

REPORT
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE

DATE: May 8, 2023

REPORT NO: PD-27-2023

SUBJECT: **Technical Report – Proposed Township Official Plan Amendment (No. 65) to Implement Provincial Changes (Bill 109, 23, and others)**

CONTACT: Dave Heyworth, Manager of Planning
Brian Treble, Director of Planning & Building

OVERVIEW:

- On October 25, 2022, the Minister of Municipal Affairs and Housing of Ontario introduced Bill 23, titled the More Homes Built Faster Act. The Province had stated that the intent of Bill 23 was to increase housing supply in the Province.
- This Bill moved quickly through Committee and ‘readings’ in the house and received Royal Assent on November 28th, 2022.
- The Bill proposed changes to the City of Toronto Act, the Municipal Act, the Conservation Authorities Act, the Development Charges Act, the Ontario Heritage Act, the Ontario Land Tribunal Act, and the Planning Act.
- Staff Report PD-82-2022 was brought to the December 12, 2022 Planning/Building/Environmental Committee to brief Committee and Council of the changes and potential impacts and addressed some changes associated with Bill 109, which significantly changes the planning process and will have significant impacts on the Township. This report can be found as Attachment 1 to this report.
- On March 6th, 2023, Planning Staff provided a memo and draft document of the proposed Official Plan Amendment (No. 65) to implement the Provincial changes caused by Bill 109, 23 and other applicable Bills.
- The proposed changes to the Township of West Lincoln Official Plan that implement the Provincial changes are all focused on “Section 18 – Implementation” of the Township of West Lincoln Official Plan. The draft document with the proposed changes can be found as Attachment 2 to this report.
- Notice of Public Meeting was published on the Township website and in Niagara this Week/Grimsby Lincoln News on Thursday April 13th, 2023. Notice was also circulated to applicable agencies as well as to local developers, Niagara Home Builders’ Association, the Land Owners Group and their representatives on Friday April 14th, 2023.
- At the time of writing this report zero public comments have been received and one agency comment from the Niagara Region has been received. These comments can be found at attachment 3 to this report.
- A Recommendation Report will be prepared by Township Staff following input from the public meeting and any agency comments, and will be presented at a future Planning/Building/Environmental Committee or Council Meeting.

RECOMMENDATION:

1. That, Technical Report PD-27-2023, regarding “Proposed Township Official Plan Amendment (No. 65) to Implement Provincial Changes (Bill 109, 23, and others)”, dated May 8, 2023, be RECEIVED; and,
2. That, a recommendation report be submitted to a future Planning/Building/Environmental Committee and Council meeting once a full staff and agency review has been completed.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- **Strategic Responsible Growth**

BACKGROUND:

In 2022, the Province of Ontario’s Ministry of Municipal Affairs and Housing released two pieces of legislations which had significant impacts on the planning process in Ontario and in the Township, and significant impact on the overall operations of the Township. Bill 109, the More Homes for Everyone Act received Royal Assent on April 14, 2022 and Bill 23, More Homes Built Faster Act received Royal Assent on November 28, 2022.

The Province has an ambitious objective to build 1.5 million new homes over the next 10 years in Ontario and to accomplish that they have proposed new legislation.

Planning Staff Report PD-082-2022 highlighted the impacts to the Township and summarized the changes that will have greatest impacts to West Lincoln. The previous report can be found as Attachment 1 to this report.

The full legislation can be found in the following link:

Bill 109 – More Homes for Everyone Act (see attached Staff report PD-80-2022)

Full Legislation: https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-04/b109ra_e.pdf

Staff report PD-82-2022 also gave staff the authority to proceed with required policy changes. Many municipalities are including more extensive support, review and justification for planning applications, as part of the pre-consultation exercise such that the formal applications are complete and thoroughly justified before submission. This should result in formal planning approval process being more streamlined. This is the approach that our policy changes are proposing.

Given the nature of the changes being proposed, staff provided a memo and draft amending document to Committee and Council on March 6th, 2023 so that an idea of the extensive changes was provided to Committee prior to public consultation.

CURRENT SITUATION:

Notice of Public Meeting was published on the Township website and in Niagara This Week/Grimsby Lincoln News on Thursday April 13th, 2023. Notice was also circulated to applicable agencies as well as to local developers, Niagara Home Builders’ Association, the Land Owners Group and their representatives on Friday April 14th, 2023.

Planning Staff further reviewed the proposed changes to the Official Plan after the memo was brought forward to the Planning/Building/Environmental Committee on March 6th, 2023. We will continue to review and improve until such time as a recommendation report is ready to be presented to Committee.

The proposed changes to the Township of West Lincoln Official Plan are being made within “Section 18 – Implementation” of the Official Plan. The below subsections and articles of Section 18 will be effected by the proposed changes:

- Conditional Zoning
- Site Plan Control
- Holding Zone
- Community Benefits Charges
- Pre Consultation/Complete Application
 - Pre Consultation
 - Complete Application Requirements
- Delegated Authority

One new subsection (18.25 Cost Sharing Policy) has been added to this draft OPA since the March 6, 2023 memo, as it relates to Land Owners Group cost recovery of the Urban Boundary Expansion study along with the authority for Development Charge credits and reimbursements at the time of future building permits. This section is subject to Township Legal Counsel review at this time.

The draft document with the proposed changes can be found as Attachment 2 to this report.

FINANCIAL IMPLICATIONS:

Bill 109 and Bill 23 both have significant financial implications as Bill 109 requires refunds of planning fees if decisions are not made on certain applications within certain timeframes, and potentially will increase legal costs as the number of appeals the Township receives may increase.

Further, Bill 23 significantly hampers the Township’s ability to pay for necessary growth related infrastructure projects through the increased number of residential units now exempted from Development Charges and as a result of the four-year phase in of development charges.

INTER-DEPARTMENTAL COMMENTS:

This report and draft OPA No. 65 have been circulated to the Township Finance, Public Works, Clerks and Fire Departments for information, as many of the changes made through Bill 109 and now Bill 23 will affect other Township Departments beyond the Planning Department.

PUBLIC COMMENTS:

At the time of writing this report, zero public comments have been received. One agency comment from the Niagara Region has been received.

Within this written comment, the Niagara Region stated that they recognize the importance of implementing these policies in a timely fashion and has determined OPA 65 to be exempt from Regional Council approval in accordance with the Memorandum of Understanding and policies 7.4.1.6 and 7.4.1.7 of the NOP. The comments from the Niagara Region in their entirety can be found as Attachment 3 to this report.

CONCLUSION:

Planning Staff are recommending that a future recommendation report be prepared and presented at an upcoming Planning/Building/Environmental Committee meeting or Council meeting once all agency and public comments have been received and reviewed.

ATTACHMENTS:


1. Staff Report PD-082-2022
2. Draft Official Plan Amendment No. 65
3. Agency Comment – Niagara Region

Prepared & Submitted by:

Approved by:



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Bev Hendry
CAO



Brian Treble
Director of Planning & Building