



Report
Staff Report
 The Corporation of the City of Brampton
2022-12-12

Date: 2022-11-28

Subject: Recommendation Report - City-Initiated Amendment to the Official Plan – Response to Bill 109, City-wide

Contact: David VanderBerg, Manager, Development Services, Planning, Building and Growth Management Department,
david.vanderberg@brampton.ca

Report Number: Planning, Bld & Growth Mgt-2022-950

Recommendations:

1. **That** the report titled: **Recommendation Report, City-Initiated Amendment to the Official Plan – Response to Bill 109**, City-wide, dated November 28, 2022, to the Planning and Development Committee meeting of December 12, 2022 be received;
2. **That** the Official Plan Amendment generally in accordance with the attached Appendix 1 be approved; and
3. **That** staff be directed to hold a statutory public meeting to provide notice of and to seek feedback on the following proposed City-initiated amendments to the Official Plan:
 - a) 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.
 - b) To add policies that establish an “Approval in Principle” step in the Site Plan Application process.

Overview:

- **On April 14, 2022, Bill 109 received Royal Assent. Among other matters, the Bill amended the *Planning Act* to require municipalities to refund development application fees if a decision is not made within legislative timelines and also requires complete applications for Site Plan applications. These changes come into effect on January 1, 2023.**

- This report makes recommendations to mitigate the risk of revenue loss, and to improve the efficiency of the City's development review process.
- Through the adoption of an Official Plan Amendment, the City is proposing to enhance the Pre-Consultation Application process and update 'Complete' application submission requirements.
- This report recommends seven fundamental changes to our development review process, some of which require adoption of an Official Plan Amendment to implement. The seven are:
 1. Revisions to the Pre-Consultation Application Process
 2. Revisions to the Complete Application Requirements
 3. Increased Use of "Holding" Provisions
 4. Improvements to the Site Plan Application Process
 5. Encouraged non-statutory Public Engagement
 6. Option for Withdrawal and Resubmission of Development Applications
 7. Removal of minimum required time between statutory public meetings and Recommendation Reports
- The measures recommended in this report will help to meet the Bill 109 timelines. However, there may be times where they will not be met and refunds are required. There are numerous variables affecting the ability to meet the timelines and it is difficult to predict how often refunds will occur. Staff will monitor the situation and report back to Council in 2023 after adequate time has passed to properly evaluate the effectiveness of the proposed changes.
- In anticipation of financial implications resulting from Bill 109, a separate report recommending changes to the City's application fee structure will be forwarded to Council in January 2023.
- On Monday, November 28, 2022, Bill 23 received Royal Assent. Staff will need to review the impact of Bill 23 with respect to our overall processing timelines and will report back to Council in 2023 with any further recommended process changes.
- A statutory Public Meeting for this City-initiated Official Plan Amendment was held on September 26, 2022. No one spoke at the meeting and no written submissions were received.

Background:

On March 30, 2022, the Province introduced *Bill 109: An Act to amend the various statutes with respect to housing, development and various other matters*. The Bill is considered to be the first step in implementing the recommendations of the Province's Housing Affordability Task Force Report.

Bill 109 received Royal Assent on April 14, 2022. Among other matters, the Bill amended the *Planning Act* to require municipalities to refund application fees for Official Plan Amendment, Zoning By-law Amendment and Site Plan Applications if a decision is not made within legislative timelines, and it also allows municipalities to refuse a Site Plan Application if it is not complete.

The following chart lists the timelines and amount of refund set by Bill 109:

	No Refund	50% Refund	75% Refund	100% Refund
Zoning By-law Amendment	Decision within 90 days	Decision within 91 and 149 days	Decision within 150 and 209 days	Decision after 210 days
Official Plan / Zoning By-law Amendment	Decision within 120 days	Decision within 121 and 179 days	Decision within 180 and 239 days	Decision after 240 days
Site Plan	Approval within 60 days	Approval within 61 and 89 days	Approval within 90 and 119 days	Approval after 120 days

The prescribed timelines are short – and treat all applications equally without accounting for application complexity, quality of the application submission and consideration of commenting timelines from key stakeholders.

