



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: March 7, 2022

FROM: Planning Services Department

DATE: March 1, 2022

SUBJECT: Public Meeting and Recommendation Report – Town-initiated Official Plan Amendments (OPA 42 and OPA 324) and Delegation of Powers By-law Amendment – Bill 13, Supporting People and Businesses Act, 2021 (File No. 42.24.24) – By-laws 2022-019, 2022-020 and 2022-022

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION:

1. That the report titled “Public Meeting and Recommendation Report – Town-initiated Official Plan Amendments (OPA 42 and OPA 324) and Delegation of Powers By-law Amendment – Bill 13, *Supporting People and Businesses Act*, 2021 (File No. 42.24.24) – By-laws 2022-019, 2022-020, and 2022-022”, be received.
2. That the proposed town-initiated Official Plan Amendments in response to Bill 13, *Supporting People and Businesses Act*, 2021 be approved.
3. That By-law 2022-019, a by-law to adopt OPA 42, be passed.
4. That By-law 2022-020, a by-law to adopt OPA 324, be passed.
5. That the notice of Council’s decision reflect that Council has fully considered all written and oral submissions relating to this matter and that those comments have been appropriately addressed.
6. That By-law 2022-022, a by-law to amend By-law 2021-077, a By-law to delegate certain powers and duties under the *Municipal Act*, S.O. 2001 c.25, the *Planning Act*, R.S.O. 1990 c. P. 13, and other Acts, be passed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The town is proposing Official Plan Amendments (OPAs) to implement changes to the *Planning Act*, resulting from Bill 13, *Supporting People and Business Act, 2021*, which received Royal Assent on December 2, 2021.
- Schedule 19 of the Bill made changes to the *Planning Act*, *Municipal Act*, 2001 and *City of Toronto Act*, 2006, that enables Council to, by by-law, delegate the authority to pass by-laws under section 34 of the *Planning Act* (Zoning By-laws) that are of a minor nature to a committee of Council, or an individual who is an officer, employee or agent of the municipality.
- Without limiting what is deemed “minor”, the delegation of authority to pass by-laws under section 34 of *Planning Act* includes passing by-laws to remove holding “H” symbols, and authorize temporary uses.
- In order to delegate the authority to pass by-laws on these matters, the *Planning Act* requires that the Official Plan provide policies to specify the types of by-laws that may be delegated.
- The proposed OPAs provide for these policies, updating the town’s implementation policies in both the Livable Oakville Plan and 1984 Oakville Official Plan.
- The proposed policies would enable the delegation of authority to pass by-laws for removing a holding “H” symbol; authorizing the temporary use of land, buildings, or structures; and, housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of the zoning by-law.
- The 1984 Oakville Official Plan is also being updated to include general policies for guidance on temporary use by-laws. These new policies are consistent with those that are already in the Livable Oakville Plan.
- Public notice has been given and the public meeting to be held March 7, 2022, satisfies the statutory public meeting requirements under the *Planning Act*. Due to the limited scope and technical nature of the proposed OPAs, staff is recommending that they be approved at the same meeting.
- The town’s delegation of powers by-law, being by-law 2021-077, is proposed to be updated to delegate the authority to pass by-laws for the purpose of removing holding “H” symbols, authorizing the temporary use of land, buildings or structures, and passing housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of a zoning by-law.

BACKGROUND:

Bill 13, the *Supporting People and Businesses Act, 2021*, received royal assent December 2, 2021.

Schedule 19 of the Bill made changes to the *Planning Act, Municipal Act, 2001* and *City of Toronto Act, 2006*, that enables Council to, by by-law, delegate the authority to pass by-laws under section 34 of the *Planning Act* (Zoning By-laws) that are of a minor nature to a committee of Council, or an individual who is an officer, employee or agent of the municipality. This authority is currently held exclusively by Council.

The delegation of authority to pass by-laws under section 34 of the *Planning Act* includes:

- removing a holding “H” symbol (i.e. Holding By-laws)
- authorizing the temporary use of land, buildings, or structures (i.e. Temporary Use By-laws)
- other minor zoning by-law amendments (e.g. Housekeeping By-laws).

In order to delegate the authority to pass by-laws on these matters, the *Planning Act* requires that the Official Plan provide policies to specify the types of by-laws that may be delegated. The *Planning Act* also provides that the delegation may be subject to conditions set out by Council, and that Council may withdraw this authority at any time through a by-law, including in anticipation of a by-law for which a final decision has not yet been made.

