

Memorandum

Date: February 21, 2023

To: Members of Council

From: Stephanie McVittie, Manager, Development, Planning Department

Subject: Status Update on Action Items in Response to Bill 109

This Memorandum is to provide an update on the status of action items which were identified as part of the Town's response to Bill 109, the More Homes for Everyone Act, 2022.

This Memorandum will be attached as a supplementary document to Staff Report 2023-0128: Caledon's Housing Pledge to the Province of Ontario (Bill 23) and will be forwarded to the Ministry of Municipal Affairs and Housing together with the Staff Report.

Bill 109, the More Homes for Everyone Act, 2022

On March 30, 2022, the Provincial Government introduced Bill 109, the *More Homes for Everyone Act, 2022*. The Province gave third reading and Royal Assent to the Bill on April 14, 2022, with the Bill coming into effect on the same day, (unless otherwise noted). The intent of this Bill is to address the housing supply shortage in Ontario.

The Bill included a number of changes to the *Planning Act* including but not limited to:

- The allowance for Site Plan applications to be subject to pre-consultation and 'complete' application requirements
- Refunding of fees for Zoning By-law Amendment and Site Plan applications, on a fee reduction scale, where decisions are not made within 90 days and 60 days, respectively, of a complete application
- Discretionary authority to re-instate lapsed draft plans
- Introducing a Community Infrastructure and Housing Accelerator Tool
- Discretionary authority for the Minister to extend the timelines on which their decisions on Official Plans and Official Plan Amendments may be made
- Introducing a new regulation to allow owners to use surety bonds to secure agreement obligations

Staff Report 2022-0209: Impacts of Bill 109, the More Homes for Everyone Act, 2022 and A Recommended Path Forward

On June 21, 2022, Planning staff brought forward Staff Report 2022-0209 which outlined the details of the Bill and the Town's response. While staff support the goal to improve the housing shortage and the streamlining of processes, there were concerns related to the implications and unintended consequences

of the Bill. This report outlined these concerns and also identified a number of action items to be completed in response to the Bill. Please see Schedule ‘A’ to this Memorandum.

New Development Approvals Process

The Town is initiating a comprehensive process review for Draft Plan of Subdivision and Site Plan applications, as well as a fee review for all planning applications. However, it was necessary to undertake some immediate interim process improvements to respond to the Bill.

With a reduced timeframe to approve applications, the new development process:

- Provides a more thorough review of development proposals prior to formal applications being completed, to deliver more guidance, comments and a clear description of application requirements to the client.
- Moves the cyclical review of application submission material to earlier in the process, prior to a formal application being submitted. This ensures that applications being received are not only complete, with all necessary material to review the application, but also that the material content itself is accurate and is completed by accredited professionals.

The new development process is outlined at a high-level in the process flowchart and description below.



1. **Inquiry Meeting:** This is an optional meeting held one-on-one between a client and a development planner to discuss a proposed development project. There is no fee associated with this meeting. The client is provided with comments, direction and application requirements outlined in the meeting and in an Inquiry Meeting Checklist/Form.
2. **Preliminary (PARC) Meeting:** This meeting is mandatory prior to submission of an Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision and Condominium, Site Plans and Telecommunication Facilities. There is a fee associated with this meeting. The client meets with Planning staff in addition to external agencies and internal departments. A more in-depth review is completed, and the client is provided with comments, direction and ‘complete’ application requirements outlined in the meeting and in a Preliminary (PARC) Meeting Checklist/Form. The form identifies all decisions or applications required and also includes reference to scope, and terms of reference or guiding documents to assist the applicant in completing the required materials and documents.
3. **Pre-Consultation (DART) Review:** This is a new process and is an application required prior to the submission of an Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision and Condominium and Site Plans. This application is essentially the circulation review period which previously existed in the formal application process. It includes a review of all submitted application material by external agencies and internal departments to ensure that the submitted material is satisfactory, accurate and completed by accredited professionals.

