



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Christopher Aspila	Report Date: December 2, 2022
Author's Phone: 519 736-5408 ext. 2124	Date to Council: January 9, 2023
Author's E-mail: caspila@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Planning Pre-Consultation By-law

1. **RECOMMENDATION:**

It is recommended that:

1. Council **ENACT** By-law 2023-009, being a By-law to establish the planning pre-consultation process.

2. **BACKGROUND:**

In September 2022 the Planning Department consulted with the County of Essex and advised of our intention to bring forward policies to help implement portions of Bill 109, *More Homes for Everyone Act, 2022*. On October 25, 2022 Council endorsed Town of Amherstburg Official Plan Amendment (OPA) No. 19 – Bill 109 Policy Changes and instructed Administration to forward OPA No. 19 to the County of Essex for approval.

On October 30, 2022, Administration forwarded OPA No. 19 to the County of Essex and on November 23, 2022 the County of Essex issued a Notice of Decision to approve OPA No. 19. A final Notice of Decision was received on December 14, 2022.

One of the components of OPA No. 19 is the creation of the following policy in the Town of Amherstburg Official Plan that allows for the creation of a Pre-Consultation By-law:

- 7.19 Council may adopt a Pre-Consultation By-law for the purposes of requiring potential applicants to consult with the Town of Amherstburg prior to submitting an application under the *Planning Act* R.S.O. 1990, c.P.13.

3. DISCUSSION:

It is prudent for the Town of Amherstburg to enact a Pre-Consultation By-law given the reduction in duration of time to process Planning Act applications in response to the implementation of Phase II of Bill 109, effective January 1, 2023. This is particularly important for municipalities in the context of Zoning By-law Amendments and Site Plan Control applications for which municipalities are subject to refunding between 50% and 100% of application fees should a decision not be made prior to the prescribed Planning Act timelines of 90 days for a Zoning By-law Amendment and 60 days for a Site Plan Control application.

The impact of Bill 109 on Planning Act applications is that much and in most cases all of the work preparing support studies and information will need to be done on the front-end by applicants so that the applications can be deemed complete. This is where pre-consultation becomes a vital part of the planning process.

The way the pre-consultation process at the Town of Amherstburg is now intended to work is an applicant will submit an application for pre-consultation to the Development Services Department. Administration will review the application and initiate circulation for comments to other municipal departments and relevant agencies, boards, commissions and utilities. The Planner assigned to the file will review the comments and a letter will be sent to the applicant either deeming the application to be complete or incomplete with additional instructions to work towards completing the application.

Using the Zoning By-law Amendment timeline that is the tightest timeline for a Planning Act application for the Town of Amherstburg. When the Planning Act timelines and Town of Amherstburg internal timelines are considered in the context of a Zoning By-law Amendment with a 90-day timeline to make a decision:

- Notice is required 20 days in advance of a Statutory Public Meeting, in order to meet this timeline with our local newspaper we need to typically place our advertisement approximately 29 or 30 days in advance of the meeting. This leaves 60 or 61 days.
- Following the Statutory Public Meeting, Administration needs to review the comments and write the Planning report for Council consideration. Depending on the complexity of the matter being considered and any additional information or studies requested by Council this typically takes anywhere between 7 and 14 days – sometimes longer if studies require substantial revisions or the Planning Department is working on a high volume of applications. This leaves 47 to 53 days to get the report to Council for decision.
- Reports are typically due 17 days in advance of Council. This leaves 30 to 36 days for Council to make a decision. Given the volume of workload and current staffing levels, it is possible that at times much of the 30 to 36 days could be consumed while processing applications.

The benefit of this pre-consultation process is that all of the work is typically completed in advance of the application moving forward to discussion at a Statutory Public Meeting (when applicable) or for decision by Council / Administration / Committee of Adjustment.

Council should note that there is still some uncertainty with respect to the recently passed Bill 23 about implications on the Planning Act and several other Acts that may impact timelines. Administration has based this report on the best information currently available and further amendments may be brought forward should the need arise as more information becomes available from the Province.

4. RISK ANALYSIS:

Implementation of this By-law helps to minimize the financial risk of having to return application fees to applicants for failure to meet the new Planning Act timelines implemented by Bill 109.

5. FINANCIAL MATTERS:

Based on current staffing levels and application levels it is forecast that between 8 and 10 Zoning By-law Amendments and 15 and 20 Site Plan Control Applications would not be completed within the new Planning Act timelines. The estimated financial cost of the corresponding refund of fees, assuming worst case refunds of 100%, is between \$50,000 and \$60,000 using the current 2022 fees.

While this process will provide some assistance with these new challenges, Administration will be recommending an additional staff resource for stronger mitigation measures to avoid refunding fees. The pending 2023 User Fees include increases in planning application fees to be more in line with other municipalities in our region. The increase in fees is forecasted to cover the cost of an additional resource, rather than needing to request the funding as part of the municipal tax base.

6. CONSULTATIONS:

Deputy CAO / Director of Development Services
County of Essex – Manager of Planning Services

7. CONCLUSION:

Administration recommends Council take the progressive approach of enacting a Pre-Consultation By-law.



Christopher Aspila
Manager, Planning Services

Report Approval Details

Document Title:	Planning Pre-Consultation By-law.docx
Attachments:	- 2023-009- Preconsultation By-law.docx
Final Approval Date:	Dec 19, 2022

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read 'Melissa Osborne', with a long horizontal flourish extending to the right.

Melissa Osborne

A handwritten signature in purple ink, appearing to read 'Tracy Prince', with a large, stylized 'P' and a horizontal flourish.

Tracy Prince

A handwritten signature in black ink, appearing to read 'Valerie Critchley', with a stylized 'V' and 'C'.

Valerie Critchley

A handwritten signature in black ink, appearing to read 'Kevin Fox', with a stylized 'K' and 'F' and a long horizontal flourish.

Kevin Fox