

# Memorandum

Date: Tuesday, April 23, 2019

To: Members of Council

From: Rob Hughes, Manager, Development West, Community Services

Subject: Site Plan Control  
Engineering Securities

All development within the Town is subject to Site Plan Control, a process as prescribed in the *Planning Act* which regulates property design and layout. Details and procedures regarding the process, including exemptions, are further identified in the Town's Site Plan Control By-law 2013-086, and in the Site Plan Manual and Application Form. The process itself was most recently reviewed in 2013, which included benchmarking with neighbouring municipalities, and where several new initiatives were introduced and subsequently implemented (see attached Staff Report 2013-107).

Matters considered as part of site plan review include property design (building footprints, parking, access etc.), elevation treatment, landscaping, site servicing and grading. Through review of each application, the Town can take 100% securities for landscape and engineering works proposed on-site. Cost estimates are provided which serve as the basis for determining the amount of each engineering and landscape security required. Upon the receipt of site completion certifications, staff inspections and the expiry of applicable warranty periods, securities can be released, even in partial amounts.

Reasons for the Town to take securities are:

- To ensure development on the lands will be constructed and completed in accordance with the full expectations of Council and staff, as per approved plans that take into consideration all applicable policies, procedures and requirements;
- To assist in timelines of construction by obligating a developer to complete works in a timely manner, in order to be relieved of the financial obligations connected with providing security;
- To provide the Town with a financial resource in cases where a developer abandons a site or fails to live up to its commitments, and where site completion, remediation or property security for safety purposes is required.

Failing to take sufficient security may result in the following:

- The Town lacking sufficient funds to enter and complete or secure a site where required, if a developer fails to live up to its obligations. This becomes more acute over time where the value of a security lessens and costs to mitigate site issues increase from the original date of security submission. This could have significant legal implications, aside from standard impacts associated with incomplete or poorly developed sites;
- Developers failing to complete projects in a timely manner, as lesser security values become a more limiting obstacle for a developer to erase financial obligations and move on to other projects.

Staff suggests that the current security arrangement is satisfactory, and staff receive few complaints about amounts to be provided, in particular from those developers that function in many municipalities. If changes are requested, staff moving forward would recommend that a fulsome review take place of the security amounts provided to the Town before decisions are made, in order that the above concerns of not having sufficient security can be considered. Review would include consultation and benchmarking with other municipalities to confirm recent best practices then report back to Council with further recommendations and potential changes.

ATTACHMENT: Schedule A – Staff Report 2013-107 – New Site Plan Application Process

RB7

**DP-2013-107**

To: Mayor and Members of Council  
From: Development Approval & Planning Policy Department  
Meeting: 2013-09-03  
Subject: **New Site Plan Application Process**

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**RECOMMENDATIONS**

That Report DP-2013-107 regarding New Site Plan Application Process be received; and,

That Council repeal By-laws 2008-095, 2009-144 and 2010-106 and enact a by-law to designate a Site Plan Control Area; and,

That Council amend By-law 2012-154 being a by-law to establish 2013 fees and charges for planning applications, by deleting the entire row of Sections 1(b), (h) and (j), amending the text in Sections 1(a), (c), (d), (e), (f), (g) and (k) and adding a footnote to the bottom of the table in Schedule "B" of By-law 2012-154, as shown on Schedule "B" attached to this report.

**EXECUTIVE SUMMARY**

- The Site Plan Application process has been reviewed by Town staff and opportunities for streamlining have been identified
- The new process places a greater emphasis on accountability through substantial changes within the process
- There are a number of benefits to the changes including reducing Town staff review time, reducing processing timelines and reducing the number of submissions
- Planning staff will notify applicants, landowners, external agencies and internal departments of the changes through attendance at meetings, written notification and the website
- The new Site Plan Application process will take effect as of September 4, 2013 in accordance with the grandfathering guidance contained in this report

**DISCUSSION****Purpose (background)**

Staff has concluded the review of the Site Plan Application process and has identified a number of areas which can be improved to streamline and clarify the Site Plan Application process.

