



STAFF REPORT
Municipality of Wawa



Maury O’Neill, CAO

For: Mayor and Council	Report No.: CAO 2022-03
Date: April 29, 2022	Council Meeting Date: May 3, 2022

NEW WAWA SITE PLAN CONTROL BY-LAW
More Homes For Everyone Provincial Plan – Planning Act Changes

Recommendation

THAT Council receive Report No. CAO 2022-03 dated April 29, 2022, and accept the recommendation to approve an updated Site Plan Control By-Law for the Municipality, copy attached as Appendix A.

FURTHER that a Site Plan Control By-Law be forwarded to the May 17, 2022, Regular Council Meeting for consideration.

Report Purpose and Summary

The focus of this staff report is to provide Council with an overview of the proposed changes to the Planning Act and the topic specific Provincial consultations that affect land use planning in the Municipality of Wawa.

The report recommends that Council update its Site Plan Control By-Law as required by proposed changes to the Ontario Planning Act and Provincial “More Homes for Everyone” legislation. This proposed legislation, if approved, will require Council to delegate the approval authority to staff to approve Site Plan Control Agreements by July 1, 2022.

Background

On March 30, 2022, the Province set-out a range of legislative changes, policies and other actions being considered as part of its 2022 housing supply action plan - “More Homes for Everyone Plan” and associated “More Homes for Everyone Act (Bill 109)” which was passes on April 14th, 2022. A series of postings on the Environmental Registry of Ontario (ERO) and Ontario Regulatory Registry (RR), included;

- Proposed Planning Act Changes – the proposed More Homes for Everyone Act, 2022 (ERO and RR) and associated regulation changes
- Community Infrastructure and Housing Accelerator – Proposed Guideline (ERO)
- Proposed Development Charges Act and Associated Regulation Changes (RR)
- Proposed New Home Construction Licensing Act, 2017 Changes (RR)
- Proposed Ontario New Home Warranties Plan Act Changes (RR)

Proposed Provincial Planning Act Amendments

Schedule 5 of the Bill proposes amendments to the Planning Act. The proposed amendments, if passed, would include items such as:

i) Building homes faster by expediting approvals including making changes to zoning:

- Require municipalities to partially refund planning application fees to applicants who do not receive a decision on their zoning by-law amendment applications within 90 days (or 120 days if submitted concurrently with an official plan amendment application) and on a graduated basis thereafter for applications made on or after January 1, 2023, and
- Establish a new Community Infrastructure and Housing Accelerator (CIHA) tool for municipal requests to expedite zoning.

ii) Streamlining development approvals processes and facilitate faster decisions by:

- Requiring decisions on site plan applications to be delegated to staff for applications made on or after July 1, 2022
- Extending site plan application review from 30 to 60 days
- Establishing regulation-making authority to prescribe complete application requirements for site plan applications
- Requiring municipalities to partially refund site plan application fees to applicants who do not receive a decision within the 60-day timeframe and on a graduated basis for applications made after Jan. 1, 2023
- Establishing regulation-making authority to prescribe what cannot be required as a condition of subdivision approval
- Establishing a one-time discretionary authority to reinstate draft plans of subdivision that have lapsed within the past five years, subject to consumer protection provisions.

iii) Other proposed changes include:

- Establishing regulation-making authority to require public reporting on development applications/approvals.
- Requiring municipalities with a community benefits charge (CBC) by-law to complete a review once every five years after the by-law is passed, and every five years thereafter.
- Providing the Minister with new discretionary authorities when making decisions to refer all or part(s) of an official plan matter to the Ontario Land Tribunal for a recommendation.

Changes to the Ontario Planning Act already approved by legislation include:

- reduced planning timelines
- limited appeals for certain matters
- enabled the Minister of Municipal Affairs and Housing to require the use of the community planning permit system, and
- broadened the Ontario Land Tribunal's jurisdiction over major land use planning matters.

