



Committee Report

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| To: | Warden McQueen and Members of Grey County Council |
| Committee Date: | May 14, 2020 |
| Subject / Report No: | PDR-CW-21-20 |
| Title: | Overview of Recent Changes to the Planning Act and Continuing to Process Applications During the Pandemic |
| Prepared by: | County Planning Staff |
| Reviewed by: | Kim Wingrove |
| Lower Tier(s) Affected: | All municipalities |
| Status: | Recommendation adopted by Committee as presented per Resolution CW88-20; Endorsed by County Council May 28, 2020 per Resolution CC54-20; |

Recommendation

- 1. That Report PDR-CW-21-20 be received which provides an overview of the recent changes to the Planning Act and the proposed process to be utilized to continue to review and process new or active planning applications during the Pandemic.**

Executive Summary

The Province has made some recent changes to the Planning Act. These changes provide municipalities with further clarity and guidance on how planning matters can be dealt with during the provincial emergency period. Ontario Regulation 149/20 (O. Reg. 149/20) required that certain notice of decisions be reissued which for the County included County Official Plan Amendment No. 1 (Housekeeping Official Plan Amendment), Local Official Plan Amendment No. 8 in West Grey, and Local Official Plan Amendment No. 24 in Southgate. Notice of decisions have been reissued and the new appeal period closes May 21, 2020. Although the 'clock' has been stopped for non-decision appeals as a result of O. Reg 149/20, Grey County continues to process planning applications as electronic submissions only. All applications will now be tracked through the County's new Planning Application Tracking System. All public meetings during the provincial emergency period will be held using Zoom. To participate securely, members of the public will be required to pre-register. Any

comments or questions regarding proposed developments can also be received via email, mail, or through oral comments by leaving a voice message.

Background and Discussion

[Bill 189, being the Coronavirus Support and Protection Act](#) was passed by the Province on April 14, 2020. Bill 189 made amendments to various Acts including the Planning Act. The changes to Planning Act essentially provides authority to the Minister of Municipal Affairs and Housing to make regulations to respond to municipal concerns about planning decisions and timelines during the provincial emergency period. The Minister approved [Ontario Regulation 149/20](#) on April 15, 2020 which provides special rules for planning related matters during the Province's declared emergency. A bulletin regarding Bill 189 and Ontario Regulation 149/20 (O. Reg 149/20) was posted on the Environmental Registry on April 21, 2020 which provides further clarity on the changes made to the Planning Act. The bulletin can be found [here](#).

Overview of Ontario Regulation 149/20

The following is an overview of some of the proposed changes introduced by O. Reg 149/20 with focus being provided to matters related to application types that are approved by the County:

1. Clarifies that O. Reg 73/20 under the Emergency Management and Civil Protection Act (EMCPA) does not apply to land use planning timelines.
2. Any notices of decisions issued on or after February 26, 2020 and before April 15, 2020 need to be re-issued no later than 15 days from the end of the provincial emergency period. What this means is that the previous decision still stands but notice of decision needs to be reissued which restarts the appeal period.
 - This impacts County Official Plan Amendment No. 1 (Housekeeping Official Plan Amendment), Local Official Plan Amendment No. 8 in West Grey, and Local Official Plan Amendment No. 24. Notice of decisions have been re-issued for these amendments. If no appeals are received during the new appeal period, a further notice will be sent indicating that the decisions are in force and effect.
3. Any decisions that were made on or after March 2, 2020 and before April 15, 2020, but the giving of notice was not completed before April 15, 2020, the notice is deemed not to have been given and the notice of decision will need to be reissued no later than 15 days after the provincial emergency has ended.

