

City Initiated Official Plan Amendments (CI-24-G) - Formal Consultation and Complete Application Requirements under Bill 185 (City Wide)

Presentation to the Development Industry Liaison Group (DILG)

September 9, 2024

Background

- Formal Consultation By-law No. 08-297 required mandatory Formal Consultations prior to the submission of applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control.
- The purpose of a Formal Consultation is to ensure the City receives all information needed to review and make recommendations on development applications, upfront with the submission of the application.
- Improvements to the Formal Consultation process were put in place to ensure the application processing timelines were met as a result of the fee refunds implemented through Bill 109, *More Homes for Everyone Act, 2022*.
- Amongst other changes, Bill 185, *Cutting Red Tape to Build More Homes Faster Act, 2024*, amended the *Planning Act* to eliminate the requirement for pre-consultation (Formal Consultation) for all application types.
- Eliminating the mandatory Formal Consultation process removes the City's ability to 'right size' and tailor the submission requirements for each individual proposals and ensure all necessary reports, studies and information is submitted upfront with an application.

City Initiated Amendments

- In response to Bill 185, amendments to the Urban Hamilton Official Plan, Rural Hamilton Official Plan and former Region of Hamilton-Wentworth Official Plan are required to:
 - To remove the mandatory requirement for Formal Consultations;
 - Establish minimum submission requirements for each application type by categorizing all other information and materials that can be requested by the City as part of a complete application into four categories:
 - Minimum;
 - Locational;
 - Proposal Based; and,
 - Discretionary.
 - To establish criteria for identifying the relevant locational and proposal based submission requirements.
- By-law No. 08-297 must also be amended to remove the prerequisite for mandatory Formal Consultations.

City Initiated Official Plan Amendment

Study / Material Name		Official Plan Amendment				Zoning By-law Amendment				Draft Plan of Subdivision				Site Plan Control			
		Minimum	Locational	Proposal Based	Discretionary	Minimum	Locational	Proposal Based	Discretionary	Minimum	Locational	Proposal Based	Discretionary	Minimum	Locational	Proposal Based	Discretionary
18	Cycling Route Analysis	✓				✓				✓							
19	Design Review Panel Summary of Advice and Response		✓	✓			✓	✓			✓	✓			✓	✓	
20	Draft Official Plan Amendment/ Draft Zoning By-law Amendment	✓				✓											
21	Dust Impact Analysis				✓			✓				✓					✓
22	Elevations												✓				
23	Elevations (Conceptual)	✓				✓				✓							
24	Energy and Environmental Assessment Report			✓			✓				✓				✓		
25	Environmental Impact Statement (EIS) and Summary of Environmentally significant Areas Impact Evaluation Group Comments (where applicable)		✓				✓				✓				✓		
26	Environmental Site Assessment and/or Record of Site Condition		✓	✓			✓	✓			✓	✓			✓	✓	
27	Erosion and Sediment Control Plan				✓			✓		✓							✓
28	Erosion Hazard Assessment		✓				✓			✓					✓		
29	Farm Economics Report				✓			✓									
30	Financial Impact Analysis and Financial Strategy				✓			✓									
31	Fish Habitat Assessment		✓				✓				✓				✓		
32	Floodline Delineation Study/ Hydraulic Analysis		✓				✓				✓				✓		
33	Full Disclosure Report				✓			✓									
34	Functional Servicing Report	✓				✓				✓				✓			
35	General Vegetation Inventory	✓				✓				✓				✓			

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- **Minimum** – required for the submission of a complete application for specific *Planning Act* application type(s) regardless of the context of the application.
- **Locational** – required for the submission of a complete application for specific *Planning Act* application type(s) when located in a specified area based on the applicable policies of the Official Plans.
- **Proposal Based** - required for the submission of a complete application for specific *Planning Act* application type(s) based on the use or scale of the proposal as specified in the applicable policies of the Official Plans.
- **Discretionary** - other information and materials that can be requested through the processing of *Planning Act* application(s) but are not required as part of the submission of a complete application. Discretionary submission requirements can also be identified as conditions of Draft Plan of Subdivision or Site Plan approval.

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Participate in Formal Consultation Process:

- Provides opportunity for collaborative discussion with City staff on the details of application in advance of the submission of a *Planning Act* application.
- Allows City staff to review opportunities for scoped submission requirements based on context of proposal.

Opt-out of Formal Consultation Process:

- Required to submit all other materials and information identified in the Official Plan for the applicable application type.
- No opportunity to scope the materials required for the submission of a complete application.
- Number of plans and studies identified as submission requirements is anticipated to be greater than proposals which went through the Formal Consultation process.

- Staff will evaluate alternative processes and a review of application fees to encourage and incentivize the Formal Consultation process.

Consultation and Next Steps

- Sustainable Communities held individual meetings with various departments and sections which review *Planning Act* applications including Transportation Planning, Growth Management, Heritage and Urban Design and Public Works.
- The draft Official Plan Amendments were used by Development Planning staff to complete mock application intake meetings for existing development applications to compare the identified the submission requirements.
- The Statutory Public Meeting is scheduled for Planning Committee on September 17, 2024 and the Notice of Public Meeting was posted in Hamilton Spectator on September 9, 2024.
- Staff will report back to Planning Committee in Q4 of 2025 with any feedback on the amended policies and processes, as well as any updates / improvements to the application submission process based on that feedback.