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**DP-2013-107****New Site Plan Application Process**

The new process places a greater emphasis on accountability of all parties involved in order to allow for these improvements. There are 6 key areas that are affected:

1. Changes to/Alignment of Site Plan Streams, Fees and Site Plan Control By-law
  - Create consistency with respect to the Streams outlined in the Manual, Fees and the Site Plan Control By-law.
  - Align Oak Ridges Moraine Fast Track stream with the Fast Track Building Permit process
2. Changes to Application Submission
  - Meeting with Development staff to review the application to ensure it is complete.
  - Incomplete applications will not be accepted.
3. Introduction of Comment Review Meetings
  - Meeting with staff, agencies and the applicant to review comments prior to a resubmission.
4. Removal of Conditional Site Plan Approval
  - Eliminate Conditional Site Plan Approval step to streamline the process.
  - Similar to other municipalities (i.e. City of Mississauga)
5. Introduction of a Letter of Undertaking
  - Use of a Letter of Undertaking for standard Site Plan Applications; however, a Site Plan Agreement may still be used at the sole discretion of the Town.
  - Similar to other municipalities (i.e. City of Mississauga)
6. Changes to Security Requirements and Releases
  - 100% securities will be required with the introduction of partial releases, similar to the Town's Subdivision process.
  - Increase the accountability of the applicant to complete work in a timely manner
  - Similar to other municipalities (i.e. City of Mississauga)

There have been a number of benefits identified by implementing the process changes, including:

- Providing clarity to the process
- Aligning Site Plan Application streams with other processing requirements
- Increasing accountability for both Town staff and the applicant
- Reducing the number of submissions per application
- Reducing Town staff time in reviewing applications
- Reducing Town processing times
- Ensuring comments are clear and without conflict

RB7.2

**DP-2013-107****Site Plan Fees**

Due to the proposed changes to the streams of Site Plan Approval, the Fee By-law needs to be updated to reflect name changes and eliminate duplicate fees. See Schedule "B" for the proposed changes to the Fee By-law. There is no proposed increase to the fees at this time.

**Site Plan Control By-law**

The existing Site Plan Control By-law (By-law 2008-095, as amended by By-laws 2009-144 and 2010-106) reflects the existing Site Plan Application process. By implementing changes in the process, the Site Plan Control By-law needs to be repealed and a new By-law enacted. While the basis of the By-law remains unchanged, the new By-law will contain updates as follows:

- Changes to reflect the exemptions for Site Plan Approval
- Changes to enable the Director to require Site Plan Approval within Plans of Subdivision, Plans of Condominium, and Zoning By-law Amendments
- The inclusion of delegated authority to the Director with respect to requiring and executing Letters of Undertaking

**Timing/Advertising of the New Site Plan Application Process**

Planning staff are proposing that the new Site Plan Application process will take effect on September 4, 2013.

Following this report to Council, Planning staff will begin notifying landowners, applicants, external agencies and internal departments of the proposed changes to the process. Stakeholders will be notified through:

- Attendance at Preliminary and Pre-Consultation (DART) Meetings
- Written documentation including a Fact Sheet (see Schedule "A" attached)
- A webpage on the Town's website
- An External Manual including application forms and checklists

**Applications in Process – Grandfathering Policy**

Planning staff acknowledge that with the introduction of a new process, grandfathering of existing applications will be required. Planning staff is suggesting the following guideline is adopted:



R273

**DP-2013-107**

	New Process	Existing Process	Notes
Site Plan Applications in process (File Number Issued; Both Incomplete and Complete Applications) as of September 4, 2013		X	
Proposals heard at a Pre-Consultation (DART) Meeting prior to September 4, 2013 <i>*As of August 9, 2013 there are 6 proposals</i>	Applicant has the choice of either process		In the event that an application is submitted after the DART expiry date, a new DART Meeting is required to be held and the application will proceed through the new process.
Proposals heard at a Pre-Consultation (DART) Meeting after September 4, 2013	X		
Site Plan Applications which are not required to attend Pre-Consultation (DART) Meeting after September 4, 2013 (i.e. Fast Track, Oak Ridges Moraine)	X		

Any Site Plan Applications related to another development application (i.e. Zoning By-law Amendment, Committee of Adjustment) will proceed based on the circumstances above.

While it is understood that Site Plan Applications underway may not follow the new streamlined process, staff will work with the applicant to ensure that the process is streamlined where possible.

### Financial Implications

There are no immediate financial implications related to the proposed changes to the Town's Fee By-law.

The Fees by-law updates are mainly fee description or name changes to be consistent with the new site plan application process outlined in this report. Revenues related to the three fees in the 2013 Fee By-law proposed to be eliminated will be offset as those applications will go through one of the other applications streams.

DP-2013-107

R374

## **Applicable Legislation and Requirements**

*Planning Act*, R.S.O. 1990, c. P.13  
Town of Caledon Official Plan  
Site Plan Control By-law 2008-095  
Fee By-law 2012-154.

