



City of North Bay Report to Council

Report No: CSBU-2023-006

Date: February 10, 2023

Originator: Beverley Hillier, Manager, Planning & Building Services

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Changes to Municipal Processes to Adopt New Planning Act Changes

Closed Session: yes ☐ no ☒

Recommendation

That

1. That, as a result of Planning Act Changes made by the Provincial Government, the City of North Bay adopt mandatory consultation prior to the acceptance of applications made under the Planning Act for Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision, Plans of Condominium and Site Plan Control Agreements; and
2. That the By-law adopting mandatory consultation be brought forward to Council for three readings.

Background

The Province of Ontario recently passed legislative changes (Bill 23) that will affect the manner in which municipalities process applications made under the Planning Act. Municipalities will now have 90 days from the time that a Zoning By-law Amendment application is accepted as complete to make a decision, 120 days to make a decision on Official Plan Amendment or Draft Approval of a Plan of Subdivision/Condominium applications and 60 days for Site Plan Control Agreement. Failure to meet these targets would result in the City being obligated to return some or all of the application fees. The Province has announced that legislation would be brought forward with the intent of delaying the implementation of the requirement to refund application fees to July 1, 2023.

Processing applications made under the Planning Act has a number of

statutory steps that must be completed prior to City Council making a decision. Flow charts outlining the steps related the proposed mandatory consultation, the existing site plan control process and rezoning/official plan amendment process are attached as Appendix A. As noted within the flowchart, depending on the type of application, the statutory steps required in processing an application can include notifying the public of the application, preparing a staff report that makes a recommendation to City Council whether the application should be approved or denied, holding a public meeting and giving neighbours within a specified radius notice of said public meeting.

Review of these applications are often technical and complex. In order to provide City Council with a fulsome review of the specifics of the application and a proper review of the issues, staff sometimes requires specific information from the applicant. This may include technical studies, such as a traffic study or a service capacity study.

The timelines required by the Provincial Government are aggressive. The City's current application processing system would not provide adequate time for the municipality to review the proposal, determine what studies are required, request the study from the applicant, review the document (after it is prepared) and allow Council to make decision while still maintaining the prescribed deadlines.

Even prior to these Provincial changes, numerous communities throughout Ontario of all sizes require or encourage applicants to undergo a formal consultation with the municipality prior to an application being made under the Planning Act. Some of the communities that have a pre-application consultation process in place include Toronto, Ottawa, Greater Sudbury, Timmins, Thunder Bay, Barrie and London.

It is recommended that the City of North Bay adopt a by-law that requires property owners to consult with the City prior to applying for Official Plan Amendments, Zoning By-law Amendments, Plan of Subdivision, Plan of Condominium and Site Plan Control Agreements. The City's Official Plan contains the necessary policies to pass a By-law requiring consultation.

A formal consultation would allow City staff to review an application prior to the 90 or 120 day timelines commencing. Staff would use this process to determine what studies (if any), or information would be required. These studies or information would need to be provided as part of a complete application submission.

A formal consultation would allow the property owner to gain an understanding of what would be required prior to them investing significant time and resources into an application.

The other alternative would be for the City to either deny certain applications based on a lack of information or place properties in a holding zone. Either

outcome would be inefficient or would ultimately cause delays for the property owner.

The City has a group in place, known as the Development Application Review Team (DART), that provides a consultation response on behalf of the municipality. DART is comprised of a group of internal staff and external organizations and agencies that meet every two weeks to review various types of applications.

DART has been processing applications as a group since 2006. It meets bi-weekly to review and help advance applications, including Site Plan Control Agreements, Official Plan Amendments, Rezoning, Subdivision and Condominium Applications. The group also provides consultations with property owners on a voluntary basis.

The average response time for a consultation to a comprehensive response from DART is under two weeks from the time of the meeting. Mandating a pre-application consultation through DART would be a natural extension of the group's current activities.

Requiring a pre-application consultation would greatly improve the quality of applications being made by property owners. Planning Staff have had discussions with the development community on the proposed mandatory consultation requirement. There were no objections to the change in process provided that the comments coming through DART continued to be detailed and specific to the application.

Financial/Legal Implications

Planning application fees are anticipated to be reviewed in 2023. It is recommended that, should council agree to adopt the mandatory consultation process, that the associated application fee, if any, be incorporated in the larger Planning Application fee review process. Until the completion of this review applications would be process without a fee.

Corporate Strategic Plan

- | | |
|---|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" type="checkbox"/> Economic Prosperity |
| <input checked="" type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input checked="" type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Explore and implement opportunities to streamline processes, policies and practices that make it easier and more effective to do business in North Bay
- Continually improve on policies and practices that celebrate diversity and create a welcoming environment that supports development, growth, and community engagement
- Ensure continuous improvement of governance and administration
- Work with partners and stakeholders to identify and find solutions to streamline processes and remove barriers

Options Analysis

Option 1:

That, as a result of Planning Act Changes made by the Provincial Government, the City of North Bay adopt mandatory consultation prior to the acceptance of applications made under the Planning Act for Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision, Plans of Condominium and Site Plan Control Agreements; and

Option 2:

That the City of North Bay does not adopt mandatory consultation prior to the acceptance of applications made under the Planning Act for Official Plan Amendments, Zoning By-law Amendments, Plan of Subdivision, Plan of Condominium and Site Plan Control Agreements as a result of Planning Act Changes made by the Provincial Government.

