streetscaping, pedestrian and vehicular circulation, if known the planning history of the site (i.e. previous applications, OMB/LPAT/OLT decisions), identification of how the lands will be serviced and accessed and any previous consultations with the Town, Region and other agencies.

Where modifications to the Official Plan are proposed, a detailed description of the proposed amendment and proposed modification shall be included.

Where modifications to the Zoning By-law provisions are proposed, 1) a detailed concept plan and 2) a zoning chart shall be provided illustrating all applicable existing and proposed zoning exceptions requested with an explanation as to why these are appropriate, (i.e. lot frontage, setbacks, coverage, encroachments, building height, parking (number and size of parking spaces, and driveway aisles), etc.).

D. Supporting Studies and Key Findings

The description of the proposal will also list and provide a brief description of other technical supporting studies that have been submitted as part of a complete application, in support of the application(s) and how these relate to applicable planning policies (i.e. Traffic Impact Study, Noise and Vibration Assessment, Archaeological Assessment, Functional Servicing Study, Urban Design Brief, etc.). A summary of the key findings or outcomes of the assessments should also be provided.

E. Policy and Planning Analysis

The policy and planning analysis is the basis for establishing why a proposal should be considered and approved. The analysis shall provide an outline of applicable planning policy documents and regulatory contexts quoting specific policies that are relevant to the proposal. This should include relevant planning application history and any approvals including litigation. The analysis shall establish a basis for the application(s) by providing detailed analysis of the identified relevant policies and explain how the proposal conforms to the policies. Where changes to the Official Plan and/or Zoning By-law are proposed, the analysis shall discuss the appropriateness of the requested amendments, including the policy basis for any requested modifications that are specific to the proposal. Provide an analysis/opinion as to why the proposal is considered appropriate and is good planning, including addressing any issues of impact and compatibility with the surrounding area.

The Planning Justification Report must demonstrate that an application is consistent with and/or conforms with the following planning documents:

1. Provincial Policy and Legislation
 - Planning Act
 - Provincial Policy Statement
 - Growth Plan for the Greater Golden Horseshoe
 - Greenbelt Plan
 - Niagara Escarpment Plan
 - Any other applicable Policy Documents, Studies or Guidelines/Standards (i.e. Ministry of Agriculture, Food and Rural Affairs, Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas Publication 851)

2. Regional and Municipal Policy
 - Region of Niagara Official Plan
 - Town of Lincoln Official Plan
 - Any Secondary Plans
 - Council Approved Guidelines and Studies
 - Applicable provisions in the Town's Zoning By-law
3. Zoning By-law

If during the pre-consultation meeting specific policies were identified that need to be addressed in the Planning Justification Report, the policy and planning analysis shall include an analysis of those specific policies and discuss how the proposal is supported by those specific policies.

The policy and planning analysis section 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. This may include a discussion of how the proposal provides social, cultural, economic, and/or environmental benefits; how the proposal contributes to creating complete, vibrant communities; how potential negative impacts have been mitigated or avoided; and how the proposal is compatible with the character of the surrounding area.

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.

The analysis shall also include a summary of the findings of other technical supporting studies that make up a complete application and discuss how the findings of these studies are supported by the policy context and strengthen the proposal generally.

Applications proposing residential uses shall provide an analysis of proposed densities and unit counts compared to the requirements in the applicable policy documents and demonstrate how the proposed density is in conformity with Provincial and/or Municipal plans.

In some cases, policy documents or zoning by-laws affecting lands may have been adopted or approved by Council and are under appeal. In these cases, the documents are not in effect, but are relevant to the proposal. The Planning Justification Report shall address the policies in the documents as part of the planning analysis and identify if changes are needed if the document or zoning by-law were in effect.

F. Community Engagement Plan

This section of the Report will provide a summary of any public meetings planned or undertaken, the public feedback received with respect to the proposal, and how the proposal addresses or has been revised to address the feedback received.

Note: a pre-application Community Information Meeting must be held after the pre-consultation meeting, but prior to the submission for complete application. Feedback from the Community Information Meeting must be identified and included in the Planning Justification Report. See Appendix A – Community Information Meeting

G. Summary and Conclusions

This section of the Report will provide a summary and concluding remarks outlining:

- The purpose and effect of the application(s), including why the requested amendment(s) 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 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;
- 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;
- 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 conclusions and recommendations

H. Appendices/Maps/Plans

The following visual aids and/or appendices are typically included in Planning Justification Reports and shall be included where applicable:

- Maps, including aerial photographs, land parcel mapping and surveys
- Street level photographs/renderings of the lands subject to the proposed application(s)
- Official plan maps of land use designations
- Zoning maps
- Concept plans or site plans
- Official Plan amendment sketch and copy of proposed Official Plan amendment text
- Zoning By-law amendment sketch and copy of proposed Zoning By-law amendment text
- Draft plan of subdivision
- Supporting technical studies

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 Planning Justification Brief shall give a summary of the proposal, outline the merits of the proposal based on good planning principles and for minor variance applications shall address the 4 tests pursuant to the *Planning Act, RSO 1990*. The requirement for a Planning Justification Brief will be determined on a case by case basis.

