

DATE: January 16, 2023

REPORT NO: PD-05-2023

SUBJECT: **Recommendation Report – Delegation of Approval to Sign Agreements Under the Planning Act**

CONTACT: Gerrit Boerema, Senior Planner
Brian Treble, Director of Planning & Building

OVERVIEW:

- On April 14, 2022 the Province of Ontario gave Royal Assent to Bill 109, known as the *More Homes for Everyone Act, 2022*, which approved many changes to the planning act approvals process, including the requirement that as of July 1st, 2022, all site plan approvals must be delegated to staff.
- In September 2022 Township Council delegated site plan approval and the authority to enter site plan agreements to the Director of Planning and Building or designate, through the passing of Bylaw 2022-80 and 2022-81.
- Upon further review of other municipal bylaws and discussion with Township Legal Counsel, staff believe that approval to sign agreements under the Planning Act should also be delegated to staff similar to site plan approval.
- One example of such agreements is Development Agreements which are typically associated with development related to consents and minor variances, where site plan control cannot be applied.
- They are similar to site plan agreements in that they regulate development to ensure development is in accordance with the applicable standards, and contain schedules such as grading and servicing plans, cost estimates and security collection.
- Delegation of approval to sign agreements under the Planning Act will help streamline the development approval process similar to what has been done for site plan approvals.
- Township Legal Counsel has drafted an additional delegation bylaw which Planning Staff have reviewed and can recommend for approval.

RECOMMENDATION:

1. That, Recommendation Report PD-05-2023, regarding “Delegation of Approval to Sign Agreements Under the Planning Act”, dated January 16, 2023, be RECEIVED; and,
2. That, a bylaw be passed to delegate approval authority for the of approval of agreements under the Planning Act and the delegation of staff to enter into such agreements, as found in Attachment 1.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3 & #6

- Strategic, Responsible Growth
- Efficient, Fiscally Responsible Operations

BACKGROUND:

On April 14, 2022 the Province of Ontario passed Bill 109, being the *More Homes for Everyone Act, 2022* which impacted many aspects of the planning approvals process in the province. One of the requirements of Bill 109 was for municipal approval authorities to delegate full site plan approval to staff to help streamline development approvals.

In response to Bill 109, Township Council passed Bylaws 2022-80 and 2022-81 which delegated site plan approval, and the authority for staff to enter into site plan agreements in September of 2022. Township Planning Report PD-80-2022 outlined the necessity to delegate site plan approval under Bill 109. Since this time the Director of Planning and Building has approved and authorized agreements for a number of site plan applications helping to streamline the approvals process. Township staff will report on a regular basis approved site plans to keep Council abreast of ongoing development.

CURRENT SITUATION:

Township staff have also identified that other Planning Act agreements, such as development agreements, that could also be delegated to staff to further streamline the approval process. Development agreements are typically requested through consents and minor variances to regulate development, where site plan control cannot be applied. Typically, they are used to impose and implement conditions of a consent or minor variance where certain site improvements are required, or where certain future uses need to be regulated beyond zoning. For example, they have been used to control grading, fencing, private servicing, protection of archaeological resources and parking. This delegation authority bylaw would not just be limited to Development Agreements, but other agreements under the Planning Act as well. Another example agreement would be for the removal of part lot control.

In keeping with the intent of Bill 109, and now Bill 23, Township staff believe that approval and signing of agreements under the Planning Act should be delegated to staff to streamline the development review and approvals process. Similar to site plan approval, Township staff would regularly report approved and signed agreements to Council to keep them informed of ongoing and planned development in the Township.

Attached is the proposed bylaw, which, if passed by Council, would delegate approval and signing of these agreements to staff, and any further authority to have these agreements registered on title.

This bylaw has been prepared together with Township Legal Counsel.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

CONCLUSION:

In keeping with the intent of Bill 109 and Bill 23 to more efficiently review and approve development applications, staff are recommending to Township Planning Committee and Council to approval signing authority for staff to enter into agreement under the Planning Act with the respective property owners on behalf of the Township.

A bylaw has been prepared and is attached to this report for consideration.

ATTACHMENTS:

1. Delegation of Approval and Signing Authority for Agreements under the Planning Act

Prepared & Submitted by:



Gerrit Boerema
Senior Planner

Approved by:



Bev Hendry
CAO



Brian Treble
Director of Planning & Building