

EVALUATION REPORT

PLANNING DEPARTMENT

To: Mayor and Members of Council, Municipality of North Middlesex

From: Abby Heddle-Jacobs, Planner (Policy), County of Middlesex & Stephanie Poirier, Planner, County of Middlesex

Date: January 18th, 2023

Re: Municipally-Initiated Housekeeping Official Plan Amendment (OPA-14-2023)

Purpose:

The purpose of this housekeeping amendment is to update the Municipality's Official Plan to implement up-to-date policies as a result of recent legislative changes. The effect of this housekeeping amendment is to implement and update complete application requirements for applications for site plan approval. Further, this housekeeping amendment would provide policy direction to allow council to delegate the passing of minor zoning by-law amendments to a municipal committee, officer, employee or agent, and provide policy direction as it relates to requests for the cancellation of a certificate of consent. These amendments are a result of recent updates to the Planning Act through Bill 13 – Supporting People and Supporting Businesses Act, 2021, Bill 276 – Supporting Recovery and Competitiveness Act, 2021 and Bill 109 – More Homes for Everyone Act, 2022.

Background & Analysis:

Bill 109 - More Homes for Everyone Act, 2022, made several legislative changes to the Planning Act, which focus on streamlining the municipal decision-making process, including imposing the requirement, starting January 1, 2023, to refund certain planning application fees where decision timelines are not achieved. Additionally, several changes were made that would allow the Province in the future to prescribe details on other matters.

A significant change within Bill 109 is how site plan control is implemented. Municipal Councils were required to delegate site plan control decisions to staff for all applications received on or after July 1, 2022. The site plan application decision-making timeline, as of January 1, 2023, will be extended from 30 days to 60 days. An applicant can appeal a municipality's failure to approve their site plan application to the Ontario Land Tribunal beginning 60 days after the application was deemed complete.

The Act now provides for the inclusion of complete application requirements within official plans for site plan applications, similar to current complete application requirements for other types of applications under the Planning Act. An owner has recourse if the municipality fails to deem an application for site plan approval complete within thirty (30) days of it being submitted, unless the official plan contains prescribed information and material that could be required as part of a complete application for site plan approval, providing the Municipality to opportunity to "pause the clock" in the absence of required materials.

The basic provisions of complete application requirements for site plans are included in section 41 of the Planning Act. These provisions include: plans showing the location of all buildings, elevations, cross sections, public spaces, exterior design and features of the buildings, landscaping, and some other design elements. For the majority of site plan applications, municipalities will require additional information and reports/studies that address matters including but not limited to grading, traffic studies, noise and vibration studies and servicing studies, all of which contribute to the iterative nature of the site plan approvals process.

Given that the Municipality's official plan contains policy direction as it relates to complete applications for site plan approval, staff are recommending an additional policy that provides for the Municipality to require a peer review, where applicable, as part of a complete application. Additionally, the policy provides that where other planning approvals are required to facilitate a development, site plan applications will not be deemed complete until such time that those planning approvals are in force and effect. This will ensure that the Municipality is able to front-end the majority of the work for site plan applications prior to deeming the application complete, which is intended to facilitate a timely decision and avoid the potential of having to refund applicants in the absence of a decision.

In addition to the legislative changes that were implemented through Bill 109, Bill 13 – Supporting People and Supporting Businesses Act, 2021 and Bill 276 – Supporting Recovery and Competitiveness Act, 2021 made minor amendments to the Planning Act. Schedule 19 of Bill 13 amended the Planning Act to include provisions that enables Council to, by by-law, delegate the authority to pass by-laws under section 34 of the Planning Act (Zoning By-laws) that are minor in nature, to a committee of Council, or an individual who is an officer, employee or agent of the municipality. These by-laws include removing holding "H" symbols, and passing temporary use by-laws. In order for Council to delegate the authority to pass by-laws on these matters, the Act requires that the official plan provide policies to specify the types of by-laws that may be delegated. The delegation of this authority is discretionary and requires Council to subsequently pass a by-law to delegate the approval authority to staff.

Further, Schedule 24 of Bill 276 amended the Planning Act to, among other matters, allow for the cancellation of a certificate of consent. While it is not a requirement of the Act, the addition of a policy that outlines requirements to cancel a consent would assist staff in the evaluation of requests to do so.

As such, the purpose of this Amendment is to implement the provisions of the Planning Act associated with Bill 109, Bill 13 and Bill 276 within the Municipality of North Middlesex Official Plan. The proposed amendment includes policy direction as it relates to complete application requirements for site plan approval applications. Additionally, the proposed amendment adds the necessary implementation policies for Council to delegate the authority to pass by-laws under Section 34 that are minor in nature as well as a policy to assist staff in the evaluation of requests to cancel a certificate of consent.

Overall, this amendment will conform to recent changes to the Planning Act and provide clarity as it relates to complete application requirements for certain applications made under the Planning Act, the delegation of authority to pass by-laws under Section 34 of the Act that are minor in nature, and the evaluation of requests to cancel a certificate of

consent, which will ultimately improve the development application processes by the Municipality.

Consultation:

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Agency Comments

a) Bell Canada

We would like to thank you for the opportunity to be included in this process and the Municipality of North Middlesex's recognition of the importance of telecommunications and broadband infrastructure as critical components to the development and economic viability of North Middlesex. As such, to facilitate the provisioning of this infrastructure, we appreciate Pickering's continued support in ensuring that sufficient notice and time to comment on planning applications are provided, particularly for Draft Plan of Condominium, Draft Plan of Subdivision and Site Plan Control/Approval. This ensures an understanding by applicants of Bell's conditions and provisioning requirements.

Bell would also emphasize that receiving engineering and servicing/utility plans/drawings, as soon as possible in the process, assists in the development and expedition of our provisioning plan. As a result, we would strongly recommend that this consideration be highlighted in any pre-circulation/consultation meetings with prospective applicants. This will assist Bell in providing comments and clearance letters in an efficient manner, assisting the Municipality in meeting approval times. Such drawings should be submitted to: planninganddevelopment@bell.ca by the applicant/their agents.

Public Comments

At the time of writing the subject report, no comment or concerns had been received from the public regarding the proposal.

Recommendation:

THAT Official Plan Amendment OPA 14-2023 to implement policies as a result of legislative changes to the Planning Act, be adopted and forwarded to the County of Middlesex for consideration of approval.

Reasons

Consistency with the Provincial Policy Statement would be maintained;
Conformity with the County of Middlesex Official Plan would be maintained;
Conformity with the Municipality of North Middlesex Official Plan would be maintained.