

Recommendation:

That the Clerk/Planning-2022-32 report, dated June 7, 2022 regarding Bill 109, the More Homes for Everyone Act, 2022 be received and that staff be directed to complete the following:

- Bring forward an updated Site Plan Control By-law which delegates all Site Plan approvals to staff for the next Council meeting,
- That staff prepare a Pre-Consultation By-law to assist in mitigating the application fees refund requirements and to have any changes in place by January 1, 2023
- That staff work with the County of Peterborough to ensure that the language in the Official Plan is sufficient to ensure that the Township can request that peer reviews be completed prior to a Planning Act application being deemed complete.

Overview:

On March 30, 2022 the Provincial government introduced its More Homes for Everyone Plan which proposes legislative and regulatory changes to make it easier to buy a home by increasing the housing supply in Ontario. The provincial plan aims to build homes faster, make it easier and less expensive to build more affordable housing and protect home buyers and renters through the legislative and regulatory changes. The proposed amendments will make changes to the processes in place for Zoning By-law Amendments, Plans of Subdivision and Site Plan applications to speed up approvals and incentivize decisions within set timelines.

For example, the Planning Act will be amended to delegate approval of Site Plan applications to municipal staff and extend the timeline from 30 to 60 days to issue a decision. Other changes will mandate refunds from 25% to 50% of applications fees if decisions not made within the 60 days. In addition, proposed amendments will require partial refunding of Zoning By-law Amendment fees if they fail to have a decision on an application within 90 days (or 120 days if concurrent with an Official Plan Amendment). Through these amendments, the Province is also proposing what can be required as a condition of draft approval for Plans of Subdivision as well as give municipalities a one-time discretionary authority to reinstate draft approved Plans of Subdivision that have lapsed within the past five years without a new application. The Province considers these changes as streamlining the decision making process.

In addition, provincial housing policies and priority projects will be expedited through a new tool called the Community Infrastructure & Housing Accelerator. Other changes will increase public reporting, public consultations and changes related to Development Charges and Community Benefits Charges while strengthening protections for purchasers of new homes.

Each of the major changes that will be enacted by this Bill are summarized below along with the potential impacts to the Township.

Planning Act

Bill 109 contains a number of changes to the Planning Act that are applicable to the municipality as the approval authority for Zoning By-law Amendments, Site Plan Control, and Minor Variances.

Refund of Fees

- The Bill will require municipalities to gradually refund application fees to applicants who do not receive a decision on their Zoning By-law Amendment applications or Site Plan applications within the legislated timelines. This would apply to applications made on or after January 1, 2023.

As a consequence of the proposed Planning Act changes, the Township will need to implement a Pre-Consultation By-law and will need to update our Site Plan Control By-law.

The professional peer review process that is required to ensure that technical reports submitted in support of Planning Act applications are satisfactory is the main reason that our review times often extend past the timelines specified in the Planning Act. We often must wait to obtain responses from the applicant and/or other commenting agencies. In spite of the fact that the municipality has little to no control over these delays, the legislation provides no recognition of this fact. In calls with the Ministry, staff and other across the Province have advised that the new authority provided to establish complete application requirements for Site Plan Control applications, similar to those currently in place for Zoning Amendment applications, will allow municipalities to overcome these challenges.

To help address this issue staff would like to create a policy to include the peer review in the pre-consultation process by making it mandatory that any necessary supporting reports for a Planning Act application be peer reviewed as part of the complete application. This is in keeping with the Ministry suggestion that municipalities can use their authority to determine what a complete application includes in order to address the issue of delays which are beyond the municipality's control leading to lost fee revenue. Staff will need to review the legal and policy implications of this to determine the best way to enact this process change.

Delegation of Site Plan Approval to Staff

- The Bill requires that decisions on all Site Plan applications be delegated to staff for applications made on or after July 1, 2022.

The Township processes only one or two Site Plan approvals in a given year but with increased development interest in the community there is the possibility that this number will increase. Council could continue to be made aware of Site Plan approvals granted by staff through regular summary reporting.

Establishment of Municipal Authority to Prescribe Complete Application Requirements for Site Plan Applications

- The Bill establishes a regulation-making authority and municipal by-law authority to prescribe complete application requirements for Site Plan applications. As discussed above this authority may help to address some of the potential issues related to the fee refund timelines. This would require amendments to the Site Plan Control By-law. It is noted that this authority may only be exercised where the Official Plan contains provisions permitting the exercise of this authority.

Development Charges

Part of Schedule 2 of Bill 109 proposes to make a change to the Development Charges Act, 1997. The proposal seeks to improve transparency of reporting on development charges. The proposed amendments would specify that Treasurers' statements are to be made available to the public on a municipality's website, or in the municipality's office if no such website is available, and in any manner as may be prescribed in the future. Municipalities are already required to make these statements available to the public. The Township already follows this practice so this change will not increase the workload of staff or change our internal processes.

Community Infrastructure and Housing Accelerator (CIHA) Tool

Bill 109 establishes a new Community Infrastructure and Housing Accelerator (CIHA) tool for municipal requests to expedite Zoning By-law Amendment outside of the Greenbelt area. A CIHA order which would be issued by the Minister of Municipal Affairs and Housing could be used to regulate the use of land and the location, use, height, size and spacing of buildings and structures to permit certain types of development. The requesting municipality is responsible for providing public notice, undertaking consultation and ensuring the order, once made, is made available to the public.

This new order, to be called a Minister's Order, is similar to a Minister's Zoning Order under section 47 of the Planning Act. A Minister's Order could be requested by Council on an active application that has been submitted through the regular planning process under the Planning Act, through request to Council by a proponent or through staff recommendation. At this time staff have not done a fulsome review of the CIHA guidelines as at this time it is not expected to be used in any upcoming development application taking place in the Township.

Conclusion:

Staff are reviewing the impacts of Bill 109 on our planning processes and the planning services that we offer to the public. With the arrival of a Planner at the end of June, we will have the capacity and ability to review the tools we currently have in place and the various changes that will be required. If the recommendations in this report are approved it is anticipated that minor changes to the Site Plan Control By-law will be brought back to Council at the next meeting to comply with the July 1, 2022 deadline for the delegation of site plan control approval to staff and that a more fulsome review and re-writing of the By-law plus the introduction of a Pre-Consultation By-law will come forward to Council later in 2022.

Financial Impact:

None at this time but it is anticipated that without proper policies and procedures in place the Township could see the cost of processing Planning Act applications rise.

Strategic Plan Applicability:

To ensure and enable an effective and efficient municipal administration.

Sustainability Plan Applicability:

N/A

Report Approval Details

Document Title:	Report Regarding Bill 109.docx
Attachments:	- Bill 109 Presentation April 20 2022 FINAL.pdf - Bill 109 Qs As Municipal Session May 3 2022 FINAL.pdf
Final Approval Date:	Jun 1, 2022

This report and all of its attachments were approved and signed as outlined below:

Elana Arthurs