

# Bill 109: Consolidated Approach & Response

CPRM Committee

December 6, 2022



# Background

- In March 2022 – Province introduced *More Homes for Everyone Act, 2022*. Focus on accelerating development application review timelines.

	Refund by Processing Days			
Application Type	No Refund	50% Refund	75% Refund	100% Refund
ZBA	90	91	150	210
OPA/ZBA	120	121	180	240
Site Plan	60	61	90	120

- Approximately **\$2 million** in reoccurring annual application fees are at risk if applications are not processed within legislated timelines



# Refund Example

Proposal for:

- Tall building
- 475 residential units
- Retail / commercial at grade

	Refund by Processing Days			
Application Type	No Refund (within 120 days)	50% Refund (121 - 179 days)	75% Refund (180 - 239 days)	100% Refund (240+ days)
OPA/ZBA (Refund only applies to ZBA)	\$0	\$88,123	\$132,185	\$176,247

	Refund by Processing Days			
Application Type	No Refund (within 60 days)	50% Refund (61 -89 days)	75% Refund (90 - 119 days)	100% Refund (120+ days)
Site Plan	\$0	\$60,313	\$90,469	\$120,626



# Implications of Bill 109:

- Potential for less public engagement
- External agencies: Conservation Halton, MTO, railways, utilities, etc. may need to amend review processes to allow for timely municipal decisions
- Process changes will be required – status quo will not suffice
- Prioritization of files subject to Bill 109 over those that are not:
  - Prioritize rezoning and site plan files over other application types (ex. Subdivision, Committee of Adjustment)
  - Prioritize Rezoning & Site Plan files submitted after Bill 109 effective date over those submitted prior



# Corporate Implications of Bill 109:

## ■ Financial

- application fees are not a revenue generator – cost recovery mechanism
- increase in OLT appeals – further costs incurred to the City that are not covered by application fees

## ■ Staff Resources

- additional staff resources likely required in Development Services (Community Planning, Engineering Services, Transportation, etc. ) to meet timelines
- increase in OLT appeals – may require additional staff resources (Legal, etc.)

## ■ Clerks

- may need flexible Committee / Council meeting schedules to meet timelines



# Key Principles & Objectives:

- Ensure active and meaningful citizen engagement throughout the planning and decision making processes
- Minimize, to the extent possible, the need to issue application fee refunds
- Develop a consistent, predictable approach to processing development applications across the Region with nuanced differences to reflect local considerations
- Encourage a 'path to success' approach for the development industry through enhanced pre-consultation



# Response to Bill 109

- Regional approach to processing development applications
- Streamlining the application review process
- Consultation with various internal / external stakeholders (internal staff, external agencies, development industry, etc.)
- Watch for Province to issue Bill 109 Reg's and revise approach, as needed
- Post Jan. 1, 2023 – assess, monitor and revise approach as needed



# Response to Bill 109 continued...

- **Pre-Application Phase:**

- Mandatory Pre-Consultation, Pre-Application Community Meeting, Urban Design Review
- Voluntary Pre-Submission Technical Review (Path to Success)

- **Application Phase:**

- Unbundling of applications (i.e. ZBLA & Site Plan), Provide recommendation on initial submission, combined Statutory Public Meeting & Recommendation report
- Streamline site plan review to focus on matters outlined in the *Planning Act*

- **Post-Application Phase:**

- Expanded Use of Holding Provisions, standardize site plan conditions across the Region
- 'Applicable law' matters to be dealt with outside of *Planning Act* application process



# Recommendation:

- Endorse the approach to implement the Provincially mandated changes resulting from Bill 109 as outlined in community planning department report PL-69-22; and
- Approve Official Plan Amendment No. 130 to the City of Burlington Official Plan, as provided in Appendix A of community planning department report PL-69-22, to implement Bill 109 legislation; and
- Deem that Section 17(21) of The Planning Act has been met; and
- Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 130, as contained in Appendix A of community planning department report PL-69-22.

