

Township to make changes in response to Bill 109

By Mark PavilonsEditor

King Township is making changes to some of its planning policies, to accommodate the Province's Bill 109. Queen's Park has amended the Planning Act through Bill 109 and local changes will lessen the budgetary impacts of the new rules. Staff are proposing to alter the pre-consultation and development application process to meet the new rules. Also, they will be reviewing application fees as part of the 2023 budget deliberations. Municipalities were critical of the changes, and the bill, when it was finalized this past April 14. Municipal staff saw some of the moves as limiting municipalities' abilities for comprehensive reviews of development applications. The amendments to the Planning Act focus on expediting municipal approvals and streamlining the process. These changes, according to King staff, directly impact all Ontario municipalities. Along with speeding up timelines, the Province has implemented a sliding scale of refunds to applicants, should municipalities not address the bids expeditiously. The Province also introduced a Community Infrastructure and Housing Accelerator (CIHA) tool. Planning staff have been participating in working group meetings with municipalities across York Region to develop feasible responses to address the Planning Act amendments to help protect municipalities from being negatively impacted. Some of the responses being discussed by the working group are proposed to be standardized across York Region to increase efficiency and streamline the development application process throughout the Region, whereas other solutions proposed are municipality specific. Meeting some of the new mandates may be problematic. King staff noted currently, King's process ensures that a preliminary discussion takes place with the Township and the applicant. But it does not include a detailed review. Often, resubmissions are required with the required supporting documents, studies, etc. Staff point out this resubmission process generally takes several months to coordinate and prepare. This process will be compromised under the new regulations. This is one of an assortment of reasons why it can be difficult, if not impossible, for planning staff to meet the deadlines with respect to processing and making a decision on development applications, staff wrote in their report to council. Since the Province has implemented a system of application fee refunds, it's imperative that timelines are met to the Township won't be on the hook for costs. For King to meet Planning Act timeframes, staff will have to revise the pre-consultation process and develop a multi-stage process. This would create a higher degree of quality assurance, input and preliminary resolution of comments. In turn, it's intended this will significantly decrease the potential for the need to wait for revised submissions. All in all, it would enable a much more efficient and timely review process, and increase the likelihood of compliance with the Planning Act timeframes. As part of the working group meetings for all York Region municipalities, one item for consideration has been to develop standardized application forms, procedures, and terms of reference for all studies, technical reports and plans required as part of a complete development application. This, staff indicate, would aid municipalities by having set criteria for all submission materials that would streamline the review process, and the standardization would help applicants and consultants to prepare the reports, studies and plans to certain clear and established quality expectations and standards as there would be uniform requirements by all municipalities throughout the Region. This would also assist applicants who work in multiple municipalities in York Region by operating with established and common requirements. Staff note that the Township does currently have terms of references for some technical studies, and is looking to collaborate with other municipalities in York Region and with the Toronto and Region Conservation Authority and Lake Simcoe Region Conservation Authority to develop standardized terms of reference for all studies, plans and reports. Staff note that due to the collaborative nature of standardizing terms of reference, it may not be feasible to develop standardized terms of reference for all studies, plans and reports by Jan. 1, 2023. However, this process would still be beneficial in streamlining the review process long term. The planning department said these changes will impact the workload and staffing in the department. The new pre-consultation process will not reduce the workload on planning staff, but rather will reconfigure the process. Depending upon how successful the changes are, the municipality may be subject to additional challenges at the Ontario Land Tribunal, which significantly impacts staff's availability to process applications. Stephen Naylor, director of growth management noted staff are looking at ways to reduce the magnitude of the impact in terms of financial costs. Councillor Debbie Schaefer lauded staff work in this new reality. Councillor David Boyd added this will impact the 2023 budget and he told staff council will help in any way to nip this in the bud. Councillor Avia Eek did say Bill 109 seems to put the onus on municipalities, who bear the brunt of the penalties.