

<b>To:</b>	Warden Milne and Members of Grey County Council
<b>Committee Date:</b>	February 8, 2024
<b>Subject / Report No:</b>	PDR-CW-03-24
<b>Title:</b>	Planning Efficiencies Report
<b>Prepared by:</b>	County Planning Staff
<b>Reviewed by:</b>	Randy Scherzer
<b>Lower Tier(s) Affected:</b>	All member municipalities in Grey County
<b>Status:</b>	

## Recommendation

1. That report PDR-CW-03-24 be received; and
2. That staff be directed to proceed with the County planning efficiencies recommendations outlined in this report; and
3. That this report be shared with member municipalities in Grey County; and
4. That staff be directed to continue to consult with member municipalities in Grey, as well as agencies, and the development community, to look for further areas for improvement to County or municipal planning processes.

## Executive Summary

Based on recent legislative changes, including the need for more efficient planning approvals processes, County staff undertook consultation with municipalities on planning process improvements. County staff developed a discussion paper on planning efficiencies which was discussed with municipal staff. The discussion paper, appended to this staff report, includes a series of recommendations for process improvements at both the County and municipal levels, to achieve a more efficient planning application process. This staff report will focus on improvements to the County's planning processes, but the discussion paper also offers suggestions for municipal planning process improvements. Should County Council support some or all of the proposed process improvements there may be a need for further reports or by-law changes, e.g., an update to the County's Delegation of Duties By-law.

## Background and Discussion

In 2022 the province passed changes to the *Planning Act* through 'Bill 109: More Homes for Everyone Act' to create efficiencies in the planning process. Bill 109 requires municipalities to refund zoning by-law amendment or site plan control application fees if they fail to make a

decision within prescribed timeframes. These new provisions apply to zoning amendment or site plan applications submitted after July 1, 2023. The province passed further legislative changes under 'Bill 23: More Homes Built Faster Act', which reinforced the provincial direction for a more efficient planning process. Links to County staff reports on both Bill 109 and Bill 23 are included in the Attachments section of this report. Two further legislative changes through 'Bill 13 Supporting People and Businesses Act', and 'Bill 97 Helping Homebuyers, Protecting Tenants Act' have also helped shape the recommended process improvements.

In reaction to the above-noted legislative changes, County staff met individually with staff from Grey's nine member municipalities to canvas them for their ideas on process efficiencies and how staff planned to adapt to the new legislation. Staff also researched other approaches from outside Grey to look for further improvements. After this initial round of consultation, staff drafted the Planning Efficiencies Discussion Paper, linked to in the Attachments section of this report. The draft discussion paper was shared with municipal planning staff for their review and input. Following changes to the discussion paper, further consultation was undertaken with the municipal CAOs from Grey County, who had further suggested changes to the document. The County's CAO, Deputy CAO, Legal Services also provided valuable input into this report.

Prior to Bill 109 and Bill 23, County staff prepared staff report PDR-CW-07-22, which examined the process of the delegation of planning approvals to Grey's member municipalities, as well as overall process efficiencies. Since that report, the County has received no requests for the delegation of approvals to municipalities. The recommendations on process efficiencies align well with the intent of Bill 109. County staff have also presented reports recently on planning ecology services (PDR-CW-10-23 and its addendum) and public meetings (PDR-CW-17-23), both of which stemmed from the legislative changes in Bill 23. All four for the aforementioned reports are linked to in the Attachments section of this report.

The draft Planning Efficiencies Discussion Paper includes recommendations on both the County's own planning processes, as well as suggestions for municipal planning process improvements. The focus of this staff report will largely be on the County's recommended improvements. Municipalities can review the municipal suggestions and implement those matters which resonate with their municipal processes. County staff are not intending to 'dictate' to municipalities how to run their planning operations. Municipalities in Grey do a fine job in their municipal planning roles. This discussion paper examines best practices and is meant to provide a suite of choices for municipalities to consider.

Some of the recommendations in the Planning Efficiencies Discussion Paper are more operational in nature and can be implemented by staff with; (a) no further approvals from Council, and (b) no additional budget impacts. Other proposed changes, such as the delegation of responsibilities to staff, will require Council's approval and would necessitate changes to the County's Delegation of Duties By-law. A similar Council approval is also needed for updates to the County's Fees and Services By-law, which is on the Council agenda on February 8, 2024.

The Planning Efficiencies Discussion Paper was largely drafted by the County's former Senior Planner Hiba Hussain. County staff would like to both acknowledge and thank Ms. Hussain for her work on this project. Staff would also like to thank all the municipal planners and CAOs who contributed to this project.

County staff are also cognizant that there's always additional room for improvement, and will continue to work internally and with municipal partners to look for further improvements. Staff

anticipate further recommendations to County and municipal councils with respect to better coordinating planning services at both the County and municipal levels. There are a variety of two-tier and single tier planning service delivery models across the province. Another area for further investigation could include examining other service delivery models to see if Grey County and member municipalities should be considering alternative approaches. While County staff could conduct research on further service delivery models, a detailed investigation may require further resources, including the use of external consultants.

## Recommended County Process Improvements

From conception until this point, the Planning Efficiencies Discussion Paper has been approximately one year in the making. Given the time which has elapsed since the early discussions on this project, several of the recommendations are already either partially or fully implemented. What follows are the County-level recommendations as profiled in the discussion along with a staff comment on the current status.

1. Review the County Fees and Services By-law to partially recoup the costs of one planning ecologist. Work with municipalities to apportion the costs of the second planning ecologist across Grey's municipalities.