## **COMMUNITY BASED STRATEGIC PLAN**

Strategic Objective 1A– Partner with Land Owners to Protect Natural Resources and Agriculture.  
Strategic Objective 2D- Manage Growth and Use Land Wisely.  
Strategic Objective 4A- Preserve and Promote our Cultural Heritage, Agricultural and Natural Heritage Landscapes, Built Heritage and Archaeological Resources.  
Strategic Objective 5C- Attract New Business and grow the Knowledge Based Economy in Caledon.  
Strategic Objective 5D- Support and Promote Agricultural Businesses.  
Strategic Objective 5H- Advocate and Facilitate Business Expansion.  
Strategic Objective 6A- Provide High Quality Public Services.  
Strategic Objective 6B- Provide Open, Responsible Leadership.

## **NEXT STEPS**

1. Development staff will begin to notify external agencies and internal departments of the new Site Plan Application process.
2. Development staff will begin to notify residents, applicants and developers of the new Site Plan Application process through attendance at Preliminary and Pre-Consultation (DART) Meetings, the Front Counter and the Website.
3. The new Site Plan Application process will take effect on September 4, 2013 in accordance with the grandfathering guidance contained in this report.

## **ATTACHMENTS**

Schedule "A" – New Site Plan Application Process Fact Sheet  
Schedule "B" – Proposed Changes to the Fee By-law

**Prepared by: Stephanie McVittie**

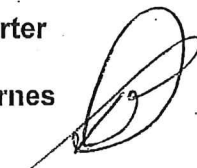
**Approver (L1): Casey Blakely**

**Approver (L2): Mary Hall**

**Approver (L3): Carey deGorter**

**Approver (L4): Douglas Barnes**

**Approver (L5):**



# New Site Plan Application Process

As of September 4, 2013, the Development Approval and Planning Policy Department will be introducing a new Site Plan Application process.

The new process places a greater emphasis on accountability of all parties involved to streamline the process in an effort to:

- Provide clarity to the process
- Reduce the number of submissions per application
- Reduce processing times
- Reduce staff times in reviewing applications
- Ensure comments are clear and without conflict

In order to provide these benefits, changes have been made to the following areas of the process:

- Changes to/Alignment of Site Plan Streams, Fees and the Site Plan Control By-law
- Changes to the Application Submission process
- Introduction of Comment Review Meetings
- Removal of Conditional Site Plan Approval
- Introduction of a Letter of Undertaking
  - NOTE: A Site Plan Agreement may still be required at the sole discretion of the Town.
- Changes to the Security Requirements and Release Process

For more information about the new process, please visit the Town's website at [www.caledon.ca](http://www.caledon.ca) or contact us at 905-584-2272 ext. 4291.



6311 Old Church Road  
Caledon, ON L7C 1J6  
[www.caledon.ca](http://www.caledon.ca)  
T. 905.584.2272 | 1.888.225.3366 | F. 905.584.4325



RB7.6 - Amended

**TOWN OF CALEDON  
FEES BY-LAW**

**PLANNING FEES**

**SITE PLAN APPLICATIONS**

2013 Fee (Excl. Taxes)	HST	Total Fee
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1.					
(a)	Full Stream		\$11,000 plus \$1.15/m2 gross floor area (GFA) to maximum fee of \$25,000		No taxes applicable
(b)	Full Stream (Complex)**		\$16,000 plus \$5,000/gross hectare		No taxes applicable
(c)	Oak Ridges Moraine (ORM) Site Plan Application (Full, Scoped and Fast-Track)		\$50.00		No taxes applicable
(d)	Amendment Stream		\$2,500.00		\$2,500.00
(e)	Site Plan Agreement or Letter of Undertaking (template) including amendment to registered site plan agreement		\$1,000 plus costs	Yes	Fee + HST
(f)	Site Plan Agreement or Letter of Undertaking (customized) including amendment to registered site plan agreement		\$2,000 plus costs	Yes	Fee + HST
(g)	Appeal to Ontario Municipal Board		\$150.00		\$150.00
(h)	Scoped Stream		\$1,500.00		\$1,500.00
(i)	Annual carrying fee for inactive files		\$1,000.00		\$1,000.00
(j)	Conveyancing documents related to Site Plan Applications		\$500 plus costs	Yes	Fee + HST

**OFFICIAL PLAN AMENDMENT APPLICATIONS**

2.					
(a)	Minor Official Plan Amendment Application		\$8,500.00		\$8,500.00
(b)	Major Official Plan Amendment Application		\$26,000.00		\$26,000.00
(c)	Appeal to Ontario Municipal Board		\$150.00		\$150.00
(d)	Aggregate Application		Full cost recovery		Full cost recovery
(e)	Annual carrying fee for inactive files		\$1,000.00		\$1,000.00

\* "+" Costs" include Registry Office Fees, External Counsel Fees, and Disbursements (inclusive of HST)

\*\*-"Complex" includes any Site Plan Application which requires additional agreements other than a Site Plan Agreement, Site Plan Amending Agreement or Letter of Undertaking