For comparison, the following table lists the City's average approval timelines for the same types of applications between 2020 and 2022:

Application Type	Average Approval Timeline (days)
Zoning By-Law Amendment	413
Official Plan / Zoning By-law Amendment	723
Site Plan (where a Zoning By-law Amendment is not required)	400

Without changes to the City's processes for reviewing development applications, Bill 109 will have a significant impact on revenue from those applications. For example, if one applied the proposed Bill 109 requirements to applications received in 2021, the City would have had to return **98.2%** of the associated revenue of **5.4 million dollars**.

The intended outcomes of staff's response to Bill 109 are three-fold:

1. Minimize revenue loss associated with refunds of development application fees.
2. Ensure quality comments are provided by staff resulting in development that meets mutual goals of the development industry and City.
3. Provide opportunities for further continuous improvement efforts to realize efficiencies in application processing.

An Official Plan Amendment is needed to implement these changes and this report provides recommendations on that amendment as well as other matters related to implementing the process changes.

Current Situation:

The City shares the goal of the Province to reduce approval times for development applications and is actively taking steps to do so. In reviewing development applications, staff focus on having an efficient review process where we work collaboratively with applicants, residents and other stakeholders to achieve good planning outcomes.

To date, Brampton has made significant improvements to its development review process. This success is reflected in the 2022 Municipal Benchmarking Study commissioned by the Building and Land Development Industry (BILD) that ranked the performance of 16 Greater Toronto Area municipalities with respect to development planning. **It ranked Brampton fourth in the category for speed of development application processing at 13.4 months.** Only three smaller cities (Milton, Whitby and Barrie) ranked ahead. The current study found that average approval timelines for GTA municipalities ranged from 10 – 34 months.

Staff continuously look to improve the efficiency of the review process and are actively taking steps to do so. Ongoing work to further improve the process include a Development Application End-to-End Process Review being led by KPMG and a review of Committee of Adjustment processes by Dillon Consulting. These studies are nearing completion and their results will be brought forward to Council informing of their recommendations.

Overall Approach for Bill 109 Response

The current approach to reviewing development applications is to have an iterative process with City staff, external agencies and the applicant where applications are refined so that staff can support them, whether in the form of a positive recommendation report (Official Plan and Zoning By-law Amendments) or approval (Site Plans). This typically involves an applicant making several submissions before a decision is made. It is noted the City's review is also reliant on comments from external agencies, such as the Region of Peel, school boards and conservation authorities. Their reviews as well as the quality of and timing for resubmissions by the applicant have a large impact on overall development review timelines.

Bill 109's refund requirements presents challenges to this approach because the timelines imposed limit how much refinement can occur after an application is made. The timelines for making decisions on applications under Bill 109 are simply too short for the applicant to be able to make resubmissions in response to City and external agency comments, then for staff to review those resubmissions and prepare a recommendation report, or issue final approval for site plan applications.

For this reason, staff need to focus on resolving issues through the Pre-Consultation Application, and on ensuring that when applications are submitted the submission materials are of a quality allowing staff to be able to make or recommend a decision within Bill 109 timelines. To achieve good planning outcomes that are aligned with Council's priorities and investments, issues must be addressed early in the Pre-Consultation stage.

The proposed Official Plan Amendment provides the necessary policies so staff can make the detailed changes to the application review process to implement the approach described above. It proposes changes to the policies for Pre-Consultation Applications and on the requirements for an application to be deemed "Complete". There are also several other changes to the City's review processes, which are intended to mitigate the risk of revenue loss and improve the efficiency of the review process. These include the following:

1. Improved Public Engagement
2. Increased use of "Holding" Provisions
3. Changes to the Processing of Site Plan Applications
4. Option for Applicants to Withdrawal and Resubmit Development Applications
5. Removal of minimum timeline between a Statutory Public Meeting and a Recommendation Report

A detailed summary of the above noted proposed changes to the City's development review processes can be found in Appendix 2.

