

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: June 7, 2022

TO: Committee of the Whole

FROM: Melanie Knight, Senior Planner

SUBJECT: Site Plan Control By-law and Associated Guidelines

RECOMMENDATION:

THAT Committee of the Whole recommend that Council approve Site Plan Control By-law as detailed in the Attachment B to be implemented on July 1, 2022 and the modifications to the Fees and Charges By-law as detailed in Attachment D.

BACKGROUND:

Site Plan By-law Control By-law Study

In October 2021, Council approved minor housekeeping amendments to the municipality's Site Plan Control By-law 19-93. At that time, Planning staff identified some improvements that could be made to the Site Plan Control By-law and committed to returning to Council with an updated Site Plan Control By-law and associated application guidelines.

Staff undertook a study which included a best practice review of other comparable municipalities as well as consultation with the development industry.

Planning Act Changes

Since that time, there have been two notable changes to the *Planning Act* that received Royal Assent in April 2022. These changes were the result of the [Province's Housing Affordability Task Force Report](#)

The first change was the prescribed delegated authority for Site Plan Control approvals. Previous versions of the *Act* provided municipalities with the option of having delegated authority given to staff to make decisions on Site Plan Control applications. Many municipalities had used this tool in the *Act* delegating approval authority for all Site Plan Control applications to staff or delegating approval authority for certain types of Site Plan Control applications. In the Mississippi Mills context, the current Site Plan Control by-law delegates staff approval on "Minor" Site Plan Control applications.

The change to the *Act*, which was approved in April 2022, now obligates municipalities to delegate the approval authority of *all* Site Plan Control applications to staff. There is

no ability for Stie Plan applications to be considered or approved by Council. Further, the change to the *Act* requires that this delegated authority be implemented by July 1, 2022, and be effective on any Site Plan Control applications received after July 1, 2022. The specific wording of the change to the *Act* is:

(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).

The second change to the *Act* is the implementation of mandatory refunds on planning application fees for Site Plan Control and Zoning By-law Amendment applications if a decision on these types of applications is not made within the statutory timeframe.

In addition to this change, the Province also increased the approval timeframe for Site Plan Control from 30 days to 60 days. Staff note that the 30-day application timeframe was very difficult to achieve for many Site Plan Control applications due to the mandatory circulation timeframe to other agencies, complexity of some Site Plan Control applications as well as the process for Major Site Plan Control applications to be presented to Committee of the Whole (COW) and Council for approval. The change to a longer application timeframe is welcomed by staff; however, as it relates to the refund provisions in the *Act*, there are no related Regulations and so little guidance on the implementation of refunds if decisions on Site Plan Control applications do not meet the required 60-day decision timeframe. The refund of application fees provisions comes into effect on January 1, 2023 and will apply to those applications received after this date.

The specific wording of the changes to the *Act*, with respect to the refund of application fees are as follows:

(11.1) With respect to plans and drawings referred to in subsection (4) that are submitted on or after the day subsection 7 (5) of Schedule 5 to the More Homes for Everyone Act, 2022 comes into force, the municipality shall refund any fee paid pursuant to section 69 in respect of the plans and drawings in accordance with the following rules:

1. If the municipality approves the plans or drawings under subsection (4) within the time period referred to in subsection (12), the municipality shall not refund the fee.

2. If the municipality has not approved the plans or drawings under subsection (4) within the time period referred to in subsection (12), the municipality shall refund 50 per cent of the fee.

3. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 30 days longer than the time period referred to in subsection (12), the municipality shall refund 75 per cent of the fee.

4. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 60 days longer than the time period referred to in subsection (12), the municipality shall refund all of the fee.

The Zoning By-law Amendment applications are addressed in the Report regarding the Planning Act changes, Pre-consultation and the Planning Department's Level of Service.

STUDY AND CONSULTATION PROCESS

Best Practice Review

The following municipalities' Site Plan Control By-laws and associated guidelines were reviewed as part of the best practice research:

- Town of Perth
- City of Ottawa
- Town of Smith Falls
- Town of Collingwood
- Town of Georgina
- City of Barrie
- Township of Southwest Oxford
- Township of East-Zorra Tavistock
- City of Woodstock
- Township of Norwich
- Town of Owen Sound
- Township of King
- City of Windsor

Consultation with Development Industry

Consultation with the development industry occurred in March 2022 via a series of questions regarding the municipality's existing Site Plan Control process as well as any suggestions for process improvements. The results of the consultation are contained in Attachment A. It is noted that this consultation occurred before the changes to the *Act*, notably the amendment to the required delegated authority to staff for Site Plan Control decisions.

