



TOWN OF
HALTON HILLS
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REPORT

TO: Mayor Bonnette and Members of Council

FROM: John McMulkin, Planner – Development Review

DATE: May 27, 2022

REPORT NO.: PD-2022-0033

SUBJECT: Recommendation Report for Town-Initiated Amendments to the Town's Official Plan (OPA 46) – Delegated Authority for Holding Removal By-laws, Temporary Use By-laws and minor Zoning By-law Amendments

RECOMMENDATION:

THAT Report No. PD-2022-0033, dated May 27, 2022, regarding the "Recommendation Report for Town-Initiated Amendments to the Town's Official Plan (OPA 46) – Delegated Authority for Holding Removal By-laws, Temporary Use By-laws and minor Zoning By-law Amendments", be received;

AND FURTHER THAT Town of Halton Hills Official Plan Amendment No. 46, which amends the Town of Halton Hills Official Plan as generally shown on SCHEDULE 1 – OFFICIAL PLAN AMENDMENT 46, be adopted as an exempt Local Official Plan Amendment;

AND FURTHER THAT the by-law to delegate certain powers and duties to the Commissioner of Planning & Development as generally shown on SCHEDULE 3 – DELEGATION OF MUNICIPAL POWERS AND DUTIES BY-LAW, be enacted.

KEY POINTS:

The following are key points for consideration with respect to this report:

- The Town is proposing an Official Plan Amendment (OPA 46) to enable Council to delegate its approval authority to staff for the passing of Holding Removal By-laws, Temporary Use By-laws and minor Zoning By-law Amendments, in order to implement changes to the Planning Act resulting from Bill 13, Supporting People and Businesses Act, 2021.

- The delegation of these planning matters does not alter any current notice or public meeting requirements, limit appeal rights, or change the requirement for decisions to be consistent with applicable planning policy documents.
- Criteria have been established to identify which Temporary Use By-laws and minor Zoning By-law Amendments would be considered of a minor nature and qualify to be delegated to staff for approval.
- An accompanying Delegation of Municipal Powers and Duties By-law has been prepared to implement the enabling Official Plan policies that includes a provision allowing Council to withdraw the delegated authority for any application.
- It is anticipated that the proposed amendment will reduce the number of routine, technical or administrative matters considered by Council, which should result in reduced costs, time savings and accelerated development approvals and allow Council to focus on broader priorities and policy-making.
- This report is recommending approval of the Town-initiated Official Plan Amendment and Delegation of Municipal Powers and Duties By-law.

BACKGROUND AND DISCUSSION:

Bill 13, Supporting People and Businesses Act, 2021, received Royal Assent on December 2, 2021.

Schedule 19 of the Bill made changes to the Planning Act and Municipal Act, 2001, that enable a municipal council to delegate the authority to pass by-laws under Section 34 of the Planning Act (i.e., Zoning By-laws) that are of a minor nature to a committee of Council, or an individual who is an officer, employee, or agent of the municipality. The authority to pass any type of Zoning By-law in Halton Hills is currently held exclusively by Town Council.

For a municipality to delegate the authority to pass certain Zoning By-laws, the Planning Act requires that the municipality's Official Plan provides policies to specify the types of by-laws that may be delegated. As per Bill 13, such by-laws may include:

- a by-law to remove a holding "H" symbol (Holding Removal By-laws);
- a by-law to authorize the temporary use of land, buildings, or structures (Temporary Use By-laws); and
- minor Zoning By-law Amendments (it is left to a municipality to identify how "minor" will be determined).

The Planning Act also provides that the delegation may be subject to conditions (criteria) set out by Council, and that Council may withdraw this authority at any time. In addition, a "delegation of municipal powers and duties" by-law must be passed by Council to put into effect the enabling Official Plan policies regarding the types of by-laws under Section 34 of the Planning Act that may be delegated to staff.

The delegation of these planning matters does not:

- alter any notice or public meeting requirements, where applicable;
- limit current appeal rights for an applicant, resident, or any other party; or

- change the requirement for planning decisions to be consistent with the Provincial Policy Statement, conform or not conflict with provincial plans, and conform to the Town and Region of Halton Official Plans.

The changes to the Planning Act through Bill 13 were made to help municipalities streamline their planning processes for more routine and technical applications, and shift some of the administrative responsibilities of making decisions under the Planning Act from elected officials to municipal staff or committees. The changes were also made to help applicants avoid delays in approvals due to Council meeting and reporting cycles.