Fees

Staff will bring forward a report in the future on recommended changes to Development Application Fees. This will include a new resubmission fee to implement the "Withdrawal/Resubmission" option described in this report.

Community and Stakeholder Engagement:

Consultation was held with the development industry and other interested stakeholders with respect to the City's response to Bill 109 and the proposed Official Plan Amendment. The following methods of engagement were utilized:

Statutory Public Meeting:

The statutory Public Meeting for the City-initiated Official Plan Amendment was held on Monday, September 26, 2022. Notice of the proposed City-initiated Official Plan Amendment was published in the Brampton Guardian and on the City's webpage in September 2022. There were no members of the public that made representation before the Planning and Development Committee.

No written submissions were submitted with respect to the proposed Official Plan Amendment.

Stakeholder Meetings:

- The Chair and Vice-Chair of the Peel Chapter of the Building Industry and Land Development Association (BILD) were consulted on the City's response to Bill 109, including the proposed Official Plan Amendment.
- The Credit Valley Conservation, Toronto Region Conservation Authority, the Region of Peel and the School Boards were consulted on the City's response to Bill 109, including the proposed Official Plan Amendment.

Bill 109 - Municipal Round Table Meetings

Planning staff attended three municipal round table meetings with staff from a variety of municipalities across Ontario to discuss how municipalities are proposing to amend their processes to manage Bill 109. The approach described in this report is generally in line with the proposed process changes other municipalities have described at the meeting.

Corporate Implications:

Financial Implications:

Staff is continuing to implement efficiencies in the development review process, but a reduction in revenue in 2023 due to refunding a portion of the development application fees is anticipated, due to Bill 109. As a result of Bill 109, staff also anticipate that an additional five full-time staff resources will be required in 2023 in order to maintain existing service levels and minimize the revenue impact to the City. The total staffing costs would be approximately \$743,048 (inclusive of salary, benefits, WSIB and staff costs).

The total impacts identified in this report are as follows:

Item	2023 Impact
Full-Time Staff Required due to Bill 109	5
Staffing Cost	\$743,048
Reduction in Revenue due to Bill 109	\$2,416,762
TOTAL IMPACT	\$3,159,810

Staff will continue to review the overall net impacts of Bill 109 and any additional impacts will be incorporated in the 2023 and future operating budget submission, pending Council approval. The 2023 budget will require an increase of \$3,159,810 or 0.63% on the City's portion of the tax bill, based on the current 1% tax levy equivalent of \$5,039,000.

Other Implications:

There are a number of implications (e.g. training, updates to application forms and Accela, and communication with industry and other key stakeholders) associated with the proposed amendments to the Pre-Consultation Application process and complete application submission requirements which are a result of Bill 109. Staff is working on implementing these changes.

Term of Council Priorities:

This report and associated recommendations comply with the 2019-2022 Term of Council Priorities "A Well-run City" priority by helping foster an efficient development review process and providing good stewardship of City resources by mitigating impacts on City revenues.

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:

The City is proposing to enhance the City's pre-consultation processes and to update Complete application requirements to improve process efficiencies and manage the legislated review timelines prescribed by Bill 109. The proposed policy amendments aim to ensure the delivery of planning services and decision making continues to be a collaborative approach with the goal of supporting the needs of Brampton residents and stakeholders.

