



Committee Report

To:	Warden Milne and Members of Grey County Council
Committee Date:	April 27, 2023
Subject / Report No:	Public Meetings / PDR-CW-17-23
Title:	Plans of Subdivision and Condominium Public Meetings
Prepared by:	Scott Taylor
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	All Municipalities within Grey County except the City of Owen Sound
Status:	Recommendation adopted by Committee as presented per Resolution CW71-23; Endorsed by County Council on May 11, 2023, per Resolution CC36-23.

Recommendation

1. That report PDR-CW-17-23 regarding the hosting of public meetings for plans of subdivision and condominium be received; and
2. That the report be shared with member municipalities within Grey County for their consideration; and
3. That staff be directed to inform municipalities and developers that County Council recommends a public meeting be held for new plans of subdivision and condominium, excluding condominium exemption applications and redline revisions, in the following circumstances:
 - a) Where there is a corresponding municipal application, such as a zoning by-law amendment, that the public meeting be included with the municipal public meeting for the municipal planning application(s), and
 - b) Where there is no corresponding municipal application, that a separate public meeting be held; and
4. That staff be directed to improve communications to the public with respect to the comments on plans of subdivision or condominium.

Executive Summary

Bill 23, the *More Homes Built Faster Act* was passed by the province in late November 2022. One of the changes in Bill 23, was to eliminate the requirement for municipalities to hold a public meeting for new plans of subdivision or condominium. In 2007, the County delegated the

holding of public meetings to municipalities, for which the County is the approval authority, for plans of subdivision and condominium (i.e., all municipalities except the City of Owen Sound who is the approval authority for subdivisions and condominiums). This report provides;

- background information on public meetings,
- a recommendation for municipalities to consider with respect to holding such meetings, and
- outlines some options to be considered with respect to the public process for new plans of subdivision and condominium.

Background and Discussion

On November 28, 2022, the province passed Bill 23, known as the *More Homes Built Faster Act*. Bill 23 amended several pieces of legislation, many of which impact the development planning application process. Through Bill 23, the province amended section 51(20) of the *Planning Act*, which formerly required approval authorities, or their delegates, to hold a public meeting, prior to rendering a decision on plans of subdivision or condominium. In 2007, to streamline the development application process, the County delegated the holding of public meetings to member municipalities, in those municipalities where the County is the approval authority for plans of subdivision and condominium. A link to staff report PDR-PCD-09-07 has been included in the Attachments section of this Report. Notably this does not include the City of Owen Sound, as they are the approval authority for plans of subdivision and condominium in the City.

The stated purpose for the removal of this requirement has been to ensure that development process functions efficiently, and that new housing is brought online as quickly as possible. It is however notable, that Bill 23 did not remove the need for public circulation, consultation, and the requirement to consider public comments, but only removed the requirement for holding a public meeting.

For the purposes of this report, staff will use the terms plan of subdivision and plan of condominium interchangeably, as the legislative requirements under the *Planning Act* are identical for the two applications.

Condominium exemption applications are different, as they have an abbreviated process which does not require the same degree of public process. Condominium exemptions only happen after other development applications, which have a public process, have been approved and the developer is simply looking to convert the development to a condominium style ownership. For example, after a development receives approval on a zoning by-law amendment and a site plan application, the developer may then apply for a condominium exemption to convert the development to a plan of condominium, which does nothing to change the built form of the development.

Redline revision applications are also treated differently, and most frequently do not require public meetings currently, unless there are very major changes which also trigger the need for an official plan or zoning by-law amendment. A redline revision occurs after a subdivision or condominium has already been draft approved, and changes are needed to the draft plan or the draft plan conditions.

Based on Bill 23, the County and member municipalities no longer need to hold a public meeting, but are not excluded from holding a public meeting. This report will focus on options for new plans of subdivision or condominium, and will not make any further recommendations with respect to redline revision applications or condominium exemption applications.

Should public meetings be held for plans of subdivision and condominium?

Over the last number of years there have been several key changes to the legislative process for plans of subdivision or condominium. Most notably, prior to Bill 23, was the removal of the appeal rights for members of the public with respect to such developments. Associated zoning by-law amendments can still be appealed, but plans of subdivision or condominium cannot be appealed. In some cases, such as the appeal of a non-decision by a developer, the public can still seek party status at a hearing before the Ontario Land Tribunal (OLT).

As noted above, Bill 23 has also now removed the requirement for municipalities to hold a public meeting for plans of subdivision or condominium, but has not removed the requirement to circulate to the public or consider public comments on such developments. As such, members of the public can still submit written comments, or even request deputations in front of council, as it pertains to plans of subdivision or condominium.

