

The following table provides responses to comments received through consultation with stakeholders and the public, consolidated by theme. Specific comments received can be found in Appendix “G” and “H” to Report PED22112(c).

<p><i>Planning Act</i> Development Application Fees</p>	<p>The proposed development application fee schedule for <i>Planning Act</i> applications (attached as Appendix “B” to Report PED22112(c)) is the result of the review by BMA Management Consulting Inc., dated August 2022 (attached as Appendix “A” to Report PED22112(c)). The methodology is based on a full cost recovery, activity-based model, structured as a series of application-specific process maps, to determine the level of staff effort required in the review and processing of development applications. Process changes will include using Holding Provisions to address any outstanding requirements. In addition, processing times must now correspond to the legislative timelines of 60, 90 or 120 days depending on the type of application. As a result of the consultant’s review, some <i>Planning Act</i> development application fees have decreased while some have increased.</p>
<p>Formal Consultation Fee</p>	<p>The proposed development application fee schedule for <i>Planning Act</i> applications (attached as Appendix “B” to Report PED22112(c)) is the result of the review by BMA Management Consulting Inc., dated August 2022 (attached as Appendix “A” to Report PED22112(c)). The methodology is based on a full cost recovery, activity-based model, structured as a series of application-specific process maps, to determine the level of staff effort required in the review and processing of development applications.</p> <p>As noted earlier, staff will be required to dedicate a more rigorous review during the preliminary assessment of application material through a Formal Consultation application and will be used to develop requirements for a future complete <i>Planning Act</i> application. As such, an increase in the Formal Consultation application fee is warranted, as outlined in Appendix “B” to Report PED22112(c). It should be noted that fees will no longer be credited towards a future <i>Planning Act</i> application.</p>
<p>Terms of References and Guidelines</p>	<p>Through the City’s Formal Consultation process (preliminary review of a proposal), a number of informational materials may be identified for a future <i>Planning Act</i> application in order to assess development proposals and the completeness of development applications.</p>

	<p>Terms of References and Guidelines exist for a number of items referenced in UHOP Table F.1.19.1 and RHOP Table F.1.9.1, outlining the list of other information and materials which may be required to deem <i>Planning Act</i> applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan Control complete. However, Terms of References and Guidelines still need to be developed for a number of items. In addition, updates to several existing Terms of References is required to ensure they are up to date.</p> <p>Terms of References and Guidelines reflect best practices; improve transparency with applicants, consultants, and other development industry professionals; and provide detailed direction for the content and components required as part of a complete <i>Planning Act</i> application. When determining a complete application, the final professional opinion on a matter is not used to deem an application complete or incomplete. As such, Terms of Reference and Guidelines ensure all the necessary components are included for staff to properly review the technical aspects of a proposal.</p> <p>Drafted Terms of References and Guidelines for items referenced in UHOP Table F.1.19.1 and RHOP Table F.1.9.1 will be publicly available in Q4 of 2022.</p>
<p>Formal Consultation Transition Policies</p>	<p>A new policy is proposed to deal with the transition of proposals that may have already been reviewed through the City’s preliminary Formal Consultation process prior to Bill 109 coming into force on January 1, 2023.</p> <p>New policies, Policy F.1.19.11 (UHOP) and Policy F.1.9.12 (RHOP) are proposed as follows:</p> <p>Prior to the submission of a complete <i>Planning Act</i> application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:</p> <ul style="list-style-type: none"> a. amend the formal consultation or waiver letter; or b. require a new formal consultation. <p>In addition to the proposed new policies, a Draft Transitional Framework is provided in Appendix “I” to Report PED22112(c).</p>