Authored by:

David VanderBerg, MCIP, RPP
Manager, Development Services

Approved by:

Steve Ganesh, MCIP, RPP
Acting Commissioner
Planning, Building and Growth Management

Reviewed by:

Allan Parsons, MCIP, RPP
Director, Development Services

Attachments:

Appendix 1: Draft Official Plan Amendment
Appendix 2: Details of Process Changes

Appendix 1: Draft Official Plan Amendment



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2022

To Adopt Amendment Number OP2006 -
to the Official Plan of the City of
Brampton Planning Area

The Council of the Corporation of the City of Brampton in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P. 13, hereby ENACTS as follows:

- 1. Amendment Number OP2006- _____ to the Official Plan of the City of Brampton Planning Area is hereby adopted and made part of this by-law

ENACTED and PASSED this 14th day of December, 2022.

Approved as to
form.
20__/_/month/day
[insert name]

Patrick Brown, Mayor

Approved as to
content.
20__/_/month/day
[insert name]

Peter Fay, City Clerk

AMENDMENT NUMBER OP 2006-____
TO THE OFFICIAL PLAN OF THE
CITY OF BRAMPTON PLANNING AREA

1.0 Purpose:

The purpose of the Official Plan Amendment (OPA) is to modify the text of Brampton's Official Plan to update the policies related to Pre-consultation and complete application submission requirements. The goal of the amended policies is to improve the review process for planning applications by requiring early collaboration between applicants, staff and other stakeholders on development proposals to reach agreement on key facets of the development.

2.0 Location:

This amendment applies City-wide.

3.0 Amendments and Policies Relevant Thereto:

3.1 The document known as the Official Plan of the City of Brampton Planning Area is hereby amended:

- (1) by deleting Section 5.32 – Pre-Consultation and Complete Submission Requirements in its entirety and replacing it with the following:

“5.32 An Effective Approach to Reviewing Development Proposals

5.32.1 Pre-Consultation Application Requirements

Pre-Consultations are an integral part of the development application process. To support the submission of a complete application, the Pre-Consultation process will include two stages. These are Stage 1: Initial Pre-Consultation, and Stage 2: Detailed Pre-Consultation – Collaboration. This two-stage process will help ensure collaboration between the City and applicants regarding the proposed development concepts, which leads to an efficient and effective development review process. The Pre-Consultation process precedes the filing of any formal application.

5.32.1.1 Pre-Consultation with City staff prior to the submission of an application requiring *Planning Act* approval will be required for applications for amendments to the Official Plan and Secondary Plans, amendments to the Zoning By-law, Site Plan Approval, Plan of Subdivision, Plan of Condominium and Development Permit System Applications.

5.32.1.2 External commenting agencies, such as the Region of Peel, School Boards and Conservation Authorities, shall be circulated Pre-Consultation Applications, where appropriate, and provide comments on matters of particular relevance for their jurisdiction.

- 5.32.1.3 The specific plans and reports/studies that are required to be submitted together with the application form will be identified at Stage 1: Initial Pre-Consultation.
- 5.32.1.4 Stage 2: Detailed Pre-Consultation – Collaboration will facilitate a collaborative dialogue to advance the planning for development proposals that are significant because of scale, location or other matters related to the development of an area. Stage 2 is intended to achieve agreement on key elements of the development, including but not limited to land use, street network design, community infrastructure, park size and location, limits of development and/or constraints, and key built form elements. Additional supporting studies and revisions to plans may be required as part of Stage 2.
- 5.32.1.5 The City, at its sole discretion, may determine that only Stage 1: Initial Pre-Consultation is required for the purpose of satisfying the City's Pre-Consultation requirements.
- 5.32.1.6 Public engagement is a fundamental part of the planning process. The City encourages applicants to host a public engagement meeting prior to the submission of an Official Plan amendment, Zoning By-law amendment or a Plan of Subdivision Application. If an applicant chooses to host a public engagement meeting, the format of the public engagement meeting shall be discussed between the applicant and City planning staff.

5.32.2 Complete Submission Requirements

The purpose of a complete application submission is to ensure that all the relevant and required information pertaining to a development application is available at the time of submission to assist planning staff in providing a recommendation on the application, to enable City Council and its delegated approval authorities to make informed decisions within the prescribed period of time, and to ensure that the public and other stakeholders have access to all relevant information early in the planning process.