The delegation of these additional planning matters does not:

- alter any notice or public meeting requirements;
- limit appeal rights; or,
- change the requirement for planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with provincial plans.

The changes to the *Planning Act* were made to assist municipalities streamline their planning processes for more routine and technical applications, and shift some of the administrative burden of making decisions under the *Planning Act* from elected officials to municipal staff or committees. Changes were also made to assist applicants avoid delays in approvals due to Council meeting and reporting cycles.

Town Official Plans

The Town is subject to two Official Plans:

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- Livable Oakville Plan, pertaining to lands south of Dundas Street and north of Highway 407)
 - 1984 Oakville Official Plan, pertaining to lands north of Dundas Street and south of Highway 407 (North Oakville Secondary Planning Areas).

To enable the ability to delegate the authority for passing by-laws under section 34 of the *Planning Act*, the implementation policies of both Official Plans are required to be updated.

Notwithstanding updates to the Town's Official Plans, updates to the Town's delegation of powers by-law 2021-077, a by-law to delegate certain powers and duties under the *Municipal Act*, 2001, S.O. 2001 c.25, the *Planning Act*, R.S.O. 1990 c. P. 13, and other Acts, is also required to put into effect the enabling policies in the Town's Official Plans.

Delegation of Powers By-law

The *Municipal Act*, 2001 provides municipalities with flexibility in governing their affairs, including authority to delegate powers and duties to individuals or bodies. Matters which are eligible for delegation include administrative and other matters which are routine or operational in nature, but do not include more significant powers.

Efficiencies in both service delivery and the cost of providing services are possible through the delegation of additional powers and duties, in whole or in part. In considering the appropriateness of any delegation of powers, it is necessary to maintain comparable levels of accountability, consultation, transparency, and adherence to municipal policy direction.

The Delegation of Municipal Powers and Duties Policy and By-law 2021-077 was recently approved by Council at its meeting held September 28, 2021. This approval was in advance of Bill 13, *Supporting People and Businesses Act*, 2021, which received Royal Assent on December 2, 2021. Given this, further minor amendments to By-law 2021-077 are required to put into effect the proposed enabling Official Plan policies.

OFFICIAL PLAN AMENDMENTS:

Official Plan Amendment 42 – Livable Oakville Plan

The purpose of OPA 42 is to modify the text of the Livable Oakville Plan to implement changes that have been made to the *Planning Act* resulting from Bill 13, *Supporting People and Business Act*, 2021.

The effect of the proposed Official Plan Amendment enables Council to delegate the authority to pass by-laws under section 34 of the *Planning Act* to remove holding “H” symbols (holding by-laws), authorize the temporary use of land, buildings or structures (temporary use by-laws), and to pass housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of the zoning by-law, to a committee of Council, or an individual who is an officer or employee of the municipality.

OPA 42 to the Livable Oakville Plan is attached as **Appendix A**.

Official Plan Amendment 324 – 1984 Oakville Official Plan

The purpose of OPA 324 is to modify the text of the 1984 Oakville Official Plan to implement changes that have been made to the *Planning Act* resulting from Bill 13, *Supporting People and Business Act, 2021*.

The effect of the proposed Official Plan Amendment enables Town Council to delegate the authority to pass by-laws under section 34 of the *Planning Act* to remove holding “H” symbols (holding by-laws), authorize the temporary use of land, buildings or structures (temporary use by-laws), and to pass housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of the zoning by-law, to a committee of Council, or an individual who is an officer or employee of the municipality. The amendment also adds general policies for guidance on temporary use by-laws.

OPA 324 to the 1984 Oakville Official Plan is attached as **Appendix B**.

DELEGATION OF POWERS BY-LAW AMENDMENT:

Updates to the town’s delegation of power by-law, being By-law 2021-077, are required to put into effect the enabling Official Plan policies.

In response to the proposed Official Plan Amendments, the delegation of power by-law is proposed to be updated to delegate the approval of by-laws of a minor nature under s.34 of the *Planning Act* with respect to:

- (a) a by-law to remove a holding “H” symbol;
- (b) a by-law to authorize the temporary use of land, buildings or structures in accordance with s. 39(1) of the *Planning Act*.
- (c) a housekeeping by-law for the purpose of making clerical or other changes to assist in the interpretation of a zoning by-law.

The authority to pass by-laws would be delegated to the Commissioner of Community Development or their designate to provide for more expedient approvals for matters that are technical in nature, thereby reducing the amount of administration required by town staff and Council. Amendments to the delegation of powers by-law would come into force when OPA 42 and/or OPA 324 come into force.

