

**AMENDMENT NO. 11
TO THE**

**OFFICIAL PLAN
OF THE
TOWNSHIP OF LUCAN BIDDULPH**

SUBJECT: Housekeeping Amendment

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute part of this amendment. The Preamble provides an explanation of the proposed amendment including the purpose, location, and background information, but does not form part of this amendment.

PART B - THE AMENDMENT, consisting of the following text constitutes Amendment No. 11 to the Official Plan for the Township of Lucan Biddulph.

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PART A - THE PREAMBLE

1. PURPOSE AND EFFECT

The purpose of this housekeeping amendment is to update the Township's Official Plan to implement up-to-date policies as a result of recent legislative changes. The effect of this housekeeping amendment is to implement and update complete application requirements for Official Plan amendments, Zoning By-law amendments, site plan approval, approval of plans of subdivision (including condominiums), and consents. Further, this housekeeping amendment would provide policy direction to allow council to delegate the passing of minor zoning by-law amendments to a municipal committee, officer, employee or agent, and provide policy direction as it relates to requests for the cancellation of a certificate of consent. These amendments are a result of recent updates to the Planning Act through Bill 13 – Supporting People and Supporting Businesses Act, 2021, Bill 276 – Supporting Recovery and Competitiveness Act, 2021 and Bill 109 – More Homes for Everyone Act, 2022.

2. BASIS

Bill 109 - More Homes for Everyone Act, 2022, made several legislative changes to the Planning Act, which focus on streamlining the municipal decision-making process, including imposing the requirement, starting January 1, 2023, to refund certain planning application fees where decision timelines are not achieved. Additionally, several changes were made that would allow the Province in the future to prescribe details on other matters.

A significant change within Bill 109 is how site plan control is implemented. Municipal Councils were required to delegate site plan control decisions to staff for all applications received on or after July 1, 2022. The site plan application decision-making timeline, as of January 1, 2023, will be extended from 30 days to 60 days. An applicant can appeal a municipality's failure to approve their site plan application to the Ontario Land Tribunal beginning 60 days after the application was deemed complete.

The Act now provides for the inclusion of complete application requirements within official plans for site plan applications, similar to current complete application requirements for other types of applications under the Planning Act. An owner has recourse if the municipality fails to deem an application for site plan approval complete within thirty (30) days of it being submitted, unless the official plan contains prescribed information and material that could be required as part of a complete application for site plan approval, providing the Township to opportunity to "pause the clock" in the absence of required materials.

In addition to the legislative changes that were implemented through Bill 109, Bill 13 – Supporting People and Supporting Businesses Act, 2021 and Bill 276 – Supporting Recovery and Competitiveness Act, 2021 made minor amendments to the Planning Act. Schedule 19 of Bill 13 amended the Planning Act to include provisions that enables Council to, by by-law, delegate the authority to pass by-laws under section 34 of the Planning Act (Zoning By-laws) that are minor in nature, to a committee of Council, or an individual who is an officer, employee or agent of the municipality. These by-laws include removing holding "H" symbols, and passing temporary use by-laws. In order for Council to delegate the authority to pass by-laws on these matters, the Act requires that the official plan provide policies to specify the types of by-laws that may be delegated. The delegation authority is discretionary and requires Council to subsequently pass a by-law to delegate the approval authority to staff.

Further, Schedule 24 of Bill 276 amended the Planning Act to, among other matters, allow for the cancellation of a certificate of consent. While it is not a requirement of the Act, the addition of a policy that outlines requirements to cancel a consent would assist staff in the evaluation of requests to do so.

As such, the purpose of this Amendment is to implement the provisions of the Planning Act associated with Bill 109, Bill 13 and Bill 276 within the Township of Lucan Biddulph Official Plan. The proposed amendment includes policy direction as it relates to complete

application requirements for site plan approval applications and updates the submission requirements for other types of planning applications including official plan amendments, zoning by-law amendments, plans of subdivision/condominium and applications for consent. Additionally, the proposed amendment adds the necessary implementation policies for Council to delegate the authority to pass by-laws under Section 34 that are minor in nature as well as a policy to assist staff in the evaluation of requests to cancel a certificate of consent.