<p>Minor Zoning By-law Amendment Inclusion of Reduced Lot Area as part of a Surplus Farm Dwelling approved through Consent</p>	<p>The proposed amendment to include Minor Zoning By-law Amendments to recognize a reduced lot area as part of a surplus farm dwelling approved through a Consent application is in accordance with the City’s current process as all surplus farm dwellings are required to go through a rezoning application and capturing the reduced lot area through the same application provides efficiencies.</p>
<p>Designated Staff</p>	<p>The proposed Official Plan Amendments that pertain to delegated authority would grant authority to the Director of Planning and Chief Planner; or in their absence delegated to the appropriate staff as determined by the Director of Planning and Chief Planner. This would be similar to the City’s Delegated Site Plan Control By-law No. 22-152 and as outlined in Appendix “E” to Report PED22112(c)</p>
<p>Public Notification Signage Wording</p>	<p>There is no proposed change to the process or timing for an applicant to erect a public notice sign on a subject property. The wording for the public notification sign is provided when an application has been deemed complete, when it has been confirmed exactly what the applicant is applying for.</p> <p>Standard City of Hamilton practice involves both a mailed letter via Canada Post and an email to the applicant and any listed agent, providing notice of complete application and the sign posting information. The applicant has 15 days from the date of the letter/email, under the <i>Planning Act</i>, to erect the sign on the subject property.</p>
<p>External Works and Shoring/Tie-back Agreements</p>	<p>Through further discussion with Development Engineering Staff the addition of External Works and Tie-back Shoring Agreements have been removed from the list as they will continue to be required items through conditions of Site Plan approval. As such their inclusion in UHOP Table F.1.19.1 and RHOP Table 1.9.1 are removed in revised Appendix “C” and “D” to Report PED22112(c).</p>
<p>Zoning Compliance Review</p>	<p>A Zoning Compliance Review may be required for all types of <i>Planning Act</i> applications. This ensures a more efficient processing of applications and will not add redundancy. Zoning Examiners would have the review that was completed for an applicant on file and would compare it to what has been submitted. If no changes to the application material have been made, the same review can be used. In addition, this requirement will assist applicants in preparing a draft zoning by-</p>

	<p>law which will be required as part of a complete <i>Planning Act</i> application for a Zoning By-law Amendment application.</p>
<p>The Role of Planning Committee</p>	<p>The proposed Official Plan Amendments to allow for delegated authority to the Chief Planner or designated staff is for signing authority. The proposed delegation provisions do not change Statutory public meeting or notification requirements, where already required by the <i>Planning Act</i>, and do not limit appeal rights as outlined in the <i>Planning Act</i>, for these types of applications. The Planning Committee meetings will remain the venue for Statutory public meetings where delegations can be made and heard by the Committee to decide on a matter.</p>
<p>Statutory Notice of Public Meeting</p>	<p>The proposed amendment would reduce the number of days required to provide statutory public notification of a public meeting, in accordance with the <i>Planning Act</i>, for specific <i>Planning Act</i> applications in order to meet the legislated timeframes as a result of Bill 109 and the requirement to issue application fee funds should the timeframes not be met.</p> <p>However, coupled with this change will be improvements to non-statutory notification. As of January 1, 2023, non-statutory notification of the public meeting will be provided earlier in the process by:</p> <ul style="list-style-type: none"> • Including a Public Meeting date within the Statutory Notice of Complete Application letter that is circulated to all properties located within 120 metres of the subject site when an application is deemed complete. • Including a Public Meeting date on Statutory Public Notice signs that are posted on the subject site within 15 days of an application being deemed complete. <p>These changes will ensure the public is advised as early as possible in the process of when the Statutory Public meeting will be held.</p>
<p>Development Charges</p>	<p>Development Charges are outside of the scope of proposed Official Plan Amendments and other recommendations made in Report PED22112(c).</p>
<p>Up-Zoning</p>	<p>Amending the zoning by-laws to increase density and height permissions is outside of the scope of proposed Official Plan Amendments and other recommendations made in Report PED22112(c). A City-Initiated rezoning workplan has</p>

	<p>commenced to evaluate low-density neighbourhoods across the City and determine how density can be increased aligning with the Official Plan Amendments from the Municipal Comprehensive Review work that was completed earlier this year.</p>
<p>120 Metre Circulation for Notice of Application and Public Meeting</p>	<p>Notices of Complete Application and Notices of Public Meeting are mailed to property owners within 120 metres of the subject site in accordance with the <i>Planning Act</i>, as well as other prescribed Agencies, Departments, and Agencies interested in development in the City. No change is proposed to this required <i>Planning Act</i> circulation radius.</p>
<p>Development in Sensitive Wetlands</p>	<p>Concern regarding development within sensitive wetlands is outside of the scope of proposed Official Plan Amendments and other recommendations made in Report PED22112(c).</p>
<p>Regulating What is Classified as “Minor”</p>	<p>As required by the <i>Planning Act</i>, all circumstances that would constitute a minor zoning by-law amendment must be defined through an Official Plan policy and approved by Council.</p> <p>The circumstances in which staff would constitute a Minor Zoning By-law Amendment are outlined in the new proposed Policy F.1.5.8 (UHOP) and Policy F.1.5.5 (RHOP), shown in Appendix “C” and “D” to Report PED22112(c).</p>