Recommended Option

That

1. That, as a result of Planning Act Changes made by the Provincial Government, the City of North Bay adopt mandatory consultation prior to the acceptance of applications made under the Planning Act for Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision, Plans of Condominium and Site Plan Control Agreements; and
2. That the By-law adopting mandatory consultation be brought forward to Council for three readings.

Respectfully submitted,

Name: Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

I concur with this report and recommendation

Name Ian Kilgour, MCIP, RPP

Title: Director, Community Development and Growth

Name Margaret Karpenko, CPA, CMA

Title: Chief Financial Officer /Treasurer

Name John Severino, P.Eng., MBA

Title: Interim Chief Administrative Officer

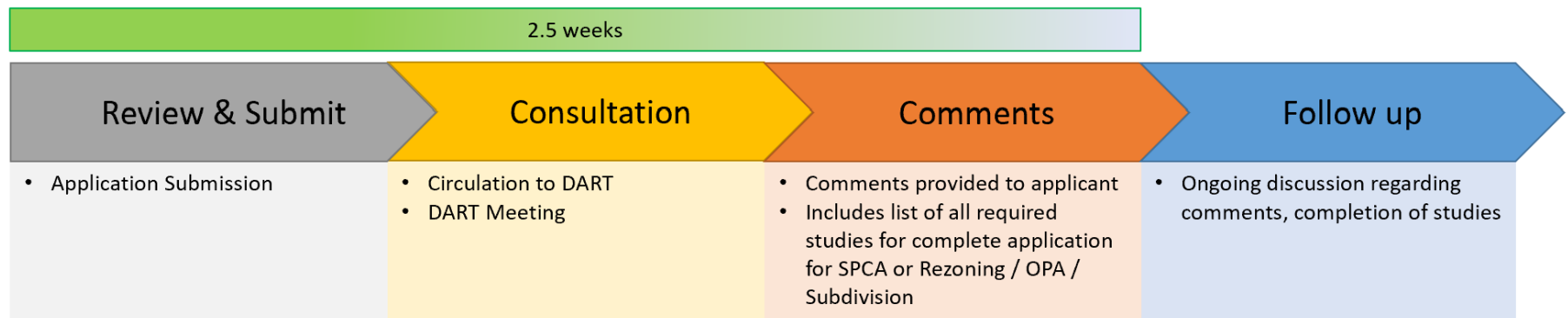
Personnel designated for continuance:

Peter Carello, MCIP, RPP

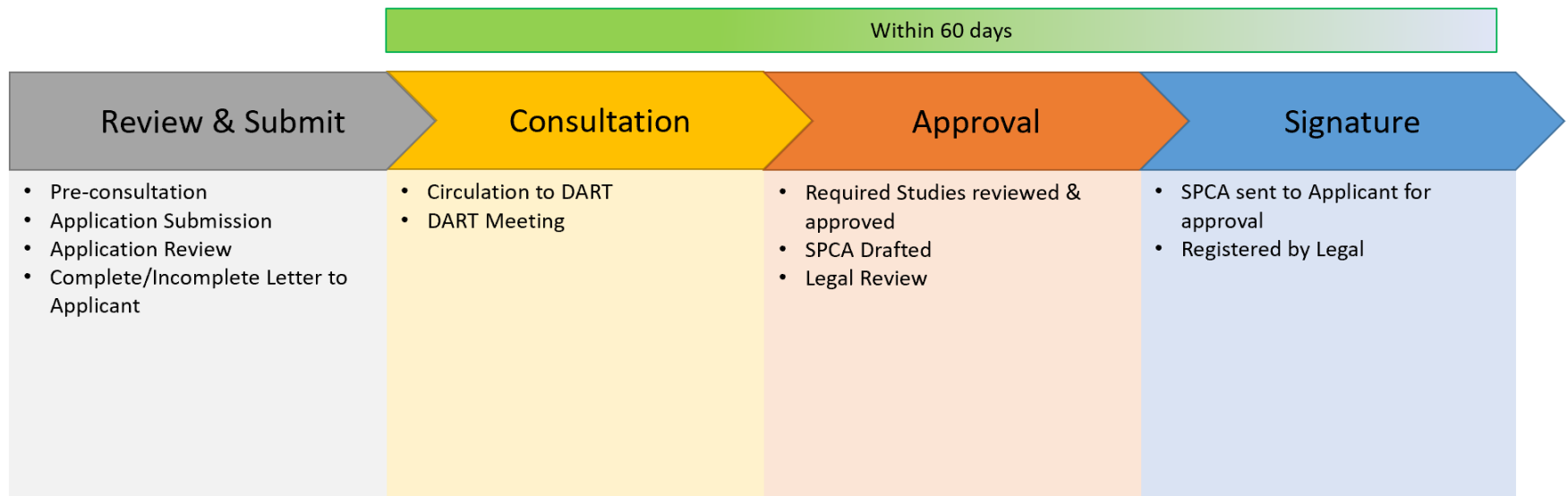
Senior Planner, Current Operations

Appendix A

Pre-Consultation



Site Plan Control Agreement



Rezoning & Official Plan Amendment



1. Once the initial application has been submitted, Planning Staff have 30 days to deem the application complete as legislated by the Ontario Planning Act
2. Planning Staff have 15 days to issue the public notice as legislated by the Ontario Planning Act
3. Public notice must have been circulated for a minimum of 20 days before the public meeting can occur as legislated by the Ontario Planning Act
4. Notice for passing of by-law must be within 15 days as legislated by the Ontario Planning Act
5. The Appeal Period is 20 days as legislated by the Ontario Planning Act