The proposed legislation with more detail on all the proposed reforms and can be viewed at: <https://www.ontario.ca/page/more-homes-more-choice-ontarios-housing-supply-action-plan> Public consultation on several housing related topics posted to the ERO include:

- Unique Housing Needs for Rural and Northern Ontario municipalities
- Opportunities to Increase Missing Middle Housing and Gentle Density That Supports Multigenerational Housing
- Access to Financing for Not-for-Profit Housing Developers.

1. Proposed Changes to the Planning Act

The key changes to the Planning Act being proposed through Bill 109, the More Homes for Everyone Act (Schedule 5) include:

a) Refund of Zoning and Site Plan Application Fees

Municipalities will be required to partially refund application fees to applicants who do not receive a decision on their zoning by-law amendment or site plan applications within the statutory time frame following the submission of a ‘complete application’ and on a graduated basis thereafter. This would apply to applications made on or after January 1st, 2023;

Type of Application	Time to make decision (with no refund)	When 50% of fees refunded	When 75% of fees refunded	When 100% of fees refunded
Zoning By-Law Amendment with Official Plan Amendment	120 days	No Council decision by day 121-180	No Council decision by day 181-240	No Council decision by day 241+
Zoning By-law Amendment Only	90 days	No Council decision by day 91-150	No Council decision by day 151-210	No Council decision by day 211+
Site Plan Application	60 days	Application not approved by day 61-90	Application not approved by day 91-120	Application not approved y day 121+

b) Community Infrastructure and Housing Accelerator (CIHA) Tool

The CIHA is a proposed new planning tool that municipalities can request that the Province implement on a site-specific basis to expedite zoning approvals for proposed development outside of the Greenbelt area. Section 34.1 (25) of the Planning Act would require the Minister to establish guidelines governing how CIHA orders may be made. A proposed draft of these guidelines has been released for consultation which sets out where the CIHA tool cannot be used, how municipalities may request through a formal council resolution to request a Minister’s Order and the Minister will consider making a CIHA order upon such a request where the Minister believes it is in the public interest to do so.

A CIHA Order may be made to expedite the following types of developments:

- Community infrastructure that is subject to Planning Act approval, including land, buildings and structures that support health, long-term care, education, recreation, socio-cultural activities and security and safety;
- Any type of housing development;
- Buildings that would facilitate employment and economic development; and
- Mixed use developments.

c) Site Plan Approvals

The following changes to the site plan approval process are being proposed:

- Require decisions on site plan applications to be delegated to staff for applications made on or after July 1st, 2022;
- Extend the permitted site plan review period from 30 to 60 days;
- Establish regulation-making authority to prescribe complete application requirements for site plan (with recourse if the application has not been deemed complete within 30 days of having been received by the municipality).

d) Other Proposed Changes

There are several other proposed changes to the Planning Act which include changes to Regulation (O. Reg. 509/20) which require municipalities to report on how the municipal need for parks, set out within their parks plans, is being addressed through parkland dedication levies.

Proposed Municipal Site Plan Control By-Law

The Site Plan Control By-law of the Municipality is outdated, passed in 1991 based on the Planning Act of 1983. It needs to be updated to be in alignment with the Wawa Official Plan, current Planning Act and associated regulations and assign the delegation of authority of approvals to staff. Attached as Appendix A is the recommended draft and updated Site Plan Control By-law.

Conclusion

The various legislative and policy changes and other actions being proposed by the Province to address Ontario's housing affordability and supply challenges may have a significant impact on the current land use planning tools used in Wawa. Staff will ensure that Council is kept apprised and continue to monitor the impact of the changes approved. A new Site Plan Control By-Law is recommended to be adopted by Council at the next Regular Meeting after review.

