



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 29, 2022
SUBJECT/REPORT NO:	Interim Terms of References, Guidelines and Guideline Summaries for Complete Application Materials in Response to Bill 109 (PED22112(d)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tiffany Singh (905) 546-2424 Ext. 1221
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Council approve the interim terms of references, guidelines, and guideline summaries, as attached in Appendices “A” and “B1” to “B39” to Report PED22112(d), for use as part of a complete *Planning Act* Application;
- (b) That the General Manager of Planning and Economic Development Department, or their designate, be granted the authority to make minor modifications to the interim terms of references, guidelines and guideline summaries, contained in Appendices “B1” to “B39” attached to Report PED22112(d);
- (c) That Planning Division staff be directed to utilize the interim terms of references, guidelines and guideline summaries contained in Appendices “B1” to “B39” attached to Report PED22112(d), and based on feedback received on the interim guidelines from the general public and stakeholders to report back in Q2 2023 on any modifications and updates that may be needed to the draft terms of references, guidelines and guideline summaries, contained in Appendices “B1” to “B39” attached to Report PED22112(d) prior to finalization.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

EXECUTIVE SUMMARY

To meet the legislated timeframes and avoid refunds as required under Bill 109, staff have undertaken the review and development of interim terms of references, guidelines and guideline summaries for all materials, information and studies which may be required as part of a complete *Planning Act* Application.

The purpose of this report is to recommend that Council endorse the use of the attached interim terms of references, guidelines and guideline summaries for the following purposes:

- To assist applicants with understanding the purpose of other material, information, and studies that may be required as part of a complete *Planning Act* Application;
- To assist applicants in preparing any material, information, and studies identified at the Formal Consultation (pre-consultation stage) as a requirement for a complete application;
- To assist staff in determining if an application can be deemed complete; and,
- To assist staff with the review of submitted *Planning Act* Applications.

The materials, information and studies listed in Table F.1.19.1 (UHOP) and Table F.1.9.1 (RHOP) will be developed in two phases. This Report includes the Phase 1 documents whereas Phase 2 will be brought forward to Council in Q2 2023. The interim guidelines will provide clarity for applications as to City requirements and will be subject to additional public and stakeholder consultation prior to finalization.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On April 14, 2022, Bill 109 received Royal Assent. The Bill amended the *Planning Act* to require municipalities to refund Development Application fees if a decision is not made within legislative timelines and to require complete applications for Site Plan Control applications. These changes come into effect January 1, 2023.

SUBJECT: Interim Terms of References, Guidelines and Guideline Summaries for Complete Application Materials in Response to Bill 109 (PED22112(d)) (City Wide) - Page 3 of 7

On August 9, 2022, Planning Committee endorsed Report PED2212(c) approving Official Plan amendments to both the Urban and Rural Hamilton Official Plans and approving other required by-laws to address the legislative *Planning Act* changes made by Bill 109. The amendments relating to Bill 109 included updates to the other information and materials which may be required to deem a *Planning Act* Application complete, changes to notification requirements, and other amendments and by-law updates to address development application process changes. It was through the Bill 109 implementation process that the need to update and/or develop new terms of references and guidelines for reports and studies required to be submitted as part of a complete applications was identified.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS) and other Provincial policy plans. It provides municipal governments with the direction and authority to guide development and land use planning through official plans, secondary plans and zoning by-laws. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with policy statements and plans issued by the Province. Bill 109 has made amendments to *Planning Act* Application(s) processes which require municipalities to respond to these changes.

The interim terms of references, guidelines and guideline summaries attached as Appendices “B1” to “B39” of Report PED22112(d) correspond to items in Tables F.1.19.1 and F.1.9.1 of the Urban and Rural Hamilton Official Plans which may be required as part of a complete application. The interim terms of references, guidelines and guideline summaries will streamline application processes by providing greater clarity on submission requirements and ensure that the delivery of planning services and decisions continues to respond to the needs of the City’s customers and stakeholders in addition to responding to legislative changes from Bill 109.

RELEVANT CONSULTATION

Staff from within the City were consulted in the drafting of this report and its appendices including:

- Planning and Economic Development Department, Planning Division, Development Planning Section, Heritage and Urban Design Section and Zoning and Committee of Adjustment Section;
- Planning and Economic Development Department, Transportation Planning and Parking Division, Transportation Planning Section;

SUBJECT: Interim Terms of References, Guidelines and Guideline Summaries for Complete Application Materials in Response to Bill 109 (PED22112(d)) (City Wide) - Page 4 of 7

- Planning and Economic Development Department, Growth Management Division Engineering Design and Construction Section;
- Public Works Department, Watershed Management Division, Engineering Division and Geomatics, Corridor Management Section, Environmental Services Division, and Forestry and Horticulture Section; and,
- Healthy and Safe Communities Department, Housing Services Division, Recreation Division, and Healthy Environments Division, Health and Hazards and Vector Borne Diseases Section.