- 5.32.2.1 Subject to Section 5.32.1.3, the City and external agency submission requirements for a complete application for Applications to Amend the Official Plan and/or Zoning By-law, Draft Plan of Subdivision, Draft Plan of Condominium, Site Plan Approval, and Development Permit System Application, may include but are not limited to any of the following plans and reports/studies:
 - a. Planning Justification Report
 - b. Tertiary Plan
 - c. Housing Analysis or a Housing Assessment Report
 - d. Rental Conversion Report
 - e. Market Impact/Planned Function Study
 - f. Financial Impact Study
 - g. Phasing Plan
 - h. Concept Site Plan
 - i. Transportation Study

- j. Area-Specific Urban Design Guidelines
- k. Shadow Study
- l. Micro-Climate Wind Study
- m. Health Impact Study (in accordance with the Region's Healthy Development Framework)
- n. Sustainability Score and Summary
- o. Energy Management Plan/ Energy Model
- p. Community Energy Plan/Integrated Energy Plan
- q. Alternative and Renewable Energy Systems Feasibility Study
- r. Functional Servicing Report
- s. Environmental Implementation Report
- t. Subwatershed Study
- u. Vegetation Assessment Report/Tree Evaluation Report/Tree Preservation Plan
- v. Woodland Management Plan
- w. Invasive Species Management Plan
- x. Noise/Vibration Study
- y. Grading and Drainage Plan
- z. Sediment/Erosion Control Plan
- aa. Wetland Management Plan
- bb. Air Quality Impact Report
- cc. Hydrogeological Report
- dd. Phase I Environmental Site Assessment
- ee. Phase II Environmental Site Assessment –
Record of Site Condition
- ff. Cultural Heritage Evaluation Report
- gg. Archaeological Assessment
- hh. Cultural Heritage Evaluation Report
- ii. Heritage Impact Assessment
- jj. A Community Infrastructure Impact Study
- kk. Community Facilities Study/ Community Services and
Facilities Assessment and Strategy
- ll. Facility Fit Plan
- mm. Zoning Compliance Letter (if required)

5.32.1.2 All plans and reports/studies required for a complete application shall be prepared in accordance with an approved Terms of Reference and shall be signed off by a qualified, registered, and/or licensed professional.

- 5.32.1.3 In addition to the prescribed information required by the *Planning Act*, and the report/studies outlined in Section 5.32.1.1 of this Plan, additional studies, information and materials may be required by the City or an external agency to assist in understanding, evaluating and making recommendations on the application, and to ensure that sufficient information in an appropriate format can be made available to the commenting agencies and the public, and to City Council and its delegated approval authorities. This information will be set out during the Pre-Consultation process.
- 5.32.1.4 An application will be deemed complete by the City when:
- a. The prescribed application fees have been paid;
 - b. A fully complete application form that contains all of the requested information has been submitted;
 - c. All required plans and report/studies have been submitted to the City and it has been confirmed that the plans and report/studies address all matters in the approved Terms of Reference and have been signed-off by a qualified, registered, and/or licensed professional;
 - d. The clearances from the applicable City Departments and external agency referred to below have been submitted, which clearances include but are not limited to:
 - i. written confirmation from the Region of Peel confirming servicing requirements and capacity are present or have been committed to,
 - ii. written confirmation from either the Region of Peel or Ministry of Transportation that the location, type and capacity of roads is acceptable,
 - iii. written confirmation of the limits of development from the applicable Conservation Authority,
 - iv. written confirmation of park size and configuration,
 - v. written confirmation from the applicable authority or agency of the adequacy of other community infrastructure (e.g. fire halls, community and recreation centres), and
 - vi. written confirmation from the applicable School Board that the school block size, location and configuration is acceptable (if applicable);
 - e. Stage 2 - Collaborative Pre-Consultation process has been completed or that Stage 2 has been waived in accordance with Section 5.32.1.6, has been received;
 - f. For a Site Plan Approval Application, the applicant has submitted a zoning compliance letter to ensure the development proposal complies with the Zoning By-law; and
 - g. For a Site Plan Approval Application and a Plan of Subdivision, the minimum performance standards have been achieved under Brampton's Sustainable New Communities Program.

