

**DATE:** May 8, 2023

**REPORT NO:** PD-23-2023

**SUBJECT:** **Information Report – Site Plan and Development Agreement Approval Update**

**CONTACT:** Gerrit Boerema, Senior Planner  
Dave Heyworth, Manager of Planning  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- In September of 2022 Township Council delegated site plan approval and the signing of site plan agreements to the Director of Planning & Building or designate.
- In December of 2022 Township Council additionally delegated generic development agreements, including subdivision agreements and development agreements related to consent, to the Director of Planning & Building or designate.
- Planning Staff gave the commitment to provide regular updates on site plan and development agreement approvals to Council.
- This report highlights the site plan and development applications that have been approved since delegation, and applications currently being processes.

**RECOMMENDATION:**

That Information Report, PD-23-2023, regarding “Site Plan and Development Agreement Approval Update,” dated May 8, 2023, be received for information purposes.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #3 & #6**

- Strategic Responsible Growth
- Efficient, Fiscally Responsible Operations

**BACKGROUND:**

In early 2022 the Province approved Bill 109, *The More Homes for Everyone Act, 2022*, which was one of many bills enacting significant changes to the Planning Act and the Planning process. Bill 109 was intended to speed up the planning and development approvals process by putting in place punitive measures for municipalities that do not approve applications within a required time frame for site plan, Official Plan Amendments and Zoning By-law Amendment applications. An additional requirement of Bill 109 was to require that all municipalities by July 1<sup>st</sup>, 2022, delegate site plan approval authority to staff.

In September site plan approval authority, and the authority to enter into site plan agreements was delegated to staff with the commitment that staff would regularly report back to Council on the applications approved and submitted. In December, Council additionally delegated additional development approval authority to staff including subdivision agreements, condominium agreements and development agreements under the Planning Act relating to consent and minor variances.

### CURRENT SITUATION:

Since site plan and development agreement approval was delegated to staff, three site plan applications and two development agreements have been approved. The table below shows agreements from 2021 to current, including site plans that were submitted and reviewed prior to delegation.

**Green** – Approved and Agreement Signed

**Yellow** – Approved but agreement not yet signed and/or securities not collected

**Red** – Within approval process

**D** – Delegated approval

File Name & Number	Location	Description
Domaine Queulus 2100-014-21	3651 Sixteen Road	Addition to winery.
<b>D</b> - Giro Estates 2100-015-21DEG	St. Anns	Development agreement for hamlet residential development
DeHaan Homes 2100-016-21	St. Catharines St.	Site Plan for Crossings North Condominium
CAIRN School 2100-017-21	6470 Townline Rd	Addition to School
Bristol Motors 2100-019-21	7484 RR 20	Amendment to site plan for fencing and other site works
Schilstra 2100-020-21	113 Griffin St	Site Plan for new residential/Commercial redevelopment
Poliquin 2100-021-21	1486 Boyle Rd	Amendment for Commercial Welding property
Carlton 2100-022-21	6696 Canborough Rd	Yurt/On Farm Diversified Use
Merritt 2100-001-22	Twenty Road	Agreement for Garden Suite
Marz Homes 2100-002-22	RR 20/S.G. Rd 5	Temporary Sales Trailer
AJ Clarke 2100-003-22	Industrial Park Rd	Temporary Industrial Site
Township WL 2100-004-22	8635 Silver Street	New Fire Hall
Big Country Raw 2100-005-22	6159 Spring Creek Rd	Site Plan for building addition

File Name & Number	Location	Description
D - West Niagara Agricultural Society 2100-006-22	7402 Mud St.	Site Plan Amendment to allow construction of new pavilion
D - Stanpac 2100-007-22	2790 Thompson Rd	Site Plan Amendment to allow for a 3,558 sq. m. addition
2373744 Ontario Inc. 2100-008-22	9006 RR 20	New Gas Station
Global West Realty 2100-009-22	2173 RR 20	New Gas Station
D - McMillian 2100-010-22DVG	5274 Canborough Rd	Development Agreement for new lot
D - Oosterhof 2100-011-22	1150 Wellandport Rd	Additions to abattoir and butcher shop
AJ Clarke 2100-001-23	Industrial Park Rd	New Industrial Development
LeBlanc 2100-002-23	218 St. Catharines St.	New Auto shop building

Red, or the within approval process category covers a variety of situations including where the Township is waiting on an additional site plan submission to address issues or deficiencies with the original site plan submission.

### FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report; however, as a result of Bill 109, which was given royal assent in 2022, site plan applications not approved within the required timeline, submitted after July 1<sup>st</sup>, 2023, will require the municipality to provide a refund of a portion or all of the application fee.

	Zoning and Official Plan Combined	Zoning Bylaw Amendment	Site Plan
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approved within 60 days
50%	Decision made within 121-179 days	Decision made within 91-149 days	Plans are approved between 61-89 days
75%	Decision made within 180 – 239 days	Decision made within 150 – 209 days	Plans are approved 90 – 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

Site Plan applications specifically will need to be approved within 60 days of complete application to avoid any refund of fees. The current site plan approval fee is \$8,470.00 where a new agreement is needed, and \$3,420.00 where a new agreement is not required.

Proposed legislation in Bill 97 clarifies that application fee refunds only apply to applications received on or after July 1<sup>st</sup>, 2023 and not to applications submitted prior to that date.

**INTER-DEPARTMENTAL COMMENTS:**

Site Plan and Development Agreement applications are circulated to internal departments including Building, Septic and Fire for comment and review. Site plan and development agreements are not approved until all agency and departments have provided their sign off.

**CONCLUSION:**

Since site plan and development agreement approvals have been delegated to staff in late 2022, three site plan applications have been approved and two development agreements approved by the Director of Planning & Building. The delegated process removes the additional task of writing recommendation reports for each site plan and has streamlined the site plan review and approvals process which will help reach required approval timelines set out in the Planning Act.

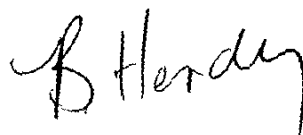
**Prepared & Submitted by:**



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**Gerrit Boerema, MCIP, RPP**  
**Senior Planner**

**Approved by:**



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**Bev Hendry**  
**CAO**



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**Dave Heyworth, MCIP, RPP**  
**Manager of Planning**



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**Brian Treble,**  
**Director of Planning & Building**