PUBLIC CONSULTATION

Consultation was held with the development industry and other interested stakeholders. The following methods of engagement were utilized:

Engage Hamilton

- The interim terms of references, guidelines and guideline summaries were posted publicly for commenting through the City's online engagement platform – Engage HQ from October 24, 2022 to November 7, 2022 (<https://engage.hamilton.ca/bill109>). The page has received 268 visits since it was initiated, and 132 downloads of draft documents, as shown in Appendix “D” attached to Report PED22112(d).

Stakeholder Meetings

- Conservation Halton, Hamilton Conservation Authority, Grand River Conservation Authority, and the Niagara Peninsula Conservation Authority were consulted on September 27, 2022; and,
- The proposed guidelines and phasing were presented to the Development Industry Liaison Group (DILG) at a special meeting on October 17, 2022.

Feedback

As part of the consultations, three letters were received attached as Appendix “C” to Report PED22112(d). No responses were received through the Engage Hamilton webpage. The website activity is summarized in Appendix “D” attached to Report PED22112(d). The interim terms of references, guidelines, and guideline summaries are attached as Appendix “B1” to “B39” to Report PED22112(d), reflect minor changes and clarifications in response to the comments received.

A summary of the comments received, and staff responses has been included as Appendix “F” attached to Report PED22112(d).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. Purpose

The development of terms of references, guidelines and guideline summaries for all materials, information and studies which may be required as part of a complete *Planning Act* Application as listed in both the Urban and Rural Hamilton Official Plans was undertaken in an effort to clarify the City's expectation of materials submitted as part of a complete application, streamline the development application review processes, and meet the legislated timeframes and hereby avoid refunds as per Bill 109.

The interim terms of reference, guidelines and guideline summaries will be used in the following manner:

- They will be available on the City's Development Application webpage, all in one location and accessible by applicants, their consultants, and the public;
- They will be attached to the Formal Consultation Document issued to applicants; and,
- They will be used by staff to determine if an application received is incomplete or complete (before starting the applicable legislative timeline required to make a decision).

2. Transition

Upon approval of Report PED22112(d), staff will post the Phase 1 – Interim Guidelines on the City's website. Additional guidelines will be developed as part of Phase 2 and where no guideline exists, staff will continue their current practice of providing professional advice within their formal comments made during the Formal Consultation process and through the circulation of development applications.

Consultation on Phase 2 material will be conducted in Q1, 2023 and the guidelines will be presented to Planning Committee in Q2, 2023. Items that will be brought forward as part of Phase 2 - Guidelines are listed in Appendix "E" attached to Report PED22112(d).

Once all guidelines from Phase 1 and Phase 2 have been approved by Council in 2023, the documents will be considered final but may be modified from time to time to respond to changes to legislation, policy of best practices.

3. Next Steps

Upon approval of the recommendations to Report PED22112(d), staff will undertake the following:

- Communicate the approval of the Phase 1 terms of references, guidelines and guideline summaries to the development industry and other key stakeholders;
- Update the City's Development Applications webpage to include all Phase 1 terms of references, guidelines and guideline summaries;
- Continue to develop Phase 2 – Guidelines, including conducting peer reviews if required and consulting with the community, development industry and key stakeholders;
- Report back to Planning Committee with final versions of Phase 1 and Phase 2 items in Q2 2023; and,
- Complete final updates to the City's website and brochures relating to development approvals processes.

ALTERNATIVES FOR CONSIDERATION

Council could direct staff to continue using any existing guideline documents in their current form and not to update or create any guideline documents. This is not recommended, as having terms of references, guidelines and guideline summaries allows for more transparency, clear expectations for development applications, and provides an approved standard for staff when deeming development applications complete.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

**SUBJECT: Interim Terms of References, Guidelines and Guideline Summaries
for Complete Application Materials in Response to Bill 109
(PED22112(d)) (City Wide) - Page 7 of 7**

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22112(d) – List of Interim Terms of References, Guidelines and Guideline Summaries

Appendix "B1" - "B45" to Report PED22112(d) – Interim Terms of References, Guidelines and Guideline Summaries

Appendix "C" to Report PED22112(d) – Stakeholder Correspondence

Appendix "D" to Report PED22112(d) – Engage Hamilton Responses

Appendix "E" to Report PED22112(d) – Phase 2 – Guidelines to be Reviewed and/or Developed

Appendix "F" to Report PED22112(d) – Summary of Comments and Staff Responses

TS:sd