4. **Formal Application Submission and Decision:** Once the Pre-Consultation (DART) Review process is satisfactorily complete, the client will make the formal application submission, with the exception of Telecommunication Facilities which are not required to proceed through the DART Review. For Site Plans, the application process is limited to addressing legal and financial requirements prior to obtaining Site Plan Approval. Plans of Subdivision and Condominium submissions will include finalizing draft plan conditions prior to the issuance of Draft Plan Approval. The remaining application types will require public notice and a public meeting be held, prior to a recommendation report being prepared for Committee and Council.

Status of Action Items in Response to Bill 109

There were 21 action items identified in the Staff Report, of which 13 are completed. The remaining 7 action items are underway with completion anticipated in 2023.

The table below identifies those action items and provides a status of each.

Memorandum

Bill 109 Action Items and Their Status

Action No.	Action	Status
1	To request that Council direct staff to initiate an Official Plan Amendment to amend the pre-consultation and complete application requirements in accordance with Bill 109 and this Staff Report.	In Progress Staff are drafting the Official Plan Amendment and will be proceeding to a public meeting in Q1 2023.
2	To request that Council repeal and replace the Town's Pre-Consultation By-law, clarifying the requirements for pre-consultation and complete application requirements.	Completed June 28, 2022 Council passed this by-law June 28, 2022
3	To request that Council enact an amendment to the Town's Site Plan Control By-law, providing for urban design review in accordance with the <i>Planning Act</i> .	Completed June 28, 2022 Council passed this by-law June 28, 2022
4	To enhance the Preliminary Meeting process, providing a more structured process and a new Preliminary Meeting form which will guide applicants through the planning process.	Completed September 5, 2022 Staff introduced a new 'Inquiry Meeting' process on September 5, 2022. This process includes the delivery of a new form/checklist to the client with comments and application submission requirements.
5	To enhance the Pre-Consultation (DART) Meeting process, creating an updated Pre-Consultation (DART) Meeting form providing guidance and detailed complete application requirements for applicants with an expiry date of 4 months instead of 6 months.	Completed September 5, 2022 Planning staff introduced a new 'Preliminary (PARC) Meeting' process on September 5, 2022. This updated process includes: <ul style="list-style-type: none"> • An updated new form/checklist which identifies comments and application submission requirements. • Providing more detailed comments on requirements including identifying terms of references and scope for plans/drawings/reports. • Delivery of a draft form/checklist to the client prior to meeting with staff and agencies to focus discussion on items that are of most importance to the client. • A 4 month expiration for the PARC Meeting.
6	To request that Council delegate authority to the Chief Administrative Officer to award and sign single source contracts to retain a consultant(s) to develop Terms of Reference for all supporting studies/materials required as	In Progress <ul style="list-style-type: none"> • Planning Terms of Reference: Being finalized by the consultant for use in February 2023.

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	part of a complete application, to an upset limit of \$75,000 funded from the Development Approvals Stabilization Reserve Fund.	<ul style="list-style-type: none"> Heritage Terms of Reference: Under review, being finalized by the consultant for use in February/March 2023. Urban Design Terms of Reference: Discussions underway with consultants and completion targeted for April 2023. Landscape Terms of Reference: Discussions underway with consultants and completion targeted for April 2023. Engineering Terms of Reference: Being finalized in consultation with other departments, the Region of Peel and Conservation Authorities. Completion targeted for April 2023.
7	<p>To strengthen the 'complete' application requirements, setting a clear expectation of the type and quality of application material, requesting the following items be submitted (in addition to what would normally be required now):</p> <ol style="list-style-type: none"> Public Engagement: For any development application with a public consultation process prescribed in the <i>Planning Act</i>, the applicant/owner will be required to host at least one public engagement session prior to application submission. Indigenous Consultation: The applicant/owner will be required to host at least one engagement session with indigenous communities prior to application submission. Clearance from External Agencies: The applicant/owner will need to provide: <ul style="list-style-type: none"> Approval of the application from the Ministry of Transportation/Ministry of Municipal Affairs and Housing where it is located within the GTA West Corridor; Approval from the Niagara Escarpment Commission (if required) within the Niagara Escarpment Planning Area; 	<p>Partially Completed</p> <ul style="list-style-type: none"> Completed September 5, 2022: The 'complete' application requirements have been outlined on the Preliminary (PARC) Meeting Checklist/Form and includes all items listed in Action 7. In Progress: The Town is developing a Terms of Reference on how to engage the public through the Pre-Consultation (DART) process in advance of submitting a formal application. This will include a review and enhancement of all development planning public notices for all application types. Estimated completion is Q2 2023. In Progress: The Town is developing a Terms of Reference on how to engage with indigenous communities. Estimated completion is Q2 2023. In Progress: The Town is developing Green Development Standards with an estimated completion of Q4 2023.