- 5.32.1.6 The City may deem an application incomplete if any information and/or materials submitted as part of an application(s) if the quality of the submission is unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference.
- 5.32.1.7 Prior to the submission of a complete *Planning Act* application, where complete application requirements have been determined through a formal Pre-Consultation Application process prior to January 1, 2023, the City may:
- a. Amend the formal Pre-Consultation Application requirements; or
 - b. Require a new Pre-Consultation Application.
- 5.32.1.8 Exemptions to any of the requirements of a complete application and any additional requirements will be determined and specified during the Pre-Consultation process and can include allowing the review of an incomplete application to advance at the discretion of the Director of Development Services.
- 5.32.1.9 The City and external agency requirements for a Consent Application, may include, but not limited to:
- a. Environmental Site Screening Checklist;
 - b. Tree Inventory and Preservation Study; and
 - c. Servicing drawings showing existing and proposed watermain, stormwater and sanitary sewer services.”

Appendix 2 – Details of Process Changes

The following process changes are proposed to meet the legislative timelines and improve the efficiency of the development review process.

1. *Pre-Consultation Application*

The *Planning Act* authorizes municipalities to require development proponents to consult with them before submitting Official Plan and Zoning By-law Amendment, Plan of Subdivision, Plan of Condominium and Site Plan Applications. In Brampton's Official Plan, Pre-Consultation Applications are mandatory on all such applications.

The Pre-Consultation Application review is not subject to the timelines for refunds prescribed by Bill 109.

The purpose of Pre-Consultation is to:

- Confirm the appropriate planning approvals required for the development of a site;
- Identify the drawing and studies required in support of the application; and
- Provide feedback on applicable planning policies, processing timelines and potential areas of concern.

To improve process efficiencies and manage the legislated review timelines for formal development applications, staff proposes to enhance the pre-consultation process by two-stage process to be applied at staff's discretion pending the nature of the application.

Stage 1
<ul style="list-style-type: none">• Determine the list of required plans, studies, information and material that must be submitted with the application to deem it complete• Identify potential areas of concern and work with applicants on resolving issues, particularly for those applications for which a second stage is not required• Stage 1 may be the only stage required for some applications• Identify need for Stage 2 Pre-Consultation
Stage 2
<ul style="list-style-type: none">• Additional meeting(s) to collaborate with applicants on a development proposal to achieve agreement on critical design elements• Critical design elements could include land use, street network design, community infrastructure, park size and location, limits of development and/or constraints, and key built form elements• Applies to development proposals deemed significant because of their scale, location, or other matters to the development of an area• Will involve staff across departments and from external agencies• More detailed information and additional material from the applicant may be required

The goal is to ensure the efficient delivery of good planning decisions that continue to respond to the needs of Brampton residents and stakeholders in addition to responding to legislative changes of Bill 109.

To address Pre-Consultation Applications completed before January 1, 2023, a transition policy is proposed where staff may:

- a) amend the formal Pre-Consultation requirements; or
- b) require a new Pre-Consultation Application.

This will help to ensure that all applications subject to Bill 109 will be best positioned to meet Bill 109 timelines.

Staff is currently developing a standard operating procedure related to the proposed new two-stage Pre-Consultation process, which will be available to development proponents and consultants in January 2023.

2. *Changing our Complete Application Requirements*

Under the *Planning Act*, municipalities can require certain information and material be provided as part of most application types in order for the applications to be considered a complete application.

A municipality may only require information and material as part of a complete application if related Official Plan policies have been implemented.