Submitted By:



Maury O'Neill
CAO-Treasurer

DEVELOPMENT AGREEMENT

13. The owner of any land designated under this By-law may be required, as a condition of any development, to enter into one or more agreements to ensure that the development proceeds with the plans or drawings approved by the Municipality. The agreement may include all applicable elements as set out in the Planning Act, including any subsequent amendments to the Planning Act. Applicable elements may include, but are not to be limited to the following:
- i. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under subsection 41 (7) (a) of the Planning Act, including but are not limited to facilities designed to have regard for accessibility for persons with disabilities.
 - ii. Drawings showing plan, elevation and cross- section views for each building to be erected, except a building to be used for residential purposes containing less than five dwelling units, which drawings are sufficient to display:
 - a) The massing and conceptual design of the proposed building;
 - b) The relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;
 - c) The provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
 - d) Matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design;
 - e) The sustainable design elements on any adjoining street or highway under a municipality' s jurisdiction (connecting link), including without limitation trees, shrubs, hedges, plantings or

other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;

- f) Facilities designed to have regard for accessibility for persons with disabilities.
- g) Any other matter designated under the Planning Act, as amended, or the Municipality's Official Plan or approved Municipal By-law.

iii. Registration of Development and Site Plan Agreements

Development agreements and amendments to existing development agreements may be registered on title against the lands as per Section 41(10) of the Planning Act, as required by the Municipality. The cost of the registration shall be borne by the person or company undertaking the development or their affiliate. All matters as noted in the development agreement must be addressed prior to registering an agreement on title.

MINING DEVELOPMENTS

- 14. The site plan control agreement for mining developments applicable under this By-law shall include matters to ensure development of the site in a manner that is compatible with surrounding land uses and to ensure that all depleted extractive sites be returned to a condition suitable for an acceptable and productive land use and compatible with adjacent land uses.

MAJOR CORRIDOR DEVELOPMENTS

- 15. Development along the Municipality's main corridors, including but not limited to Highway 101 (Mission Road) and Highway 17, requiring a site plan control agreement shall be required to include detailed elements focusing on providing and maintaining landscaping that supports the Municipality's goal of beautifying and strengthening its gateways and corridors.

LETTER OF CREDIT

- 16. As part of the site plan control application and prior to the issuance of a building permit for the development, the applicant may be required to deposit a performance guarantee with the Municipality. This guarantee may be

submitted either as a Letter of Credit or a Certified Cheque (the latter of which will be deposited by the Municipality upon receipt and any interest earned will not be refunded by the Corporation) in an amount sufficient to cover 25% of all on-site works, including, but not necessarily limited to, the entrance improvements, watermain, sanitary sewers, parking areas, pavement and the landscaping, and 100% of any off-site works required which are not completed at the date of issuance of such permit.

The estimated costs of the works will be based on current contract prices within the Municipality as approved by the Municipality. For any off-site works involving municipal infrastructure, the applicant must agree to utilize contractors approved by the Municipality.

17. The applicant must agree that, as part of the site plan approval, once the work(s) are completed, the applicant's Professional Engineer shall provide a certified report to the Municipality indicating the completed works and any outstanding works and associated values outlined in the 'List of Financial Obligations', which form part of the site plan control agreement. This information will be provided to the Municipality's Infrastructure Department for review as part of the request for the Municipality to inspect the work(s) related to the letter of credit release(s).

Upon the work being inspected and certified, the Municipality will authorize the release of an appropriate amount of the Performance Guarantee based on the extent of the completed works determined by the Municipality. The remaining Performance Guarantee shall be released thirty (30) days after the issuance of the Certificate of Final Completion and Acceptance through the same process as outlined above.

18. No portion of the letter of credit related to the off-site works shall be release until a minimum of 50 percent of all off-site works is completed. No portion of the letter of credit related to the on- site works shall be released until a minimum of 50 percent of all on-site works is completed.

FINALIZED SITE PLAN

19. The site plan control agreement shall not be finalized until a complete site plan control application is submitted as per the requirements detailed in Schedule 1.

The Municipality reserves the right to change the fees for site plan approvals and related works outlined in this by-law from year to year by passing a Schedule of Fees by-law.

20. A building permit will not be issued until the plans and drawings and any agreements required by the Municipality for such development have been approved by Council, its delegate, or where a referral has been made, to the Ontario Land Tribunal or so ordered by a Court and, if required, financial assurance acceptable to the Municipality has been deposited.