Following the passing of Bill 23, in late 2022 and early 2023, County staff had discussions with municipal planning and development staff to get their opinions on this topic. While none of the municipalities had a formal resolution from their council, most felt that their councils would still expect a public meeting, prior to supporting a subdivision or condominium approval at the County.

Most often, when a plan of subdivision or condominium is applied for, there are corresponding applications also required, such as zoning or official plan amendments. In those cases, public meetings are still required for the other planning applications. The only notable 'standout' is site plan control applications, which do not require a public process or a public meeting. County staff recommend that in cases where there are multiple applications (excluding site plan applications), that a single public meeting be held for both the plans of subdivision or condominium, as well as the associated zoning by-law amendment. The notable exception here would be where the developer has chosen to stagger their applications and not apply for all applications simultaneously.

In cases where there are no municipal applications required, or where the developer has chosen to stagger their applications, County staff would still recommend holding a public meeting as a best practice. Having delegated the responsibility to hold public meetings in 2007, the County cannot require a public meeting be held, but would still recommend as such to municipalities, as a means by which the public can (a) ask questions, or (b) share comments on a development application.

County staff do not view the public meeting as a major 'hold-up' to processing development applications efficiently. In most cases it's not the public meeting that's delaying a decision on a subdivision or condominium, it's the requirement for additional technical information to address municipal, County, or agency comments. Staff have concerns that if public meetings were eliminated, particularly for those developments with no associated municipal applications, that

there would be more requests for deputations in front of municipal or County Councils. The benefits to public meetings are as follows:

- a) they're usually held early in the process, when that feedback may still result in changes to a development or the recommended draft plan conditions, and
- b) they allow anyone to speak to an application (i.e., members of the public or council), or ask questions about the application, at an allotted time, without requiring separate deputations in front of council.

Quite often deputation requests come at the end of the development review process, when staff have already made their recommendation, and are awaiting a decision from Council. Ideally from a staff perspective it's beneficial to get public feedback early in the process, versus towards the end of the process.

In either instance i.e., if a public meeting is held, or if a public meeting is not held, subdivision or condominium decisions are not appealable by the public. For the public, a public meeting can be one of the few opportunities to learn more about the development and voice their concerns directly to Council prior to a decision.

County staff recommend that municipalities still consider holding a public meeting for new plans of subdivision or condominium.

Improvements to the public process for plans of subdivision and condominium

Aside from the question of a public meeting, staff believe there is further education and streamlining needed with respect to plans subdivision or condominium. On many developments, the public is invited to give feedback at a public meeting, and we receive comments such as the following:

- 1) I don't want to see development here, these lands should be left natural or as open space,
- 2) The density is too high, why is the developer trying to squeeze so many units onto this property,
- 3) I support development, but believe that there should be large lot single dwellings versus townhomes or semi-detached units,
- 4) What will the new houses look like,
- 5) Why will this new street connect to my street, I would prefer a cul-de-sac here,
- 6) How will this development impact my property values, or
- 7) What type of people will this development attract to my neighbourhood.

County staff can appreciate that these comments may reflect the feelings of those living in our community. However, this type of feedback indicates a need for staff to do a better job of educating the public on the need for and importance of housing, as well as providing information about the existing land use permissions on development properties. To be frank, public meetings are not meant to be referendums on whether we do or don't want development on a given property. In most cases, those decisions were made years prior when the official plan or zoning by-law was approved. It's unfair to a developer who bought a property that was designated and zoned for residential development, to suddenly have to be defending to a room

full of people why they're choosing to develop that property. Furthermore, it's also unfair for those developers to get accused of 'trying to squeeze in as many units as possible' when in fact they're simply trying to address the density policies of the official plan. Similarly, the official plan policies promote a range of housing unit types, and connected streets, which can then cause consternation to the public. As far as the appearance of the housing, municipalities have little to no control over that (and less so after Bill 23), with the exceptions of setbacks and lot coverage. As Council is aware, staff cannot factor property values into our recommendations either in a positive or negative fashion. Municipalities also cannot discriminate against any individual or group of people. In the Ontario Human Rights Commission guide *"In the zone: Housing, human rights and municipal planning"* it is summed up as follows:

"Opposition to housing projects based on stereotypes or prejudice towards the people who will live in them can be a violation of people's rights to be free from discrimination in housing – which means it can be against the law. The bottom line is that people do not have the right to choose their neighbours."

This guide also notes the responsibility of council and staff to 'shut down' these comments immediately at a meeting, so as not to infringe on human rights, or open the door to human rights complaints.

To consider it from a public perspective however, a resident gets a letter in the mail, or sees a sign on the property, saying come to a meeting on Thursday evening and give us your thoughts on the proposed development. The public has no background on what comments a municipality is looking for in this regard, and as such cannot be faulted for sharing comments such as the above.