The purpose of complete application submission requirements is to ensure:

- All relevant and required information pertaining to a development application is available at the time of submission to assist planning staff in providing a recommendation on the application;
- City Council can make informed decisions within the prescribed period of time; and
- The public and other stakeholders have access to all relevant information early in the planning process.

Staff proposes to strengthen the complete application requirements for development applications and add them for Site Plan Applications to help meet Bill 109 timelines.

In an effort to improve commenting timelines, staff is proposing to add a policy requiring an applicant receive written clearance from applicable internal department or external agencies on threshold matters before deeming an application complete. The required approvals could include:

- Confirmation from the Region that servicing requirements and capacity are present or have been committed to;
- Confirmation from either the Region or province that road access is acceptable;
- Confirmation of the limits of development from the applicable Conservation Authority;
- Confirmation of the requirements for parks and other community infrastructure have been satisfied (e.g. fire halls, community and recreation centres); and
- Where land for schools is applicable, confirmation that the parcel size, location and configuration is acceptable by the applicable School Board.

Note there is flexibility in the policy so if the specific circumstances warrant that an approval is not required, it can be waived.

To strengthen the 'complete' application requirements and set a clear expectation of the type and quality of application material, staff is also proposing to amend the City's complete application policies in the Official Plan as follows:

- Prescribe complete application requirements for Site Plan Applications, including:
 - Zoning By-law compliance
 - Satisfying the Sustainable New Communities program scoring requirements;
- Update the list of studies that can be required as part of a complete application;
- Add a requirement that all reports/studies satisfy approved Terms of Reference; and
- Add a requirement that all plans and reports/studies shall be signed off by a qualified, registered, and/or licensed professional.

Consistent with the overriding goal of having a streamlined, expeditious development review process, staff is proposing that there be flexibility to begin the processing of an application while it is incomplete if the circumstances warrant. For example, this would allow staff to begin the review of a Site Plan Application even though there may be minor variances associated with the development proposal.

The proposed changes for complete application requirements will help ensure that when applications are submitted, they will include the material needed for staff to make or recommend a decision within the required timelines.

On Monday, November 30, 2022, Bill 23 received Royal Assent. Staff will need to examine the impact to our overall processing timelines given changes to the Region of Peel and Conservation Authority commenting ability.

3. Improved Public Engagement

Public engagement is a fundamental part of the planning process. Part of the work on responding to Bill 109 was to look at ensuring the public is well engaged in the review process with the proposed changes. The proposed changes move much of the work on refining applications to the pre-consultation stage before a public meeting is held. It is beneficial to have this work informed by public input. There is also an opportunity to create better dialogue with residents on applications by engaging them in formats other than statutory public meetings, such as workshops or town halls. Finally, early engagement should assist in improving the efficiency of the review process by identifying issues early.

Staff considered two options for improving public engagement:

1. Encourage it, or
2. Require it (this was the option presented at the public meeting on the draft Official Plan Amendment).

Staff recommends that Council proceed with option 1 that will be implemented by adopting a policy that will encourage public engagement during the Pre-Consultation process, especially for significant or sensitive development proposals. This option can achieve much of the

benefits described in the first paragraph. It also helps ensure the engagement will be authentic and is in keeping with the intent of creating a more efficient approval process.

Engagement would likely occur when an applicant is working on preparing the studies and materials for making a full application. In this way, conducting engagement is not expected to add to approval application timelines.

4. *Holding (H) Provisions*

Under the *Planning Act*, Council can apply a “Holding (H)” symbol to a Zoning By-law to limit the permitted uses of a site until the H symbol is removed. The Zoning By-law identified the conditions that must be met before the “H” symbol is removed.

Holding provisions may be applied for a variety reasons, including:

- Achieve orderly staging of development;
- Ensure adequate infrastructure and community services and facilities are or will be available;
- Adopt measures to mitigate negative impacts; and
- Satisfy policies of the Official Plan.

With the prescribed decision timelines in Bill 109, staff envisions that “Holding” will be used more frequently to address matters that may still be outstanding at the completion of the application process.