- This provision does not impact any County decisions.
4. There are some timelines under the Planning Act that are effectively suspended during the provincial emergency period. These include timelines such as appeal of non-decisions related to official plan amendments and plans of subdivision. This allows municipalities to put a pause on land use planning matters without risk of appeal to the Local Planning Appeal Tribunal (LPAT) in order to further support municipal emergency response activities if the municipality chooses to do so. Municipalities do however have the option to continue to process planning applications during the pandemic. However, municipalities need to decide whether they can adequately review and process planning applications and to hold public meetings while following such matters as physical distancing requirements and other relevant orders under the EMCPA.
 - County staff are recommending that the County continue to process both new and active applications during the provincial emergency period. County staff recommend this approach in order to avoid any potential backlog that may be caused if the County were to put a pause on applications. Continuing to process planning applications will also assist with the economic recovery period to ensure that developments have the approvals in place and can proceed with construction following the pandemic period.
 5. The regulation also suspends a number of processing and administrative timelines in the Planning Act during the provincial emergency period. These include such timelines as sending in a record of appeal to the Local Planning Appeal Tribunal, deeming applications complete, etc.
 6. Although O. Reg 149/20 did not provide details regarding how municipalities can conduct public meetings during the pandemic, the Minister's letter that was sent out on April 9, 2020 to municipalities and the Bulletin posted on the ERO summarizing the recent changes to the Planning Act provides some guidance. Both the Minister's letter and the Bulletin indicate that municipalities can consider using electronic and virtual channels to engage and solicit feedback from the public on land use planning matters while maintaining physical distancing. The Bulletin notes that this may include a mixture of technologies to meet public needs in combination with traditional forms, like written submissions (email or paper copy) and posting documents online.

- Please see recommended process below for how the public will be engaged during the provincial emergency period including the proposed use of electronic public meetings.

Processing New and Active Planning Applications During the Provincial Emergency Period

The process for handling planning applications during the provincial emergency period will essentially be the same as it was prior to the pandemic with some differences which are highlighted below:

- The decisions that were affected by O. Reg 149/20 (i.e. County Housekeeping Amendment No. 1, West Grey Official Plan Amendment No. 8, and Southgate Official Plan Amendment No. 24) have been reissued and are currently within the new appeal period which ends on May 21, 2020. If no appeals are received, letters will be sent out to indicate that these decisions are in force and effect.
- During the emergency period, the County will accept electronic application submissions only. This would include;
 - County official plan amendment applications,
 - Plans of subdivision/condominium applications including proposed revisions to existing draft approved plans,
 - Local official plan amendments that have been adopted by the local municipality and are ready for County approval,
 - Condominium exemption applications, and
 - Part lot control by-laws that have been passed by local municipalities that are ready for County approval.

Applications for final approval of plans of subdivision/condominium can also be submitted electronically however the final plans from the surveyor will still need to be provided via mail/courier. By accepting electronic application submissions, this will limit any incoming mail which could be a conduit for spreading the virus and limits the need for staff to go into the office to retrieve mail. Should the County require paper copies of plans/studies in the future, the applicant will provide these at the County's request. Prior to the pandemic, the County significantly reduced the required number of paper copies for studies and plans (in most cases only one paper copy was required). County staff want to explore this further to see if we can support full electronic submissions following the pandemic as well.

- Applications will still need to be commissioned and it is recommended that applicants engage a lawyer/paralegal to see if they are offer virtual

commissioning services as County and municipal staff are currently not available to commission applications with offices being closed.

- All applications will now be tracked through the County's new Planning Application Tracking System that has been completed by County IT Staff. County staff have been using this over the past few weeks and it is working great. This new system allows staff to quickly see the status of an application which will help to manage planning applications while continuing to work from home. There are plans to create a public version of the Application Tracking System that would provide an updated status of the applications on our website. Planning staff will work with IT staff to further develop this public version in order to provide further information and engagement opportunities for the public.
- Application fees can either be provided through credit card payment over the phone or via cheque that can be mailed to the County. If a cheque is mailed, the mail is quarantined for a 48-hour period.
- Public Meetings/Public Engagement
 - All public meetings during the provincial emergency period will be held using Zoom. County staff are familiar with Zoom as this is the platform that has been utilized for Council/Committee of the Whole meetings and Zoom provides the features and functions to ensure that electronic public meetings are conducted as smooth as possible.
 - In order to ensure that the public meetings are as secure as possible, members of the public will be required to pre-register for the public meeting. A link will be provided on the notice of public meeting where people can pre-register for the meeting using a computer or smartphone. If a member of the public does not have a computer or smartphone, they can contact staff via phone and staff will provide them with a phone number for them to connect to the public meeting as a participant.
 - Once pre-registered, connection details including a conference password will be sent to the person registering for the public meeting.
 - Similar to the Council/Committee of the Whole meetings, Councilors and staff will be 'panelists' and members of the public will be 'participants'.
 - Should an applicant or member of the public want to make a presentation staff will request that they submit the presentation prior to the public meeting and staff can then display the presentation on the screen using the 'share screen' function.
 - Staff are investigating options for recording electronic public meetings and ensuring that accessibility requirements can be met. If the public

