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Staff Report PL2022-079

Title of Report: PL2022-079-Planning Application Process
Department: Planning Services
Council Date: December 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report PL2022-079 for information; and
That Council direct staff to proceed with bringing forward the various recommendations in this report for consideration at the next opportunity.

Background

There has been new legislation that has been passed over the last 8 months That has significantly impacted municipalities and in particular planning. Bill 109 created rigid timelines for certain planning application as well as financial consequences for municipalities for not meeting those timelines.

For Official Plan Amendments there is a 120 day time limit to make a decision on an application from the time it is deemed complete. Should it take longer then that time, 50% of the fees must be returned to the applicant. After another 30 days 75% of the fees must be returned and after that all of the fees must be returned.

Similarly, for Zoning By-law amendments municipalities have 90 days from the time it is deemed complete to make a decision or 50% of the fees must be returned. This increases to 75% after another 30 days and then 100% refund after that.

Lastly, for Site Plan Approvals Municipalities now have 60 days to make a decision with respect to a site plan application. Similarly fees must be returned if there is a delay. Municipalities also appoint a staff person to approve the site plans. For Southgate Township that responsibility falls to the Township Planner.

These changes are slated to take effect with all new planning applications beginning January 1st 2023.

Staff Comments

The time constraints above make it paramount that an application have some level of review prior to being deemed complete. Once an application is deemed complete there is very little time or opportunity to make changes and still meet the required timelines. Even an applicant who is agreeable to changes in an application would receive 50% of their fees back if the municipality was one day late on making a decision on their file. The Legislation unfortunately says "shall" refund an applicants fees leaving no wiggle room to work with an applicant.

Another major issue that will ultimately affect efficiency of development approvals, is that municipalities will no longer be able to concurrently process applications as they will have different timelines for approval. Where Southgate in the past has processed Official Plan and Zoning applications at the same time as well as Zoning and Site Plan Applications, that will no longer be possible. These applications have different approval timelines which ultimately means that they must be dealt with separately. A Joint Official Plan Amendment and Zoning By-law Amendment that use to be handled concurrently and take 120 days will now take 210 days.

Another issue that will impact small municipalities is capacity to process applications. With the strict timelines any little delay or overload of work could result in fees being returned affecting the bottom line of municipalities and ultimately the taxpayer.

Larger municipalities have multiple staff to handle a large influx of inquiries, applications or to cover off another staff member that becomes ill or is on vacation. Smaller municipalities with one staff person and larger volumes of development will find it difficult to provide the same level of service and still maintain the legislated timelines. Small municipalities will have to make the choice to hire additional staff to maintain service levels to the public or accept that some if not all of the cost recovery application fees could be lost and the taxpayer ultimately paying for development.

As stated above, it is important to have some level of review of applications before they are deemed complete, to insure that applications are being reviewed properly and municipal and public interests are protected. Discovering after an application has been deemed complete that the engineering work requires a peer review could be time consuming and result in delays that push the application beyond the legislated timeline. To avoid this staff propose the following process:

1. Initial pre-consultation meeting requiring a preliminary sketch of proposed development.
2. Written response outlining all of the studies, reports and drawings that are required to be deemed a complete application.
3. A "P" file is created with the pre-consultation notes and written response to the applicant.
4. Prior to submitting an application all studies and plans are to be submitted along with a \$500 fee for initial review and comments by internal staff, County and potentially peer reviewers. If there are deficiencies in the application materials then the applicant is notified to correct the deficiencies.
5. The application is submitted and deemed complete as prescribed by the planning act and deemed complete.

In addition to the above, to insulate against potential application fee losses or the hiring of additional staff, it is recommended that Planning fees be reviewed and kept current with other municipalities within the region. Planning fees within the Township have not had a serious review in many years and have fallen behind. Correcting this will provide some additional revenue for the Township to offset some costs.

Recommendations

1. Implement the proposed pre-consultation process outlined above.
2. Update the pre-consultation by-law to require a preliminary review of studies upfront prior to submission.
3. Require a new \$500 review fee to cover a preliminary review of applications
4. Adopt a planning policy indicating that applications will not be handled concurrently. The application with the longest approval time period will be dealt with first.
5. Create a Planning Policy that does not allow applications to be substantially changed once submitted and a clear refund policy for fees.
6. Update the fees and charges bylaws at the earliest opportunity recoup costs and make planning almost entirely cost recovery based.
7. Hire a Junior Planner to provide more capacity to meet the excessive development pressures being experienced by the Township and meet the rigid timelines for all planning applications.

Financial Implications

As discussed above there are significant financial implications that will arise no matter what Council decides. Should council choose to maintain the status quo, planning service levels will be challenged as the Township will still need to meet the timelines. In addition to service level the revenues will decrease depending on how many application timelines are missed and by how much.

Implementing the recommendations above will allow the municipality to maintain service levels of review and processing in order to meet the legislated timelines required by the recent changes.

Conclusions

Based on the above discussion it is staff's opinion that the Township should follow through with all of the recommendations outlined in this report.

Respectfully Submitted,

Municipal Planner: *Original Signed By*
Clinton Stredwick, BES, MCIP, RPP



CAO Approval: *Original Signed By*
Dave Milliner, CAO

Attachments: