



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PD015-23
DATE: June 7th, 2023
TO: Committee of the Whole
FROM: Samuel Haniff
Manager of Planning
RELATED APPLICATION: PD001-23
SUBJECT: Official Plan Review Status

RECOMMENDATION

Staff Report PD015-23 be received; and

That Council direct Staff to revisit the Official Plan (OP) Review in Q4-2023 due to ongoing Provincial legislative changes which are expected to take effect in Fall 2023, and to request a revised workplan and estimated fees from the Consultant at that time.

BACKGROUND

As per the Government of Ontario's "Citizen's Guide to Land Use Planning":

"It is expected that council will regularly update the official plan to ensure that the plan implements any changes to the PPS or provincial plans. The official plan update is also an opportunity to ensure the official plan continues to address local priorities and changing community needs. This update should be completed ten years after a municipality prepares a new comprehensive official plan or every five years after an update done through an amendment to the plan.

When updating an official plan, council must hold a special public meeting to discuss the changes or amendments that may be needed."

The Official Plan of the Township of Essa was adopted by Council on April 19, 2000, under By-law No. 2000-29, approved by the County of Simcoe on November 28, 2000, and put into effect by the Ontario Municipal Board on July 6, 2001.

As such, the Township of Essa is at least 17 years overdue for an Official Plan review.

COMMENTS AND CONSIDERATIONS

Reference is made to Staff Report PD001-23 (Attachment 1) from MHBC Planning Consultants in which the recommendation was made to Council to “pause” the Official Plan Review Project due to uncertainty surrounding the Planning system for the County of Simcoe.

On March 23, 2023, Staff met with MHBC again to discuss current legislative changes proposed by the Province along with the potential for “restarting” the OP review process. Bill 109 (More Homes for Everyone Act, 2022), Bill 23 (More Homes Built Faster Act, 2022) and Bill 97 (Helping Homebuyers, Protecting Tenants Act, 2023) are changing the functional landscape of both upper and lower tier municipalities.

MHBC has recommended that the OP review remain on “pause” at least until Fall 2023, when changes from Bill 97 (affecting statutory deadlines for decisions on Planning applications, the definition of “area of employment”, among other things) are expected to come into effect. Additionally, the reduced role of the County of Simcoe (proposed in Bill 23) and may also become clearer at that time.

It is the intention of Planning Staff to meet with the Consultant for the Official Plan Review again in Fall 2023. Depending on the progress of legislative changes at that time, Staff would ask the Consultant to prepare a revised workplan and fee estimates.

FINANCIAL IMPACT

Currently, \$50,000 is allocated under Contract Services in the Planning Budget for 2023 and this includes the Official Plan Review. It should be noted that funding for the Official Plan is no longer available through Development Charges.

In Fall 2023, the Official Plan Review Consultant may revise their workplan and fee estimates for the 2024 Budget.



Manager of Finance Approval

SUMMARY/OPTIONS

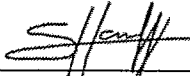
Council may:

1. Take no further action.
2. Direct Staff to revisit the Official Plan Review in Q4-2023 due to ongoing Provincial legislative changes which are expected to take effect in Fall 2023, and to request a revised workplan and estimated fees from the Consultant at that time.
3. Direct Staff in another manner Council deems appropriate.

CONCLUSION

Option #2 is recommended, as the Township is in need of an Official Plan (OP) review but must wait to accommodate relevant changes due to proposed Provincial legislation expected to take effect in Fall 2023. Additionally, the OP Consultant may need to revisit the OP review based on Provincial changes, which could affect the workplan and fees accordingly.

Prepared and Submitted by:



Samuel Haniff, BURPL., MCIP, RPP
Manager of Planning

Reviewed by:



Colleen Healey-Dowdall, RPP
Chief Administrative Officer

Attachment 1 – Staff Report PD001-23



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PD001-23

DATE: January 18, 2023

TO: Committee of the Whole

FROM: Jamie Robinson, MCIP, RPP – MHBC
Lee Bull, MCIP, RPP - MHBC
Wes Crown, MCIP, RPP - MHBC

SUBJECT: Official Plan Review – Work Plan

RECOMMENDATION

That Staff Report PD001-23 be received for information; and

That the Official Plan Review Project be “paused” for the reasons as set out in this report; and

That MHBC and staff are instructed to report to Council when certainty is returned to the planning system for Simcoe County together with a revised Work Plan, estimate and schedule for the completion of the New Official Plan.