Overall, this amendment will conform to recent changes to the Planning Act and provide clarity as it relates to complete application requirements for certain applications made under the Planning Act, the delegation of authority to pass by-laws under Section 34 of the Act that are minor in nature, and the evaluation of requests to cancel a certificate of consent, which will ultimately improve the development application processes by the Township.

PART B - THE AMENDMENT

All of this part of the Amendment entitled 'Part B - The Amendment', including the attached Schedule 'A', constitutes Amendment No. 11 to the Official Plan of the Township of Lucan Biddulph.

DETAILS OF THE AMENDMENT

The Official Plan of the Township of Lucan Biddulph is hereby amended in accordance with the following:

1. That Section 8.2.1 be amended to remove the last paragraph in its entirety and replace it with:

“Any person who wishes to amend the Official Plan or Zoning By-law shall submit a complete application to the Township of Lucan Biddulph in accordance with Section 8.13 of this Plan.”

2. That Section 8.4 be amended to add a new subsection 8.4.4 after the title Consents as follows:

“8.4.4 Cancellation of a Certificate of Consent

When considering a request for the cancellation of a certificate of consent, Council shall have regard for the policies of this plan and the regulations of the Zoning By-law”

3. That Section 8.5 be amended to add a new subsection 8.5.5 after the title Zoning as follows:

“8.5.5 Delegation of Authority

a) Council may, by by-law, delegate its authority to pass by-laws under Section 34 of the Planning Act that are of a minor nature to a committee of Council or to an individual who is an officer, employee or agent of the Municipality.

b) For the purposes of Clause (a) above, the following are considered by-laws under Section 34 of the Planning Act that are of a minor nature:

- i) A by-law to remove a holding symbol;*
- ii) A by-law to authorize the temporary use of land, buildings or structures;*
- iii) An amending by-law under Subsection 34(10) of the Planning Act to permit the extension or enlargement of any land, building or structure that lawfully existed on the day that the Zoning By-law was passed, provided that such land, building or structure continues to be used in the same manner and for the same purpose; and*
- iv) A by-law to which Section 43 of the Planning Act applies.”*

4. That the Official Plan be amended to add Section 8.13 “Complete Application Requirements” as follows:

“8.13 COMPLETE APPLICATION REQUIREMENTS

The Planning Act permits a Municipal Council or a delegated approval authority to require that a person, public body or applicant who applies, submits or makes requests for amendments to the Official Plan, amendments to the Zoning By-law, site plan approval, approval of plans of subdivision (including condominiums), and consents, provide any “other information or material” that Municipal Council or the approval authority considers it may need to provide a basis for sound land use planning decisions in addition to the requirements of the policies of the Official Plan and the Provincial Policy Statement.

8.13.1 Complete Application Provisions

To ensure that all relevant and required information pertaining to a planning application is available at the time of application submission to enable Municipal Council, and its delegated approval authorities, to make informed decisions within the prescribed period of time and to ensure that the public and other stakeholders have access to all the relevant information earlier in the planning process; any or all of the studies outlined below may be requested from applicants who apply, submit or make requests or applications for consents, amendments to the Official Plan, amendments to the Zoning By-law, site plan approval and approvals of plans of subdivision, including condominiums.

In all instances the number and the scope of the studies to be required for the submission of a complete application should be appropriate and in keeping with the scope and complexity of the application.

8.13.2 Reports and Studies

Support studies may be required as part of the development approvals process, or as a part of a more detailed planning study. The required supporting studies will be identified through pre-consultation with the municipality, and those that have been identified will be required as part of a complete application. The reports and studies are intended to provide additional information pertaining to a subject site and the areas adjacent to it to assist Municipal Council, and its delegated approval authorities, to evaluate an application. The need and the timing of the support studies will be determined by the Municipality on a site or area-specific basis having regard to the other provisions of this Plan, provincial legislation, regulations, policies and appropriate guidelines.

Support studies shall be prepared in a manner that has regard for relevant federal and provincial legislation, regulations, policies and appropriate guidelines.