The City’s Administrative Authority By-law was amended in 2022 to delegate authority to the Commissioner of Planning, Building and Growth Management, or their delegate, to pass by-laws for the removal of a holding “H” symbol. Therefore, no further actions are needed to minimize the impact of their more frequent use on the efficiency of the development review process.

5. *Site Plans*

The Bill 109 timelines for site plans are very tight - only 60 days before refunds start to be required. The changes described in this report to the pre-consultation process and to add a completeness requirement for Site Plan Applications are two of the key actions proposed to work to meet the timelines.

Staff is also recommending two additional measures:

- *New “Approval in Principle” Step:*

Staff is proposing adding a new “approval in principle” step to the site plan process, which will identify conditions to be fulfilled by the applicant including prior to building permit submission. This step will be considered to constitute approval of the Site Plan Application in accordance with Bill 109. 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 a new Pre-Consultation Application (if applicable) and Site Plan Application.

Policies are needed in the Official Plan to support this new “Approval in Principle” step. This report recommends that Council provide direction for staff to hold a public meeting on an Official Plan Amendment for those policies.

- *Not Allowing Concurrent Processing of Site Plan Applications*

Development projects that require more than one *Planning Act* approval, including Official Plan Amendment, Zoning By-law Amendment and/or Site Plan Applications, are often processed concurrently in Brampton.

Staff is proposing to no longer allow for concurrent Site Plan Application processing for Site Plan Applications as continuing that practice could affect staff’s ability to process applications within the required timelines because of staff capacity issues. Work will need to be focused on an application at a time to move it forward within the required timelines. It is the opinion of staff that this will not likely result in significant lengthening of the overall development approval timelines because the Official Plan and Zoning By-law Amendment application timelines will be significantly shorter with the Bill 109 changes. Staff still plan to allow for the submission of Pre-consultation Applications for Site Plan while an Official Plan or Zoning By-law Amendment Application is under review.

6. *Option for Applicants to Withdraw Development Applications to Allow for Further Work with City Staff*

There will be some applications where staff will identify a need for further refinement before staff considers it appropriate to approve or recommend approval.

For Official Plan or Zoning By-law Amendments, staff may recommend that Council adopt what they consider to be the appropriate policy or zoning regulation despite it not being what the applicant proposed. For example, if staff believes a lower height than what the applicant proposed is appropriate, staff may recommend that Council adopt a by-law with that lower requirement.

In situations where the above approach is not possible, staff is proposing a withdrawal and resubmission option. If further work is needed on the application, the applicant would have a choice to withdraw their application so they could continue to work with staff to address issues and then resubmit their application for a nominal fee. This would avoid the need to issue refunds. The applicant may choose this option because the alternative may be a refusal report or decision.

7. *Timing of Recommendation Report vis a vis Statutory Public Meeting*

Currently, the Official Plan requires that Council not adopt a proposed Official Plan Amendment, Zoning By-law Amendment or Plan of Subdivision until at least 30 days after the date of the Public Meeting. Staff recommends this requirement be deleted.

Removing the 30 day requirement will allow staff more flexibility in the timing to forward a Recommendation Report. To give a hypothetical example using real 2023 Committee dates, if a public meeting were held on February 13, ideally staff would be in a position to bring forward a recommendation report to the following meeting on March 6. However, the 30 day requirement would prevent this. The Bill 109 timelines are tight enough that delaying a report by a few weeks to the next meeting could result in the City being required to provide refunds.

Removing the requirement also allows the flexibility for staff to bring a Recommendation Report to the same Planning and Development Committee meeting as the public meeting, where considered to be appropriate, such as where no issues/concerns from the public are identified with a development application. This change could help meet Bill 109 timelines. Staff will consult with Planning Committee before making such a change.

Staff recommends that Council provide direction for staff to hold a public meeting on an Official Plan Amendment to those policies.