



*A People Place, A Change of Pace*  
**SHELBURNE**  
ONTARIO, CANADA

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**Meeting Date:** Monday, June 13, 2022

**To:** Mayor Mills and Members of Council

**From:** **Steve Wever, Town Planner**

**Report:** P2022-16

**Subject:** **Delegation of Site Plan Control Authority**

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### Recommendation

Be it resolved that Council receive Report P2022-16 as information.

Be it resolved that By-law 30-2022, being a By-law to appoint the Director of Development and Operations as the authorized person for the approval of site plans, to appoint the Director of Legislative Services/Clerk as the authorized person for the approval of site plan agreements, and to authorize the Mayor and the Director of Legislative Services/Clerk to execute site plan agreements, pursuant to Section 41 of the Planning Act, R.S.O. 1990, C.P.13, as amended, be read a first, second, and third time and finally passed.

### Background

On March 30, 2022, the government introduced the More Homes for Everyone Act, 2022, also known as Bill 109. Bill 109 was posted on the Environmental Registry with a commenting period that ended April 29, 2022 but was passed by the Legislature and received Royal Assent on April 14, 2022 before the end of the comment period. The legislation makes changes to the Planning Act, 1990 and the Development Charges Act, 1997, among others. The intent of the legislation is to streamline and reduce timelines for planning processes and make it easier and faster to build all types of homes.

Bill 109 requires decisions on site plan applications to be delegated to staff by July 1, 2022 for applications made on or after July 1, 2022. Currently the Town

of Shelburne Council has the authority to approve site plans. The Town's Site Plan Control By-law 8-1986 requires site plan approval for all development of recreational, commercial, industrial and institutional uses and residential uses with more than 2 dwelling units, on land within the Town's Official Plan, and does not identify any delegated authorities. By-law 13-2020 requires applicants to consult with the Town prior to submitting site plan applications.

## Analysis

Prior to Bill 109, Subsection 41(13) of the Planning Act allowed a municipal council to delegate its authority related to site plan control to a committee or municipal staff. Some municipalities delegated this authority prior to Bill 109.

Bill 109 amends the Planning Act including the following changes to site plan control requirements under Section 41:

- Subsection 41(4.0.1) is added and requires that a council that passes a site plan control by-law shall appoint an officer, employee or agent of the municipality as an authorized person for the purpose of approving site plans.
- Subsection 41(12) is revised by increasing the length of time after which an appeal to the Ontario Land Tribunal (OLT) may be made if the municipality fails to approve site plans, from 30 days to 60 days, and subsection 41(3.5) is added to allow municipalities to define the submission requirements for a complete application and to require that the 60-day time period does not start until the municipality has received a complete application and has deemed the application complete (the municipality has 30 days to determine if the application is complete, after the application fee is paid);
- Subsection 41(15.1 and 15.2) include transition provisions for site plan applications in process prior to July 1, 2022.

Note that Council retains the authority to define any class or classes of development that are not subject to site plan approval requirements.

By approving By-law 30-2022, Council will delegate site plan approval authority to the Director of Development and Operations (for approval of plans and drawings) and to the Director of Legislative Services/Clerk (for approval of site plan agreements) and authorize the Mayor and Clerk to sign site plan agreement and any documents which may be required to implement the conditions of approval.

An effective date of July 1, 2022 is proposed to align with the effective date of the delegated authority requirement under the Planning Act as amended by Bill 109 and to ensure the Town will retain its ability to approve site plans after

that date. After this date, council will not be able to provide decisions for site plan applications submitted on or after July 1, 2022, as required by the Planning Act.

Council will continue to be circulated on Site Plan applications and can provide comments on these applications through the circulation process; however, applications will not be presented for the purposes of decision-making, after July 1, 2022.

### Financial Impact

There are no anticipated financial impacts with the procedural changes associated with the delegation of site plan authority to staff via By-law 30-2022 recommended for approval. Applicants will continue to be responsible for the Town's cost of processing site plan applications, through application fees and deposits.

Other legislative changes introduced by Bill 109 are expected to have some financial impact when requirements related to application fee refunds come into effect on January 1, 2023. From that date onwards, for site plan applications and zoning by-law amendment applications the Planning Act will require municipalities to refund application fees to the applicant if the process takes longer than the prescribed Planning Act timelines (60 days for site plan applications, 90 days for zoning by-law amendments). If the process takes longer than the prescribed timeline, municipalities will be required to refund 50% of the application fee. For site plans, if the process takes an extra 30 days, municipalities will be required to refund 75% of the application fee, and if the process takes an extra 60 days, municipalities will be required to refund the full amount. For zoning by-law amendments, if the process takes an extra 60 days, municipalities will be required to refund 75% of the application fee, and if the process takes an extra 120 days, municipalities will be required to refund the full amount. These requirements will be reviewed and considered further to establish standards for submissions, department and agency comment periods and applicant responses to avoid delays in the process that affect these timelines.

### Policies & Implications (if any) Affecting Proposal

Town of Shelburne Official Plan

By-law 8-1986 – Site Plan Control By-law

By-law 13-2020 – Pre-application Consultation By-law

## Consultation and Communications

The Director of Development and Operations and the Director of Legislative Services/Clerk were consulted in the preparation of this report and By-law 30-2022.

## Council Strategic Priorities

Council's Strategic Priorities has three Goals - Sustainable, Engaged and Livable. There are a total of 12 targets with the three Goals.

This report aligns with the Sustainable Goals within the Targets:

Target T2	Municipal services review and evaluation
Target T4	Promote balanced growth

## Supporting Documentation

By-law 30-2022

Prepared by:

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Jenna Daum, Planning Coordinator

Reviewed by:

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Steve Weber, Town Planner

Reviewed by:

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Denyse Morrissey, CAO