Action No.	Action	Status
	<ul style="list-style-type: none"> ○ Road Access Approval from either the Region of Peel or Ministry of Transportation, confirming location, type and capacity; ○ Servicing Approval from the Region of Peel, confirming servicing requirements and capacity are present or have been committed to; ○ Approval of the Limits of Development from the applicable Conservation Authority; and, ○ Acceptance of all required archaeological assessments from the Ministry of Heritage, Sport, Tourism and Culture Industries. <p>d. Confirmation of Parkland Requirements: Where parkland dedication is applicable, confirmation of the park size, location and configuration or where cash-in-lieu of parkland is required, the rate of how it is to be paid and a satisfactory appraisal.</p> <p>e. Confirmation of School Sites: Where land for schools is applicable, confirmation of the parcel size, location and configuration is required.</p> <p>f. Confirmation of Other Community Infrastructure: Where lands for community centres, fire halls and/or works yards are applicable, confirmation of the parcel size, location and configuration is required.</p> <p>g. Acceptance from Peer Reviews: Where the Town requires peer reviews to be undertaken, typically for noise, hydrogeological, agricultural impact assessments, etc., the Town will, through the Pre-Consultation process, complete all peer reviews prior to the application being deemed “complete”.</p>	

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	<ul style="list-style-type: none"> h. Zoning Certificate: The Town will require a zoning certificate be completed to ensure the application conforms to the Zoning By-law. i. Record of Site Condition: Where a record of site condition is required, one is to be submitted. j. Green Development Standards: Once developed, the Green Development Standards will be required. 	
8	To require that a Regional Official Plan Amendment be approved (where required), prior to accepting development applications.	<p>Completed September 5, 2022: This requirement is reflected on the Preliminary (PARC) Meeting Checklist/Form and is required for development where lands are not designated for the proposed use in the Regional Official Plan.</p> <p>NOTE: All lands within the Settlement Area Boundary Expansion (SABE) are no longer required to obtain a Regional Official Plan Amendment unless the use differs from the use permitted in the Regional Official Plan.</p>
9	To require that a Secondary Plan be approved, prior to accepting an application for urban uses outside of a settlement area. The Town will move forward with Town-initiated Secondary Plans, rather than privately-initiated Secondary Plans.	<p>Completed September 5, 2022: This requirement is reflected on the Preliminary (PARC) Meeting Checklist/Form and is required for development where lands are not within an existing Town of Caledon Settlement Area.</p> <p>There is a related requirement reflected on the Preliminary (PARC) Meeting Checklist/Form which requires that the Growth Management and Phasing Plan be completed and that the proposed development aligns with that Plan.</p> <p>NOTE: Lands within the Settlement Area Boundary Expansion (SABE) are required to have a Town-initiated Secondary Plan be approved and in effect before an application is received.</p>
10	To require that applications be received and processed one after another ensuring conformity documents are in place, no longer permitting the submission of concurrent development applications. For instance, prior to submitting	<p>Completed September 5, 2022: This requirement is reflected on the Preliminary (PARC) Meeting Checklist/Form.</p> <p>The Pre-Consultation (DART) Review process will allow for applications to be processed concurrently; however, the formal</p>