As a result, staff would like to work with municipal staff and councils, as well as communications staff, to provide more information prior to a public meeting, and at a public meeting, to inform the public of the types of comments that are useful. County staff have started to share some of this messaging. At a public meeting for a large residential subdivision last year, County staff included the following points as a 'Planning 101' and Frequently Asked Questions (FAQs) in our introductory presentation, prior to the public comment period.

Planning 101

- 1) The County Plan requires a minimum density of 20 units per net hectare for this property [this also included an explanation of this density calculation].
- 2) These lands have been designated and zoned for residential growth by the County and the Municipality in the official plans and zoning by-law.
- 3) Staff also recognize the value of considering 'compatible' development to the surrounding neighborhoods. 'Compatible' development doesn't necessarily mean 'the same as', rather it recognizes that different residential dwelling types can coexist with limited impacts.

FAQs

- 4) Why is the developer proposing so many homes?
 - a. New development is required to meet County and Municipal standards for residential density. This proposed subdivision meets the density requirements of the County and Municipal Official Plans. This density also uses land and

services more efficiently, preventing the need for farmland or natural areas to be developed.

- 5) Is this growth needed in our community?
 - a. In 2021 the County completed a Growth Management Strategy. This Strategy noted that all 9 municipalities in Grey are growing more rapidly than in recent years. The subject lands have been identified as a key part of meeting the future residential growth needs of the municipality. The lack of housing can negatively impact employers and businesses in the area.
- 6) Concerns over who may live in the future housing.
 - a. Housing is a human right. *“Every person has a right to equal treatment with respect to the occupancy of accommodation without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance.”* Ontario Human Rights Code, s.2(1)
There is a need for housing in Grey County. Public controversy that is attached to new housing continues to be one of the biggest barriers to developing it. A key part of achieving inclusive neighbourhoods where all residents feel welcome to live, work, and play is taking steps to build more housing to meet the needs of all current and future residents. Housing is the foundation for stable living conditions, and a key starting point for financial stability and being included in the community.
- 7) Concerns over property values and tax rates.
 - a. Generally, higher-density housing needs less extensive infrastructure than lower-density development. Water pipes, sewer services, and roads will be paid for and installed by the developer, before being assumed by the municipality. Higher density development is more efficient to provide services to, and the larger customer base can reduce the per-resident cost of providing municipal services.
- 8) Concerns over impact on the environment.
 - a. An environmental impact study has been prepared and was reviewed by the Municipality, County and Conservation Authority as part of the applications.
- 9) Will additional housing create traffic and parking problems?
 - a. Typically, multi-attached dwellings are likely to attract residents with lower levels of car ownership. Careful review of this is part of the development being considered, and a traffic study has been prepared and is being reviewed by the Municipality and the County.
- 10) Concerns about construction noise and traffic.
 - a. We need more housing – whether it is detached homes or multi-attached dwellings, there will be construction. However, developers follow high standards and work closely with the municipality to mitigate excessive noise or disruption.

Public Comments

- 11) What are your thoughts?

We would like your feedback on this proposed development. You may choose to comment on the following:

 - a. The proposed ratio of housing types of single and multi-detached units,

- b. The layout of the proposed development,
- c. Traffic, including roads, sidewalks, and safety,
- d. Landscaping, fencing, drainage, or parkland,
- e. Anything missing from the development, or
- f. Any other questions you may have about this proposed development.

When staff included the above points in our preamble, we heard very favourable comments from the developer, who felt it helped the public meeting to run smoothly. Staff also did not hear any complaints from public attendees of this meeting. Staff acknowledge that the above comments could use some refinement, and will work with both municipal staff and communications staff on fine-tuning this messaging.

Legal and Legislated Requirements

All development applications will continue to be processed under the *Planning Act*. The province has been clear in the past that the *Planning Act* represents the minimum standards for public consultation, and that municipalities can go above and beyond these minimum standards.

Financial and Resource Implications

There are no direct financial or resource implications stemming from this report. Should public meetings continue for plans of subdivision or condominium, it will be a continuation of the status quo. Should public meetings cease for plans of subdivision or condominium, there may be slightly less staff time needed (e.g., 1 – 2 hours) on some development files, but in most cases where associated municipal applications still require a public meeting, this will not result in any saved staff time.

Relevant Consultation

- Internal: CAO/Deputy CAO, Legal Services, and Planning
- External: Member municipalities within Grey except for the City of Owen Sound

Appendices and Attachments

[PDR-PCD-09-07 Public Meetings for Plans of Subdivision/Condominium](#)

[PDR-CW-37-22 Comments on Bill 23 More Homes Built Faster Act](#)