

Date: 2022-12-15

Subject: Information Report, City-Initiated Amendments to the Official Plan – A Response to Bill 109, City-wide

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Report Number: Planning, Bld & Growth Mgt-2023-007

Recommendations:

1. **That** the report titled: Information Report, City-Initiated Amendments to the Official Plan – A Response to Bill 109, City-wide, dated December 15, 2022 to the Planning and Development Committee meeting of January 23, 2023 be received, and,
2. **That** Planning, Building and Growth Management staff be directed to report back to the Planning and Development Committee with the results of the Public Meeting and a staff recommendation.

Overview:

- On April 14, 2022, Bill 109 received Royal Assent. Bill 109 makes a number of significant changes to the *Planning Act*, including requiring the refund of application fees if a municipality fails to approve a site plan or make a decision on a Zoning By-law and/or Official Plan Amendment within the provincially stipulated timeframe.
- On December 14, 2022, City Council adopted an Official Plan Amendment amending the Official Plan policies related to the City's Pre-Consultation Application process and determining completeness for planning applications. This is the first step in implementing the City's response to the Bill 109 legislation.
- The "Recommendation Report - City-Initiated Amendment to the Official Plan – Response to Bill 109" on December 14, 2022 also provided direction to staff to provide notice of and seek feedback on two further proposed City-initiated amendments to the Official Plan to enhance the City's development review process and to meet the decision timelines prescribed by Bill 109.

- **The purpose of this Information Report is to present the following two proposed City-initiated Official Plan Amendments:**
 1. **To add policies to the Site Plan Control section of the Official Plan establishing an “approval in principle” process step; and**
 2. **To delete the requirement in the Public Meeting section of the Official Plan requiring the public meeting notice to contain language that the Council of the City of Brampton will not adopt a proposed amendment or plan of subdivision until at least 30 days after the date of the statutory public meeting.**
- **This Information Report and associated Public Meeting facilitate compliance with the Strategic Plan’s ‘Good Government’ priority, with respect to educating and engaging citizens in an open and accountable way.**

Background:

On March 30, 2022, the Province introduced Bill 109: *More Homes for Everyone Act*. The Bill is considered to be the first step in implementing the recommendations of the Province’s Housing Affordability Task Force (HATF) Report.

On April 14, 2022, Bill 109 received Royal Assent. Bill 109 makes a number of significant changes to the *Planning Act*, including requiring the refund of application fees if a municipality fails to approve a Site Plan or make a decision on an Official Plan or Zoning By-law Amendment within the provincially stipulated timeframe.

December 14, 2022 - Council Direction

Council considered a report entitled “Recommendation Report - City-Initiated Amendment to the Official Plan – Response to Bill 109” and dated November 28, 2022 on December 14, 2022 (found in Appendix 1). The purpose of that report was to recommend approval of a City-initiated Official Plan Amendment updating the Official Plan policies related to the Pre-consultation Application process and determining completeness for planning applications. Council adopted this Official Plan Amendment (OP2006-232) on December 14, 2022.

There were several other changes to the City’s review processes outlined in the Recommendation Report intended to mitigate the risk of revenue loss from the Bill 109 refund requirements and improve the efficiency of the development application review process. These included the following:

1. Increased use of “Holding” provisions
2. Improvements to the Site Plan Application process
3. Encourage non-statutory public engagement
4. Option for withdrawal and resubmission of development applications

The Recommendation Report also provided direction to staff to provide notice of and to seek feedback on the following proposed City-initiated Amendments to the Official Plan to enhance the City's development review process and to meet the decision timelines prescribed by Bill 109:

1. To add policies establishing an "approval in principle" step in the Site Plan Application process; and
2. To delete the requirement that the public meeting notice shall contain language that the Council of the City of Brampton will not adopt a proposed amendment or plan of subdivision until at least 30 days after the date of the statutory public meeting.

Current Situation:

Two City-initiated Official Plan Amendments are being proposed to help meet the Bill 109 prescribed decision timelines. These proposed policy amendments are described below:

1. An Amendment to the Official Plan Section 5.7 - Site Plan Control

The Bill 109 timelines for site plans are very tight - only 60 days before refunds start to be required. The Official Plan Amendment adopted by Council on December 14, 2022 amended the City's Pre-Consultation Application process and added a completeness requirement for Site Plan Applications.