BACKGROUND

Work completed to date in respect of the Official Plan Review includes the following:

- Section 26 Public Meeting to commence the OP Review
- Official Plan Vision Sessions
- Discussion Paper #1
- Discussion Paper #2
- Settlement Area Boundary Expansions TECHNICAL MEMO

Through 2022, MHBC worked with the Township Staff to prepare the draft Official Plan in tandem with the County MCR process and the adoption of County OPA #7 – Growth Management. The purpose of this report is to seek Council direction on the next steps in the Official Plan Review Project.

PROPOSED WORK PLAN AND SCHEDULE

Provided as Attachment 1 is a proposed Work Plan and Schedule for the new Official Plan. The Work Plan sets out 21 Tasks that would extend through 2023 that would lead the Township through the public release of the draft Official Plan, Public Open House, Public Meeting, and adoption of the new Official Plan. At each stage of the process a report would be presented to Council regarding the input received and the recommended changes to the Plan required in response to the comments and suggestions received. The proposed schedule would not, however, provide significant time to respond to the further changes to the planning system in Ontario and the release of a new PPS/Growth Plan by the Province.

As Council will be aware, recent legislative changes have occurred, including Bill 23, that will lead to significant changes to the planning approvals process in Simcoe County and to the policy-led planning system in Ontario. A review of the recent Provincial initiatives that will impact the Official Plan Review is provided below.

More Homes Built Faster Act- Impact on The New Official Plan

The More Homes Built Faster Act, 2022 (Bill 23) was passed and received Royal Assent on November 28, 2022. Much of the Act is now in effect, with more coming into effect on dates yet to be determined. As Council will be aware, in addition to changes to the Act regarding but not limited to Community Benefit Charges, Site Plan Control, Parkland dedication and cash-in-lieu, elimination of the 2 year restrictions on OPA and ZBA applications, elimination of 3rd party appeals for Variances and Consents, additional residential units, and subdivision approvals, the changes to the Planning Act will remove planning responsibility from the County of Simcoe. This is a major and fundamental shift to the roles and functions of the County, the Province and the Township. These changes, while now enshrined in the Planning Act, will not come into force until on or after the date the amendment or regulation identifying the County as an “upper-tier municipality without planning responsibilities” comes into force. Recent correspondence from the Province indicated that the implementation date is unknown but more details are to come.

The following is a summary of changes to the planning system with the County defined as an upper-tier municipality without planning responsibilities as a result of Bill 23 (subject to certain transition rules):

- Simcoe County will no longer have appeal rights regarding OP's , OPA's, alteration of a settlement area boundary in a local OP – unless it is the applicant.
- Simcoe County will no longer have appeal rights regarding ZB's, ZBA's - unless it is the applicant.
- Simcoe County will no longer have appeal rights regarding variances, plans of subdivision and consent applications – unless it is the applicant.

- Simcoe County will no longer be a party to an appeal regarding an OP or OPA, ZB or ZBA, or draft plan of subdivision.
- Simcoe County will no longer be mandated to have an Official Plan and is not authorized to adopt an Official Plan.
- Simcoe County will no longer be the approval authority for local Official Plans and Official Plan Amendments, and draft plan of subdivision (where not already delegated to the local municipality).
- The Simcoe County Official Plan, in effect before the effective date, will be deemed to be an Official Plan for the Township of Essa until it is revoked or amended by Essa.
- Amendments to the County Official Plan adopted by not yet approved by the Province, such as OPA7 – Growth Management, will be deemed to have been adopted by the Township. This would include the population growth allocation of to the Township to 2051,
- In the event of conflicts between the County OP and the Township's Official Plan, the policies of the adopted and approved County OP would take precedence.
- The Minister will be the approval authority for Essa's new Official Plan.
- Minister may make regulations providing for transition relating to when matters were commenced before the effective date of the Act.