Proposed amendments to By-law 2021-077, a By-law to delegate certain powers and duties under the *Municipal Act*, S.O. 2001 c.25, the *Planning Act*, R.S.O. 1990 c. P. 13, and other Acts, are attached as **Appendix C**.

PLANNING POLICY & ANALYSIS:

The delegation of authority to pass by-laws for these additional planning matters does not change any notice or public meeting requirements or limit appeal rights under the *Planning Act*. It also does not change the requirements under the *Planning Act* for land use planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with provincial plans, and conform to the Regional Official Plan, and the town's Official Plan. These documents provide policy direction on matters of provincial interest related to land use planning to promote strong, healthy communities, a strong economy and protect the environment.

The authority to have implementation policies in local Official Plans is provide by existing legislation in the *Planning Act*. Implementation policies put in place the processes and tools under which the appropriate assessment of development applications can take place, in order to realize the vision expressed in the town's Official Plans.

The proposed Official Plan Amendments, and amendments to the town's delegation of power by-law 2021-077, are legislative in nature, and provide for a more efficient process when dealing with planning matters that are minor and technical in nature.

TECHNICAL & PUBLIC COMMENTS:

The changes to the *Planning Act* were made to assist municipalities streamline their planning processes for more routine and technical applications, and shift some of the administrative burden of making decisions under the *Planning Act* from elected officials to municipal staff or committees. Changes were also made to assist applicants avoid delays in approvals due to Council meeting and reporting cycles.

The process changes may also see the following benefits:

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- accelerated approvals
 - a more responsive and flexible approvals process
 - less administration required by town staff, including report writing and council agenda management
 - less administration by Town Council with fewer technical and clerical matters, allowing Council to focus on broader priorities and policy-making
 - potential cost and time savings for applicants
 - bring development to fruition sooner, including housing

Planning and Legal staff have developed the necessary Official Plan Amendments and amendments to the delegation by-law to enable the delegation of authority and realize the benefits noted above.

Again, the delegation of authority of these additional planning matters does not:

- alter any notice or public meeting requirements;
- limit appeal rights; or,
- change the requirement for planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with provincial plans.

Public Comments

No public comments were received at the time of writing this report. Should comments be received, they will be considered at the statutory public meeting.

CONSIDERATIONS:

(A) PUBLIC

Public Meeting notice was provided in the Oakville Beaver on February 10, 2022, and sent to the town's agency list. The proposed Official Plan Amendments do not alter any notice or public meeting requirements, and do not hinder the ability for the public to participate in the decision making process, or limit appeal rights.

(B) FINANCIAL

While there are no direct financial impacts directly resulting from this report, the process changes considered in the proposed Official Plan Amendments and amendments to the delegation of powers by-law have the potential to see cost savings due to reduced administration requirements and time savings, by both the public and private sector.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Should the OPAs be approved, and the associated delegation of powers by-law be amended, the Planning Services and Clerks Departments will see process improvements requiring less administration and time savings associated with preparing staff reports, presentations, and attendance at Planning and Development Council meetings.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

Livability – enables the efficient implementation of the Town’s Official Plans;

Engaged Community – maintains public notice and public meeting requirements established under the *Planning Act*; and,

Accountable Government – enables a streamlined approvals process which provides greater flexibility and responsiveness to the various communities the town serves.

(E) CLIMATE CHANGE/ACTION

The recommended OPA will put in place new implementation policies that are more responsive and flexible to implement the town’s Official Plans, which are founded on the principle of achieving sustainability, including being responsive and adapting to a changing climate.

CONCLUSION:

It is staffs’ opinion that the recommended Official Plan Amendments and amendments to the delegation of powers by-law, be approved as they appropriately enable tools provided by the *Planning Act*, and reflect the delegation of authority for amendments that are minor in nature, including technical, clerical and administrative matters.

APPENDICES:

Appendix A – Official Plan Amendment 42 – Livable Oakville Plan

Appendix B – Official Plan Amendment 324 – 1984 Oakville Official Plan

Appendix C – Amendments to Delegation of Power By-law

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SUBJECT: Public Meeting and Recommendation Report – Town-initiated Official Plan Amendments (OPA 42 and OPA 324) and Delegation of Powers By-law Amendment – Bill 13, Supporting People and Businesses Act, 2021 (File No. 42.24.24) – By-laws 2022-019, 2022-020 and 2022-022

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