To further assist in meeting the Bill 109 approval timelines for Site Plan Applications, it is proposed to add a new "Approval in Principle" process step that will be called "Approval with Conditions". The proposed new "Approval with Conditions" process step will allow the Director of Development Services, or their designate, to issue an "Approval with Conditions" letter and stamped site plan drawings labelled with "Approved with Conditions". As part of this process step, the following will be provided:

- Conditions to be satisfied by the owner or applicant to obtain the final stamped Site Plan drawings; and
- Conditions to be registered on title in a Site Plan Agreement.

Site Plan drawings may be approved with redline revisions as part of the issuance of "Approval with Conditions". The "Approval with Conditions" step will constitute approval of the Site Plan Application in accordance with Bill 109.

It is proposed that the owner will have 180 days, unless extended by the Director of Development Services, to satisfy the "approval in principle" site plan conditions. If the conditions have not been satisfied within 180 days, the applicant may be required to submit both a new Pre-Consultation Application (if applicable) and a Site Plan Application.

New policies under Section 5.7 – Site Plan Control are being proposed in the Official Plan to support this new "Approval with Conditions" Site Plan processing step. A copy of the draft Official Plan Amendment can be found in Appendix 2.

2. An Amendment to Official Plan Section 5.30 - Public Meetings

Currently, the Official Plan requires that the notice of a statutory public meeting contain a statement advising that a Recommendation Report will be prepared by staff and presented to Planning and Development Committee and that the Council of the City of Brampton will not adopt the proposed amendment or plan of subdivision until at least 30 days after the date of the Public Meeting.

The *Planning Act* does not regulate the minimum number of days a Council must wait to make a decision on an application after the statutory public meeting has been held. The *Planning Act* does regulate that the public be notified at least 20 days prior to the date of a statutory public meeting.

With the *Planning Act* requirement to notify the public at least 20 days prior to the date of the statutory public meeting plus the Official Plan requirement to have a minimum of 30 days before Council adopts an amendment after the date of the public meeting (total of 50 days), staff may not have adequate time once an application is deemed complete to review an application, hold a statutory public meeting and to prepare the final recommendation report to Council to be able to render a decision within the Bill 109 prescribed refund timelines.

To help meet the decision timelines outlined in Bill 109, a City-initiated Official Plan Amendment is proposed to amend the Public Meetings section of the Official Plan to delete a portion of the public meeting notice requirements (Section 5.30.4 (iv)) that requires the notice to contain the following information:

- a) A statement advising that a recommendation report will be prepared by staff and presented to Planning, Design and Development Committee with respect to the proposal will be forwarded to the Council of Brampton for a decision. The Council of the City of Brampton will not adopt the proposed amendment or plan of subdivision until at least 30 days after the date of the Public Meeting.

This proposed Official Plan Amendment will allow staff the opportunity to forward a Recommendation Report within any timeframe after the Public Meeting has been held. This flexibility will help the City to meet the Bill 109 timelines. This could include forwarding the report and implementing documents to Committee and Council concurrently with the statutory public meeting, if there are no significant issues that are anticipated to arise at the Public Meeting. Staff will assess any reputational risk and community/stakeholder implications before bringing forward reports and implementing documents in this fashion.

A copy of the draft Official Plan Amendment can be found in Appendix 3.

Public Meeting Notification Area:

The proposed City-initiated Official Plan Amendments were advertised in the Brampton Guardian. This report has also been posted on the City's website.

Corporate Implications:

Financial Implications:

No financial implications have been identified at this time.

Other Implications:

No other implications have been identified at this time.

Term of Council Priorities:

This Information Report and the associated public meeting facilitate compliance with the Term of Council Priorities 2019-2022 “A Well-run City (Good Government)” priority. It is the intent that the proposed City-initiated Official Plan Amendments will meet the direction and goals of the Term of Council Priorities 2019-2022, which will be discussed in the future Recommendation Report.

Living the Mosaic – 2040 Vision:

This report has been prepared in full consideration of the overall vision that the people of Brampton will “Live the Mosaic”.

Conclusion:

In compliance with the requirements of the *Planning Act*, the City is holding a statutory public meeting to present two Official Plan Amendments that propose amendments to the City’s Site Plan Control and Public Meeting policies for public review and comment.

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Attachments:

Appendix 1: Recommendation Report - City-Initiated Amendment to the Official Plan –
Response to Bill 109” dated November 28, 2022

Appendix 2: Draft Official Plan Amendment – Site Plan Control

Appendix 3: Draft Official Plan Amendment – Public Meetings