The uncertainty with respect to who the eventual approval authority for the new Essa Official Plan will be could impact Council's determination regarding the Work Plan and Schedule. The County has indicated that it will continue in its full and current roles under the Planning Act as Essa's approval authority until such time as that role is revised in accordance with the amended Planning Act. The Ministry has provided no advice or guidance on how municipalities can best manage the changing approvals process and approval authority. Council could direct staff to 'pause' the new Official Plan project until the transition to the Province as approval authority is complete.

Proposed Changes to the Provincial Policy Statement & Growth Plan

Concurrently with the release of Bill 23, the Province announced a Review of both the Growth Plan and the Provincial Policy Statement. Notice of the review was posted on the Environmental Registry of Ontario (ERO) for a comment period of 66 days to December 30, 2022. The Province is proposing to integrate the PPS with the Growth Plan into a new province-wide planning policy that will, as noted in the ERO notice:

- Leverage the housing-supportive policies of both policy documents;

- Removes or streamlines policies that result in duplication, delays or burden in the development of housing;
- Ensures key growth management and planning tools are available where needed across the province to increase housing supply and support a range and mix of housing options;
- Continues to protect the environment, cultural heritage and public health and safety; and
- Ensures that growth is supported with the appropriate amount and type of community infrastructure.

The ERO notice describes the proposed core elements of the new policy document addressing but not limited to the following:

1. Residential Land Supply - including streamlined and simplified policies regarding Settlement Area Boundary expansions, increased flexibility to enable more residential development in rural areas including rural settlement, streamlined and simplified employment conversion policies.
2. Attainable Housing Supply and Mix – greater certainty for a range and mix of housing options to meet market-based demand, meeting affordable housing needs, housing to meet demographic and employment-related needs, policies to enable municipalities to identify centres for urban growth.
3. Growth Management – policy that will allow municipalities to use the most current and reliable growth data to determine the amount and type of need housing, intensification policies, policies that will apply to fast growth municipalities in the GTA.
4. Environment and Natural Resources – continued protecting of the Agricultural System while permitting flexibility to enable more residential development in rural areas, streamlined policy direct that applies across the province empowering local decision making and providing options to reduce development impacts, streamlined and clarified policy for development in hazard lands, and streamlined and simplified policy that ensures access to aggregate resources, policy that balances protecting cultural heritage resources and increasing housing supply.
5. Community Infrastructure – increased flexibility for servicing new development and support long-range integrated infrastructure planning, and ensuring public funded school facilities.
6. Streamlined Planning Framework – streamlined and less prescriptive policies requiring fewer studies including a new approach to assessing land needs, directions that reduce the complexity and increases the flexibility of comprehensive review to allow a faster and easier implementation of provincial policy.

CONCLUSION

Option # 3 is recommended. Once the proposed changes to the PPS and Growth Plan are approved and released by the Province and certainty with respect to the approval authority is determined, Staff and MHBC will prepare a report to Council regarding a revised Work Plan, Estimate and Schedule for the completion of the New Official Plan

Respectfully Prepared By:

Reviewed By:

Wes Crown

Wesley Crown, BES, MCIP, RPP
Associate – MHBC Planning

Colleen Healey-Dowdall

Colleen Healey-Dowdall,
CAO

Lee Bull, BA, MCIP, RPP
Associate – MHBC Planning

Lee Bull

Jamie Robinson, BES, MCIP, RPP
Partner – MHBC Planning

Attachment 1: Draft Work Plan and Schedule

Updated Work Plan (2023) Township of Essa - Official Plan



#	Task	2023												2024						
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	
Phase 2 - Draft Official Plan																				
9	Release of Draft Official Plan & Land Use Schedules																			
10	Circulation to County for Review and Comments																			
11	Open House #2																			
12	Discussion Paper #4 - What We Heard at Open House																			
13	Council Meeting																			
14	Finalize Second Draft Official Plan																			
17	Statutory Public Meeting																			
Phase 3 - Final Official Plan																				
18	Discussion Paper #5 - What We Heard at Public Meeting																			
19	Council Meeting																			
20	Preparation of Final Official Plan																			
21	Adoption of New Official Plan																			
22	Submission to Approval Authority and Approvals																			

Work by Consultants and Township Meeting/Event
Review or Approval Process