Support studies shall be prepared by qualified professionals to the satisfaction of the Municipality and, where applicable, in consultation with relevant public agencies and affected parties.

A public participation program may be established as part of the preparation of a support study to allow interested or affected parties to participate in the process.

All relevant mitigation recommendations included in a support study shall be considered as a condition of approval to be implemented by the proponent of development.

Municipal Council may adopt a support study by resolution.

8.13.3 Types of Reports and Studies

Municipal Council and its delegated approval authorities may require that a person, public body or applicant who applies, submits or makes requests for amendments to the Official Plan, amendments to the Zoning By-law, site plan approval, approval of plans of subdivision (including condominiums), and consents, provide any “other information or material” that Municipal Council or the approval authority considers it may need to appropriately evaluate the application. The following list of reports and studies is provided to assist in identifying typical requirements that may be necessary to support a planning application. These broad categories of reports and studies are not intended to preclude Municipal Council and its delegated approval authorities from requiring additional reports and studies that may be identified during the planning process if circumstances necessitate the need for such information as part of the decision-making process. An applicant shall be required to consult with the municipality prior to undertaking any reports/studies to identify and confirm the terms of reference for each required report/study.

8.13.4 Reports/Studies to address Planning Matters

The submission of reports and studies related to local and provincial planning matters is to ensure that a proposed development and/or change in land use is consistent with the Provincial Policy Statement, the County Official Plan, and the Municipal Official Plan and provides an integrated approach to land-use planning. The reports/studies must also demonstrate that the proposed development and/or a change in land use are consistent with the Provincial Policy Statement, the County Official Plan, and the Municipal Official Plan. Where applicable, the reports/studies will also address consistency with an Area Plan and/or Guideline Document that has been adopted by Municipal Council.

8.13.5 Reports/Studies relating to Environmental and Natural Matters

The required reports/studies are to identify the environmental and/or natural features which may be affected by the proposed development and/or change in land use; identify the areas that are to be employed as a buffer between the environmental and/or natural features and the proposed development and/or change in land use; and identify any other mitigative measures to be undertaken to protect the environmental and/or natural features from any adverse impacts associated with the proposed development and/or change in land use. These studies may include, but not be limited to Development Assessment Reports. Study components may be determined in consultation with the applicable Conservation Authority or other applicable agency having expertise in the matter.

8.13.6 Reports/Studies to address Transportation Matters

The required reports/studies are to ensure that a proposed development and/or change in land use will not have a negative impact on the transportation network or on its surrounding land uses. Where new transportation infrastructure is required or an expansion of the existing transportation infrastructure is necessary to accommodate a proposed development and/or change in land use, the transportation reports/studies will demonstrate that the improved transportation infrastructure will be adequate to accommodate all intended modes of transportation in an efficient manner with minimal adverse impact on surrounding uses. Study components may include but not be limited to:

- a) the collection and projection of traffic related data;*
- b) trip generation, assignment and distribution;*
- c) street and intersection capacity; and*
- d) recommended measures required to achieve the transportation goals, objectives and policies of this Plan.*

Within 800 metres of the limit of a provincial highway, the Ministry of Transportation (MTO) may require the preparation of a Traffic Impact Study for major development proposals for large traffic generators in accordance with its "General Guidelines for the Preparation of Traffic Impact Studies." The main purpose of the Traffic Impact Study is to demonstrate how the transportation impacts of a proposed development or redevelopment can be mitigated and addressed in a manner that is consistent with the objectives of the MTO. The Traffic Impact Study also serves as the basis for the identification and evaluation of transportation related improvements or measures to be included as a condition of access approval, including funding, for the development or redevelopment.

8.13.7 Reports/Studies to address Servicing and Infrastructure Matters

The required reports/studies are to ensure that a proposed development and/or change in land use can be supported by adequate municipal water, sanitary sewer, and stormwater management services. Where new infrastructure is required or an expansion of the existing infrastructure is necessary, the servicing and infrastructure

reports/studies will demonstrate that the improved infrastructure will be adequate to accommodate the proposed development and/or change in land use as well as any anticipated users of the infrastructure. Study components may include but not be limited to:

- a) identifying the routing of services;
- b) identifying the sizing of services;
- c) providing estimates for the cost of sharing of services, where applicable;
- d) identifying the anticipated timing of services;
- e) describing any interim servicing measure; and
- f) detailing any implementation requirements, including how the disturbed area will be rehabilitated.