Planning Justification Briefs shall include at a minimum:

- A description of the proposal and site context, including site statistics;
- A summary addressing how the proposal meets the general intent of provincial, regional and municipal policies, including policies specific to the lands; and
- A summary of how the proposal is consistent with good planning principles.

Appendix A – COMMUNITY INFORMATION MEETING Terms of Reference

Responsibilities

Applicant/Agent and consulting team:

- Send requested Community Information Meeting date and location to Town Planner for approval at least 4 weeks in advance of the desired Community Meeting date
- Schedule Community Information Meeting (date and location) upon approval by Town
- Prepare presentation material and provide to Town Planner to demonstrate the information to be presented at the Community Information Meeting at least 3 weeks in advance of the desired Community Information Meeting date
- Mail notice of meeting to area residents at least 14 days prior to the meeting (see Appendix B for Notice Template)
- Present proposed concept to attendees, answer any questions, respond to feedback, and commit to providing additional information as appropriate
- Take appropriate notes to capture the comments, questions and feedback
- Include comments and responses as part of the Planning Justification Report as part of a complete application submission package

Town Planner (file manager):

- Review materials provided by the applicant to ensure there are substantive materials for the neighbourhood to review
- Provide address mailing list to applicant (to send the Notice of Meeting)
- Provide a copy of the notice to Council Members and relevant Town Staff; post the meeting details in the Town's online calendar and website
- If available, attend Community Information Meeting. Planner may answer questions relating to the process and timing of the future planning application.

Public Notice

It is the Applicant's responsibility to coordinate the required notices as soon as possible and a minimum of 14 days prior to the meeting. Town approval for the Notice of Community Information Meeting will not be given until satisfactory presentation materials have been submitted to the Planner. See format of Notice of Community Information Meeting below.

Location

In a suitable publicly accessible venue that is reasonably close to the subject site, such as schools, community centres, Town Hall, etc. It is the Applicant's responsibility to coordinate scheduling of the date and location, upon Town approval.

Presentation

The Applicant/Agent is required to prepare a short presentation that:

- Introduces the proposed development concept;
- Provides building elevations/rendering;
- Demonstrates how the development will fit into the existing neighbourhood;
- Identifies the Official Plan Amendment and/or Zoning By-law Amendments required, if any; and
- Identifies the studies to be provided in support of the application and provides draft copies, if available.

Feedback Gathered and Responses

The goal of the meeting is to engage with the community and obtain their feedback regarding the proposed development. The applicant must provide a section within the Planning Justification Report that identifies the comments received and how they have been addressed.

Appendix B – TEMPLATE FOR NOTICE OF COMMUNITY INFORMATION MEETING

<Applicant/Agent Company Header>

<Date>

Application: <Number to be provided by Town>

NOTICE OF COMMUNITY INFORMATION MEETING

**Proposed Application(s) for Amendment(s) to the Town of Lincoln Official Plan
and/or Zoning By-law**

<Insert Subject Property Address>

Date: Insert date

Time: Insert time
(Formal Presentation followed
by questions and open forum)

**<Insert Location Map of
Subject Property>**

Location: Insert location

Please contact <Agent Contact Name> at <phone number> or by email at <email address>

PROPOSED CHANGE

<Provide summary of proposal and the purpose and effect of the proposed applications.>

Details about this application can be found on the Town's website at SpeakUpLincoln.ca .

HAVE YOUR SAY

You are invited to attend a Community Information Meeting to learn more about the development proposal. The purpose of this session is to provide an informal opportunity for you to learn more about the planning application and the review process, ask questions and share your comments with the Applicant in advance of the Official Plan and Zoning By-Law Amendment applications being filed with the Town of Lincoln. Town staff will be in attendance but no formal Town presentation will take place. The Town will hold the required Statutory Public Meeting at a later date and separate notices of this meeting will be provided.

Proposed Development Concept

<Insert conceptual site plan and elevation/renderings>