**Staff Comment:** Staff Report CCR-CW-02-24 was presented to Committee of the Whole on January 25, 2024. The implementing by-law is on the agenda for the February 8, 2024, County Council meeting.

2. Limit County comments on Niagara Escarpment development permit applications, site plan control applications, minor variance applications, and municipal applications in settlement areas where there is no corresponding County application. More fulsome County comments, or technical comments could still be provided where; planning ecology comments are needed, where an application is on/or adjacent to a County Road or County-owned facility, or where municipal or agency staff have specifically requested additional comments.

**Staff Comment:** Not initiated yet, but should Council endorse this report, staff can work with municipal and Niagara Escarpment Commission staff to implement this change shortly.

3. Delegate the approval of plans of subdivision / condominium to County staff, where there is municipal support for the application. In instances where there is no municipal support, or where County staff are recommending major changes or refusal, the County Committee of the Whole would still be the approval authority.

**Staff Comment:** Not initiated yet, but should Council endorse this report, staff can prepare an update to the Delegation of Duties By-law for Council's consideration.

4. As per County staff report PDR-CW-17-23, municipal councils should consider adopting a policy on whether public meetings are still required for plans of subdivision / condominium.

**Staff Comment:** This report has been provided to member municipalities for their consideration to adopt such a policy.

5. Provide education and public consultation process changes to streamline the public process, as per County staff report PDR-CW-17-23.

**Staff Comment:** Since Council endorsed staff report PDR-CW-17-23, County staff have been working on some messaging to support these public education and consultation efforts. The 2024 workplan includes the finalization of these materials, as well as outreach and education. County staff have had discussions with both municipal planners and clerks with respect to coordinating training for County/municipal staff and councils.

## Suggested Municipal Process Improvements

When considering the below suggestions for Grey's member municipalities, it is important to note that each municipality is slightly different. The municipalities have different council and committee structures, staffing levels, resources, and development demands. A 'one size fits all' approach will not work for all nine municipalities. Grey County staff are also not intimately aware of some of the internal workings in the member municipalities. As such, the below suggestions can be considered, and possibility adapted to meet individual municipal needs as municipalities see fit.

6. Review existing pre-submission consultation by-laws and official plan policies with the goal of creating a transparent, thorough, effective, and finite process. Pre-submission consultation by-laws and official plan policies may need to be updated to reflect this new process. Pre-submission consultation should not be used to replace the development review process based on the monetary penalties in Bill 109.
7. Provide preliminary technical comments and direction as part of the pre-submission consultation process, but detailed analysis and peer reviews should not be mandatory during this process. Should a peer review be requested during pre-consultation and the proponent is willing to accommodate the review, it may be completed, but it should not be required by the municipality. The level of review conducted should be commiserate with the scope of the development proposed. Development review committees, peer review consultants on retainer, sharing staff resources, and joint pre-submission consultation review are all best practices to help both the pre-submission consultation and future application review processes proceed more expeditiously.
8. Consider implementing pre-submission consultation application fees in a stratified manner including a basic inquiry fee through to a more extensive pre-submission consultation fee for more complex applications. This fee review could also include a broader review of all planning fees charged by municipalities.
9. Most planning applications for a single development should still be processed concurrently, except where the proponent has requested otherwise, or where for practical reasons this cannot be done (e.g., where site plan control is being utilized to develop an individual block within a registered plan of subdivision). Municipalities may wish to use a LEAN Process (or similar process) to further improve and streamline application processes.

10. Delegate some planning approvals to municipal staff, such as validation certificates, consents, temporary use by-laws, lift of holding provisions, or minor zoning by-law amendments. Site plan control is already required to be delegated as part of the legislative changes. Note that such delegations may require updates to not only municipal delegation of duties by-laws, but also to municipal official plans.
11. Consider potentially partnering with the County and neighbouring municipalities on staffing resources in order to fill gaps in the planning and development review processes. Interim use of consultants on retainer, or a roster of consultants, could also be considered here.
12. Work with public works, operations, and asset management staff to maintain and refine capital infrastructure planning to reflect the growth needs of our communities and support future growth.

## Legislated Requirements

Any recommended or suggested changes throughout this report are in support of the intent of Bills 13, 23, 97, and 109, which amended the *Planning Act*.

## Legal Considerations

Legal Services staff provided input both on the new legislative requirements under Bills 13, 23, 97, and 109, as well as providing input on the draft discussion paper. It is also worth noting that the Planning Efficiencies Discussion Paper does not constitute legal advice. Where municipalities are updating by-laws, planning policies, or processes, it is recommended that they consider seeking independent legal advice.

## Financial and Resource Implications

None.

## Relevant Consultation

- Internal: CAO, Deputy CAO, Legal Services, and Planning
  - AODA Compliance (describe)
  - Contribution to Climate Change Action Plan Targets (describe)
- External: Municipalities within Grey and some municipalities outside Grey

## Appendices and Attachments

[DRAFT Planning Efficiencies Discussion Paper](#)

[PDR-CW-07-22 Delegating of Planning Approvals and Streamlining the Development Process](#)

[PDR-AF-17-22 Bill 109 More Homes for Everyone Act Report](#)

[PDR-CW-37-22 Bill 23 More Homes Built Faster Act Report](#)

[PDR-CW-10-23 Natural Heritage Review Options](#)

[Addendum to PDR-CW-10-23 Natural Heritage Review Options](#)

[PDR-CW-17-23 Public Meetings for Plans of Subdivisions and Condominiums](#)