EXCLUSIONS

21. The following matters relating to buildings described in the above are not subject to site plan control:
- i. Interior design;
 - ii. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators;
 - iii. The manner of construction and standards for construction.

DELEGATION OF APPROVAL AUTHORITY

22. Approval of site plans with respect to site plan applications for development, redevelopment, enlargements, expansions or alterations not exceeding 930 square metres of gross floor area, be delegated to the the Chief Administrative Officer or his/her delegate.
23. Council further delegates to the Chief Administrative Officer, or his/her delegate, minor amendment approval to be made to site plan control agreements.

Council further delegates to the Chief Administrative Officer the discretion to reduce and/or modify the requirements for information set out in Schedule 1.

ENFORCEMENT AND PENALTY

- 24. Site Plan Control Agreements are registered on title and remain in effect for as long as the development is in place.
- 25. Every person who contravenes who contravenes any part of this by-law or the site plan control agreement and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable on a first conviction to a fine of not more than \$25,000 and on a subsequent conviction to a fine of not more than \$ 10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.
- 26. Where a corporation is convicted, the maximum penalty that may be imposed is on a first conviction a fine of not more than \$50,000; and on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

ADMINISTRATION

- 27. The Municipality’s CAO, or his/her assigned designate, shall be responsible for the administration of this by-law as well as the development, management, recording and enforcement of active and completed site plan control agreements.

READ a first, second and third time and be finally passed this 17th day of May 2022.

PAT TAIT, MAYOR

CATHY CYR, CLERK

SCHEDULE 1

1. All development agreement applications for Commercial / Institutional / or Residential development in excess 4 dwelling units shall require the following information, in addition to the information required in the Section 2:
 - a) Architectural/conceptual drawings which identify the proposed development, building openings, massing, character and conceptual design.
 - b) Snow storage location, or an explanation of how snow will be removed.
 - c) The location and type of existing and proposed vegetation, landscaping and planting features.
 - d) Any streetscape features, such as street furniture and bicycle parking facilities.
 - e) Location and type of garbage receptacles.

2. All site plan and development agreement applications shall require plans which contain the following information:
 - a) Location of existing and proposed buildings and structures on the property.
 - b) The boundaries and measurements of the lot in metric.
 - c) Setback of any buildings from the lot lines.
 - d) On and offsite facilities to provide access to and from the land such as access ramps, driveways, sidewalks, bike paths and curbs and traffic direction signs.
 - e) Boundary of lands, and any abutting roads/railways.
 - f) Neighbouring property uses.
 - g) Any proposed and existing development with setbacks. For existing development, note what is to be removed.
 - h) Any proposed and existing drainage courses and natural features.
 - i) Any existing and proposed easements and rights-of-way.
 - j) All existing and proposed walkways, fences, driveways, parking areas and spaces, the type of parking surface, loading spaces, and stormwater

management features, site servicing utilities and any other pertinent information.

- k) Any facilities and works designed to have regard for the accessibility of persons with disabilities.
 - l) Garbage collection facilities and type of enclosure.
 - m) A legal survey may be required as determined by Municipality.
3. All application submissions may require, as determined by Municipality:
- a) A completed application, the application fee and deposit.
 - b) All plans, drawings and reports as noted in Sections 1, and Section 2 if applicable.
 - c) Three paper copies or one electronic copy of a stormwater management report and construction mitigation report completed by a related professional acceptable to the Municipality.
 - d) An engineering site servicing report, completed by a related professional acceptable to the Municipality, which contains detailed information regarding the adequacy of private and municipal infrastructure including sidewalks, roads and water, sewer and wastewater mains.
 - e) An explanation of the ownership and maintenance of facilities designed for stormwater management, water and sewer, and garbage.
 - f) Survey/ Reference Plan.
 - g) Details in regard to offsite improvements, and any necessary road widening information, if required.
 - h) Copy of title abstract, if requested.