



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Jessica Kitchen, Planner - Policy Planning
Date: September 6, 2022
Report #: RPT-0290-22
Subject: Public Meeting and Recommendation Report – County initiated Official Plan Amendment (OPA) - Overview of Amendments to the County of Brant Official Plan (2012) and Implementation of changes to the *Planning Act, R.S.O. 1990, c. P.13* resulting from enactment of *Bill 109 More Homes for Everyone Act, 2022*.
Purpose: For Approval

Recommendation

That report RPT-0290-22 be received; and

That the County initiated Official Plan Amendments outlined within Attachments 1 and 2 of RPT-0290-22 in response to changes to the *Planning Act, R.S.O. 1990, c. P.13* as a result of *Bill 109 More Homes for Everyone Act, 2022* be approved.

Executive Summary

Introduced on March 30, 2022, *Bill 109 More Homes for Everyone Act, 2022* received Royal Assent on April 14, 2022.

Changes introduced through *Bill 109* affect five legislative Acts, including the *Planning Act, R.S.O. 1990, c. P.13*. Schedule 5 of *Bill 109* made changes to Section 41 of the *Planning Act*, relating to site plan control. Staff have summarized these changes as follows:

- Maximum of 30 days to review and determine whether Site Plan Control applications are complete once fees are processed. Previously this requirement only pertained to other *Planning Act* applications, excluding Site Plan Control.
- Mandatory Pre – Application or Consultation with municipalities prior to submission of required materials (plans, drawings, etc.) for Site Plan Control. Previously this would have been at the discretion of the Municipality.
- Full and partial refunding of development application fees made under the *Planning Act*. These changes are outlined in Attachment 3 of this report and will come into force and effect on January 1, 2023.

This report identifies required updates to the County of Brant Official Plan (2012) and outlines next steps to implement changes made to the *Planning Act*, resulting from *Bill 109*.

Strategic Plan Priority

Strategic Priority 6 - Stable and Responsive Governance

Impacts and Mitigation

Social Impacts

Aligning municipal policies with Provincial legislative changes ensures municipal policies are current and implemented effectively.

Reviewing internal procedures creates efficient process which assists in sustainable and managed growth throughout the County of Brant.

Health and Safety Impacts

Not Applicable.

Economic Impacts

Initiated by the Corporation this project has no financial considerations of note, save and except implications of application refunds outlined within Attachment 3 of RPT-0290-22.

Report

Background

Bill 109 More Homes for Everyone Act, 2022 is a “first-step” response to the Ontario Housing Affordability Task Force Report (February 8th, 2022) which sets out 55 recommendations to address housing affordability throughout the Province of Ontario. Schedule 5 of *Bill 109* made changes to the *Planning Act* relating to development applications and timelines for land use planning approvals. Many of the changes to the *Planning Act* do not require amendments to the County’s Official Plan (2012).

Analysis

In reviewing the changes to the *Planning Act*, County staff identified minor technical amendments which should be made to Section 6.13 Complete Applications of the County’s Official Plan (2012). Policies within Section 6.13 relate to pre-consultation and complete application requirements for all development applications but exclude part lot control and site plan control. These minor amendments ensure that the County’s current practice requiring pre-consultation and complete applications for part lot control and site plan control will continue. The minor amendments to the County’s Official Plan (2012) are outlined within Attachments 1 and 2 of this report.

Despite changes made to the *Planning Act*, all land use planning decisions must still conform to Provincial and municipal legislation and plans.

Any amendments required to the draft New Official Plan will be undertaken as part of that project.

Next Steps

In preparation of this report, staff have identified other items to be addressed through implementation of changes made to the *Planning Act*, as a result of Bill 109. Implementation to address these changes will include:

- Early consultation between municipal staff and applicants to ensure all required materials are identified and submitted in support of an application. This allows early identification of issues and resolutions to be sought outside of strict *Planning Act* timelines.
- Review of internal procedures to ensure an efficient development review process. This will ensure a streamlined approach to the development review process and assist applicants requesting development.
- Development application fee review through Fall 2022 budget exercise to align fees and process.
- Review of County Site Plan Control By-Law and newly adopted Delegated Authority By-Law to ensure alignment.
- Information communication and sessions with internal departments, external agencies, Indigenous Communities, and Stakeholders to ensure effective communication of all changes.
- Develop helpful guidelines and terms of reference for all required materials and studies to create transparent expectations for applicants.

In preparing RPT-0290-22 other municipal approaches to these changes were reviewed. The approach outlined within this report aligns with other municipalities throughout the Greater Toronto Hamilton Area and Outer Ring of the Greater Golden Horseshoe.

Summary and Recommendations

The effective date of January 1st, 2023 leaves limited time for municipalities to respond to these changes. Minor amendments to the County of Brant Official Plan (2012), to implement changes made to the *Planning Act*, resulting from *Bill 109* are recommended for approval in advance of January 1, 2023.

Ongoing changes to legislation are anticipated and staff will continue to provide updates to Council on all changes, highlighting potential impacts and suggesting solutions.

Notice was given in accordance with Section 17(19) and 22(1) of the *Planning Act*. No comments were received at the time of writing this report. Should this report be approved, and comments be received, they will form part of the upcoming September 27th, 2022, Council Meeting Agenda for consideration, prior to final decision.

It is staff's opinion that the recommended Official Plan Amendment be approved as it enables the tools provided by the *Planning Act* and reflects the County's current practice for pre-submission consultation and complete applications for part lot control and site plan applications.

Attachments

1. Draft Amending By-Law – County of Brant Official Plan (2012)
2. Black Lined Document – County of Brant Official Plan (2012)

3. Overview of Full and Partial Application Refunds

Reviewed By

1. Jennifer Boyer, Manager of Policy Planning
2. Mat Vaughan, Director of Development Planning
3. Pam Duesling, General Manager of Development Services

Copied To

1. Alysha Dyjach, Director of Council Services, Clerk
2. Jyoti Zuidema, Solicitor and Corporate Counsel
3. Richard Weidhaas, Chief Building Official
4. Don Cunningham, Director of Development Engineering

By-law and/or Agreement

By-law Required	Yes
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No