meetings are recorded, they would be posted on the County website. Staff will ensure that the notice of public meeting indicates that these meetings may be recorded and reference details with respect to the Municipal Freedom of Information and Protection of Privacy Act. Approved minutes from the public meeting will also be posted on the County website.

- Members of the public can also provide any comments or questions regarding the proposed development via email or mail. The public will be encouraged to submit written comments via email where possible. Any written comments received prior to the public meeting will be summarized and noted as part of the public meeting proceedings. All written comments received prior to a decision being made will be summarized and addressed in the final staff report which is the current practice.
- Members of the public can also provide oral comments by leaving a voice message. A voicemail box number will be provided on the notice of public meeting.
- For developments that require both a County application (e.g. County Official Plan Amendment) and a local application (e.g. a zoning by-law amendment) staff normally try to work with the local municipality to hold a joint public meeting. If a municipality is continuing to process applications during the pandemic and is willing to move forward with electronic public meetings, a joint public meeting could still be considered and can be hosted by the local municipality as long as the electronic meeting addresses the County's requirements as outlined above. The County can also host the joint public meeting through Zoom and ensure that the local council members and local municipal staff are also assigned as 'panelists'. Should a municipality decide to put a pause on planning applications during the pandemic, the County may continue to proceed with the public meeting for the County application only. This will be reviewed on an application by application basis and in consultation with the local municipality and the applicant. Should the County proceed with the public meeting for the County application, the local municipality can proceed with their public meeting following the pandemic period.
- Public meetings for county official plan amendments have been delegated to the Chair of the Committee of the Whole or his/her designate and to the Director of Planning or his/her designate. As such, only the Chair and a Planning staff person need to host/attend the public meeting for a county official plan amendment.

- For public meetings related to plans of subdivision/condominium, the County through the Delegation of Duties By-law has delegated the holding of these public meetings to local municipalities. If the local municipality is continuing to process applications and are moving forward with holding electronic public meetings that meet the standards as described above, then the continued practice for the local municipalities to hold these public meetings on behalf of the County can continue. If a local municipality is putting a pause on planning matters or is not wanting to hold electronic public meetings during the pandemic period, the County may need to revise the delegation by-law to remove the delegation of the public meetings as it relates to plans of subdivision/condominium. Staff will assess this on a municipality-by-municipality basis and on an application-by-application basis.

With the adjustments to the planning process as outlined above, County staff are satisfied that the County is meeting the intent of the Planning Act while ensuring that provincial orders such as physical distancing and public gathering restrictions are being adhered to. This will allow planning applications to continue through the process to avoid any potential backlogs and to assist with local economic recovery following this pandemic.

In consultation with local municipal planners, most municipalities at this stage are planning to continue to process new and active planning applications. Some are also exploring the option of holding electronic public meetings.

Legal and Legislated Requirements

Planning Act

Emergency Management and Civil Protection Act.

Financial and Resource Implications

The additional costs to adapt the revised procedures noted in this report will be minimal. There is a minor cost to have a Zoom account that will meet the needs for hosting a public meeting (approximately \$240 per year). There will be additional staff time required to post the recorded public meetings on the County website and for administering the pre-registrations for public meetings. Staff anticipate that this additional administrative time will be minimal and can be handled through existing staff resources.

Relevant Consultation

- Internal (Planning, Legal staff, Information Technology staff, Communications Manager, Clerks staff)
- External (Local Municipal Planners, Ministry of Municipal Affairs and Housing Staff)

Appendices and Attachments

None