NEW SITE PLAN BY-LAW, PROCESS, GUIDELINES

Site Plan Control By-law

As a result of the best practice research and considering the recent changes to the *Planning Act*, staff have developed a new Site Plan Control by-law (Attachment B). The new Site Plan Control by-law is modified substantially from the former by-law including:

- The introduction of a new category of Site Plan Control as “Lite” to capture smaller-scale development such as infill, development adjacent to environmental features such as Provincially Significant Wetlands and small expansions to parking lots.
- The introduction of new delegation of authority to staff depending on the type of Site Plan Control application (Lite, Minor and Major)
- The introduction of Schedule A to provide greater clarity regarding what types of developments are subject to Site Plan Control, which are exempt and reference to any applicable Official Plan policies or other information.

The draft of the new Site Plan Control By-law is contained in Attachment B to this report.

Site Plan Guidelines

In addition to the new Site Plan Control by-law, new Guidelines have also been developed to assist applicants through the Site Plan Control process and lays the foundation of the Site Plan Control process and are included in Attachment C.

The new Guidelines reflect the new types of Site Plan Control applications as well as provide detailed information on the minimum standards required for plans and studies at the outset of a Site Plan Control application.

Process

Staff are currently in the process of developing an internal procedure manual for the Site Plan Control process. This internal procedure manual will provide a step-by-step process for staff involved in the Site Plan Control process to ensure that all applications follow the same process and will also assist in training new staff. The process flow diagram, which is the basis of the internal procedure manual, is included within the Guidelines to provide applicants an overview of the process with a timeline that is reflective of the recent changes to the *Act*.

The process flow outlines an overall 90-day process because it has accounted for the 30-days that a municipality has to deem a Site Plan Control application ‘complete’ or ‘incomplete’ based on the minimum requirements outlined in the Municipality’s Guidelines, By-law, and other related policies. The process flow also accounts for the 60-day timeframe for decisions on Site Plan Control applications as required by the recent changes to the *Act*, and prior to the municipality being obligated to refund any planning application fees for lack of decision within 60-days. If an application is ‘deemed incomplete’, the 60-day timeframe for a decision does not begin. Only when an application is ‘deemed complete’ will the 60-day timeframe for a decision formally begin.

Mandatory Pre-consultation

For Council’s information, the related report on this agenda regarding *Planning Act* changes includes information and a proposed pre-consultation by-law. Staff are recommending this pre-consultation by-law to ensure that for certain applications, including Major Site Plan Control applications, applicants are required to have a formal pre-consultation meeting with staff to provide the applicant with a list required of plans and studies for the submission of a Major Site Plan Control application.

The purpose of this mandatory pre-consultation is to ensure that applicants have a good understanding of the minimum requirements for the Site Plan Control application and to allow staff an opportunity to provide preliminary feedback on a development proposal prior to an applicant preparing the required plans and studies.

If an applicant does not have a mandatory pre-consultation with staff prior to submitting a Major Site Plan Control application, the application would automatically be 'deemed incomplete' and the applicant will be required to attend a mandatory pre-consultation with staff prior to staff reviewing the application to assess its 'completeness'.

SUMMARY

The changes to the *Act* regarding mandatory delegation of authority to staff and the refund of Site Plan Control application fees for decisions made past the statutory timeframe are substantial changes to the *Act*. The implementation of a new Site Plan Control By-law and associated guidelines along with mandatory pre-consultation for Major Site Plan Control applications is recommended as the first step to ensuring the Site Plan Control process remains transparent and sets a level of expectation for applicants, staff and Council.

All of which is respectfully submitted by,

Approved by,



Melanie Knight
Senior Planner



Ken Kelly
CAO

ATTACHMENTS:

Attachment A – Consultation

Attachment B – Site Plan Control By-law

Attachment C – Site Plan Control Guidelines

Attachment D – Fees and Charges By-law amendment