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	a Site Plan application, a Zoning By-law Amendment application must be approved and in full force and effect.	application (i.e. Site Plan) will require all higher-level approvals be in place (i.e. Zoning).
11	To require that where public infrastructure is proposed, a Draft Plan of Subdivision be required, no longer permitting the creation of public infrastructure through Site Plan applications.	Completed September 5, 2022: This requirement is reflected on the Preliminary (PARC) Meeting Checklist/Form and is being communicated to the client.
12	To request that Council delegate the re-instatement of draft plan approval (where draft plan approval has been lapsed for less than 5 years) in accordance with the <i>Planning Act</i> .	Completed June 28, 2022 Council passed this by-law June 28, 2022
13	To review the dates, timelines, and procedural matters related to public meetings, Committee and Council Meetings, to ensure that there are available dates to bring matters forward to make decisions in a timely manner.	Completed December 2022 Prior to the establishment of the Council and Committee Schedule, Planning staff consulted with Corporate Services staff to ensure that sufficient meetings were provided for 2023 based on current application volumes.
14	To commit to investigate other means to meet processing timelines, with refusal being the last resort to avoid refunding of application fees.	Ongoing: The Town will continue to explore process improvements, on an ongoing basis.
15	To request that Council delegate authority for the Lifting of Holding ("H") Symbols.	Completed June 28, 2022 Council passed this by-law June 28, 2022
16	To request that Council delegate authority for exemptions for standard, phased and leasehold condominium plans from the "full process" under the <i>Planning Act</i> as allowed for under the <i>Condominium Act</i> when the condominium is located on lands which have been subject to an approved Draft Plan of Subdivision, privately initiated zoning amendments and/or site plan.	Completed June 28, 2022 Council passed this by-law June 28, 2022
17	To request that Council direct staff to determine if a Community Planning Permit System may be applicable in the Town, streamlining and reducing processing timelines, replacing Zoning and Site Plan application processes.	In Progress Staff has included a funding request related to exploring the Community Planning Permit System.

Action No.	Action	Status
18	To direct staff to bring forward a procedure to manage potential Ministerial Zoning Order requests in 2023.	In Progress Staff are developing the procedure and anticipate bringing it forward to Committee and Council in Q2 2023.
19	To add the concerns listed in this report to its active advocacy file list including a request to delegate the Minister of Municipal Affairs and Housing at the upcoming Rural Ontario Municipal Association (ROMA) Conference.	Partially Completed <ul style="list-style-type: none"> Completed January 23, 2023: Caledon's delegation met with the Minister of Municipal Affairs and Housing, Hon. Steve Clark, regarding Bill 23 concerns. In Progress: The file remains active. Staff are following-up with the Minister to continue advocacy and collaborate on solutions.
20	Complete an interim update of Planning fees to address the potential decline in revenues and increase in costs, as well as the changes to the development approval process.	Completed July 19, 2022 Updated Fees By-law approved by Council on July 19, 2022. Note: Ultimately, as part of the Site Plan and Subdivision process review, a comprehensive fee review will be completed for all Planning Fees.
21	The Town's capacity to process development applications will need to increase to manage the condensed timelines. Through the comprehensive process review and budget process, staff will identify opportunities to increase capacity. Staff will also review whether there is a need to attract specialized technical staff, such as environmental planners and specialized engineering staff, to reduce dependency on peer reviewers and conservation authorities, and in turn reducing processing timelines.	In Progress Through the budget, staff has requested additional resources to assist in the response to Bill 109. Ultimately, as part of the Site Plan and Subdivision process review, staff will identify opportunities to increase capacity.

Attachments:

Schedule A: Staff Report 2022-0209: Impacts of Bill 109, The More Homes for Everyone Act, 2022 and A Recommended Path Forward, presented to Planning and Development Committee on June 21, 2022