

**Committee:** Committee of the Whole – Community Development

**Date:** June 6, 2022

**Department:** Community Development

**Topic:** Site Plan Control Approval Process and Delegation of Approval Authority

**Purpose:** To review the Township's site plan control approval process and assign approval authority to a staff member.

**Background:** On March 30, 2022, the government introduced Bill 109, the More Homes for Everyone Act. The Bill was passed by the Legislature and received Royal Assent on April 14, 2022. Bill 109 introduces a range of cross-government initiatives with a goal to increase housing supply, address market speculation, and protect homebuyers, owners and renters.

These initiatives include a number of changes to the Planning Act, including changes to Section 41, which relates to site plan control. The changes:

- establish complete application requirements for site plan control, with recourse if the application has not been deemed complete within 30 days of acceptance by the municipality;
- extend site plan control application timelines from 30 to 60 days, and
- require that site plan control decisions be made by staff (instead of municipal councils or committees of council) and that this will apply to all site plan applications received on or after July 1, 2022.

The new authority in effect “assigns” the power to approve site plans and/or drawings, including any conditions, to municipal staff and requires council to pass a bylaw to identify the person(s) (i.e., an officer, employee or agent of the municipality) who will carry out the site plan approvals. The approval may also include requirements for agreements. For applications submitted on and after July 1, 2022, Councils will have no authority to give site plan approvals. The changes do not impact the identification of the signatory(ies) of those agreements on behalf of municipalities.

Staff have prepared a general overview of the proposed review process for site plan control applications under the new Planning Act requirements. The process assumes

that an agreement will be signed and registered on title to ensure that development and maintenance proceeds in accordance with the approved plans and drawings.

Additional changes to Section 41 of the Planning Act will require a gradual refund of site plan application fees for all applications received on or after January 1, 2023 if an approval is not made within the following legislated timelines:

- 50% of the fee if the decision is not made within 60 days from the date the municipality received the complete application and fee
- 75% of the fee if the decision is not made within 90 days from the date the municipality received the complete application and fee, and
- 100% of the fee if the decision is not made within 120 days from the date the municipality received the complete application and fee.

**Policy Implications:** Bylaw 2002-31 designates all lands within the Township of Edwardsburgh Cardinal as a Site Plan Control Area, specifies the land uses that are subject to the provisions of the bylaw and provides application submission requirements for site plan control.

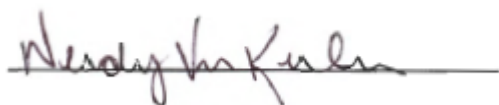
The Township's Official Plan section 7.3 provides the policy framework which encourages the use of site plan control to ensure functional and aesthetically pleasing, safe development and redevelopment throughout the Township.

The new subsection 41 (4.0.1) of the Planning Act is the provision that would govern the identification of the individuals who would be empowered to give site plan approval.

*(4.0.1) A council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4).*

**Financial Considerations:** It is noted that the required refund of application fees for late decisions may have financial impacts to the municipality in 2023.

**Recommendation:** That Committee recommend that Council appoint the CAO as the authorized person to give site plan approval required by section 41(4.0.1) of the Planning Act.



Community Development Coordinator