Stormwater management reports/studies shall be circulated to the Ministry of Transportation (MTO) and the County of Middlesex for review and approval for development situated adjacent to or in the vicinity of a provincial highway and/or county road whose drainage may impact the highway or road.

8.13.8 Reports/Studies to address Financial and Market Impact Assessment Matters

The required reports/studies are to ensure that a proposed development and/or change in land use will not have an undesirable or unanticipated financial impact on the Municipality. The required reports/studies are to identify the short-term and long-term costs to the Municipality for the provision of municipal infrastructure and services required to support a proposed development and/or change in land use and an estimate of anticipated revenues arising from a proposed development and/or change in land use. Study components may include but not be limited to:

- a) describing the proposal in detail, including any expected benefits to the municipality;
- b) identifying anticipated municipal costs associated with the proposal;
- c) recommending a proposed financing and timing scheme;
- d) indicating how and why the proposal may contribute to the economic viability of the Municipality.

The Market Impact Assessment is to determine if a proposal is feasible and to identify land use conflicts that may arise as a result of a proposed development and/or change of land use. It is not intended to reduce competition. Study components may include but not be limited to:

- a) evaluating alternative locations;
- b) identifying and assessing the impact on existing uses of a similar nature;
- c) including relevant financial data; and
- d) documenting the feasibility of the proposal.

8.13.9 Reports/Studies to address Urban Design and Cultural Matters

The required reports/studies are to demonstrate how a proposed development and/or change in land use will have a positive impact on neighbouring built heritage, is sensitive to archaeological issues, and is designed in a manner that enhances the local built form and/or natural environment. Study components may include but not be limited to:

- a) documenting the area's character on a street and block pattern basis showing the size, orientation and lotting of each block;
- b) providing a three dimensional profile for each street and block within the area;

c) identifying the existing urban design elements, such as nodes, landmarks, districts, paths and edges, which contribute to the character of the area and to its physical form and development pattern;

d) identifying potential urban design elements that would enhance the future physical form, development pattern and character of the area such as streetscape treatments, significant views and vistas and locations for the provision of gateways and art; and

e) establishing guidelines for an area that will assist in evaluating any proposed development or infrastructure undertaking.

8.13.10 Reports/Studies to address Nuisance and Hazard Matters

The submission of reports and studies related to nuisance and/or hazard matters is to demonstrate that inhabitants or users of a proposed development and/or change in land use are buffered from nuisances related to noise, dust, odour, and vibration, and to reduce the potential for public cost or risk to future inhabitants resulting from natural and/or human-made hazards. The required reports/studies are to identify all of the potential nuisance issues and/or natural/human-made hazards which may impact the proposed development and/or change in land use; identify the areas that are to be employed as a buffer between the nuisance issues and/or natural/human-made hazards and the proposed development and/or change in land use; and identify any other measures to be undertaken to mitigate the impacts associated with the nuisance issues and/or natural/human-made hazards from the proposed development and/or change in land use.

Where such Study is required, study components may include but not be limited to:

a) Having regard to relevant provincial legislation, regulations, policies and appropriate guidelines; and

b) Assessing the existing and predicted noise and vibration levels on the site, identifying and recommending various abatement measures, warning clauses, and/or other appropriate measures, which can be implemented and secured by way of zoning, site plan agreement, subdivision agreement and/or development agreement;

8.13.11 Peer Review

The Municipality may, at the applicant's expense, retain the services of its own professionally qualified and independent person or consultant to establish a terms of reference for a study or report and/or conduct a peer review of such study or report to provide an independent opinion on such matters.

8.13.12 Site Plan Approval

In addition to the foregoing, the following shall apply to applications for site plan approval:

a) The municipality may require that a peer review be completed as part of a complete application; and

b) Where other planning approvals are required to facilitate a development, site plan applications shall not be deemed complete until such time that any other necessary planning approvals are in force and effect.”