Official Plan Amendment (OPA) 46

OPA 46 proposes policies that enable Council to delegate the authority to pass by-laws under Section 34 of the Planning Act to the Commissioner of Planning & Development or designate; see SCHEDULE 1 – OFFICIAL PLAN AMENDMENT 46. The types of by-laws proposed to be delegated to staff for a decision through OPA 46 include:

- a by-law to remove a holding “H” symbol (Holding Removal By-laws);
- a by-law to authorize the temporary use of land, buildings, or structures (Temporary Use By-laws); and
- minor Zoning By-law Amendments.

To ensure any Temporary Use By-law or minor Zoning By-law Amendment is considered to be of a minor nature, the following criteria have been established:

- a) an Official Plan Amendment is not required, and the proposal maintains the general intent and purpose of the Town’s Official Plan, including its vision, goals, objectives, and policies;
- b) a Draft Plan of Subdivision is not required in accordance with Section F1.1 of the Town’s Official Plan; and
- c) any concerns raised by the public and/or staff during the application review and consultation process are resolved prior to the passing of the by-law.

The rationale for the above criteria is as follows:

- A Temporary Use By-law or Zoning By-law Amendment cannot be considered minor when it does not meet the general intent and purpose of the Official Plan.
- The scale of the development is unlikely to be considered minor when a Draft Plan of Subdivision is required in accordance with Section F1.1 of the Town’s Official Plan.
- No time savings would occur by having Town staff pass Temporary Use By-laws or Zoning By-law Amendments when an Official Plan Amendment or Draft Plan of Subdivision is required given Council remains the approval authority for these types of applications.
- Council will continue to consider Temporary Use By-laws or Zoning By-law Amendments when there are concerns raised by the public and/or staff that cannot be appropriately resolved by the proponents or staff.

Temporary Use By-laws or minor Zoning By-law Amendments that meet the above criteria would be delegated to staff for a decision following the statutory Public Meeting, which would continue to be held in front of Council, as per current practice. In addition, Temporary Use By-laws will still be subject to the Temporary Use By-law criteria contained in Section G4.1.2 of the Town's Official Plan; see SCHEDULE 2 – TEMPORARY USE BY-LAW CRITERIA.

Holding Removal By-laws have been excluded from the above criteria given there are already specific conditions applied to each holding "H" provision that must be satisfied before it can be lifted.

Delegation of Municipal Powers and Duties By-law

A Delegation of Municipal Powers and Duties By-law has been prepared to put into effect the above enabling Official Plan policies; see SCHEDULE 3 – DELEGATION OF MUNICIPAL POWERS AND DUTIES BY-LAW.

The delegation by-law contains provisions regarding the types of by-laws under Section 34 of the Planning Act that may be delegated to staff and their associated criteria for delegation. The delegation by-law also contains a provision stating that Council may withdraw this authority at any time through a by-law, including in anticipation of a Zoning By-law for which a final decision has not yet been made. In addition, a provision has been added to allow the Commissioner of Planning & Development to have the discretion to "bump up" any application for Council to consider the passing of the Zoning By-law, when deemed appropriate.

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

This report also identifies shaping growth as one of the Town's Strategic priorities.

The process changes proposed through the Official Plan Amendment and accompanying delegation by-law have the potential to result in the following benefits:

- less administration by Town Council with fewer technical and clerical matters (e.g., housekeeping amendments), allowing Council to focus on broader priorities and policy-making;
- less administration required by Town staff, including report writing, setting agendas and attending Council meetings;
- accelerated development approvals; and
- cost and time savings.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement has been conducted as follows: a statutory Public Meeting was held on May 24, 2022. This meeting fulfilled the requirements for public participation under the Planning Act, and provided for Transparency, Notification and Participation, as defined in the Town's Public Engagement Charter.

As of the date of this report, one letter of support for the proposed Official Plan Amendment has been received from the public.

INTERNAL CONSULTATION:

Staff consulted with the Region of Halton in the preparation of this report.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications. However, the process changes proposed through the Official Plan Amendment and accompanying delegation by-law have the potential to result in cost and time savings due to reduced administration requirements associated with preparing staff reports, setting agendas and attending Council meetings.

Reviewed and approved by,

Jeff Markowiak, Director of Development Review

John Linhardt, Commissioner of Planning and Development

Chris Mills, Chief Administrative Officer