

COMMUNICATION 134127

Received From: Niki Dwyer, Director of Development Services
Addressed To: Committee of the Whole
Date: December 5, 2023
Topic: For Information - Public Meetings for Subdivisions

SUMMARY

In November 2022, Bill 23 (More Homes Built Faster) received royal assent and approved amendments to the Ontario Planning Act which impacted the consultation processes for subdivision applications (Section 51). Notably this included the removal of the statutory requirement for public meetings to be conducted in advance of a decision by the approval authority. The Act now provides the option for an Official Plan to establish “alternative measures” for informing and obtaining the views of the public regarding a proposed plan of subdivision.

“Alternative measures

(19.3.1) Subject to subsection (19.3.3), if the official plan sets out alternative measures for informing and obtaining the views of the public in respect of proposed plans of subdivision and if the measures are complied with, clause (19.4) (a) and subsections (19.4.1) and (20) to (21) do not apply. 2015, c. 26, s. 31 (1); 2021, c. 25, Sched. 24, s. 3 (3).

Same

(19.3.2) In the course of preparing the official plan, before including alternative measures described in subsection (19.3.1), the council shall consider whether it would be desirable for the measures to allow for notice of the proposed plans of subdivision to the prescribed persons and public bodies mentioned in clause (19.4) (a). 2015, c. 26, s. 31 (1).”

BACKGROUND

Decisions pertaining to the subdivision of land (subdivision or consent) are the responsibility of the “Approval Authority” as identified in the Planning Act. In Carleton Place, the “Approval Authority” is the County of Lanark. The County of Lanark has a long-established process for the administration and review of Subdivision Applications which has included a public meeting hosted by the local municipality in accordance with Section 51(21) of the Planning Act. The County circulated notice of the Public meeting in accordance with Ontario Regulation 544/06 which included the following standards:

1. Public Meeting is scheduled at least 14 days after notification;
2. Notice is posted with the prescribed information (time, date, location, key map, legal statements, etc.)
3. Notice is mailed to property owners within 120 m of the property, posted in the paper and on the property and circulated to prescribed agencies.

The adoption of Bill 23 has removed Section 51(21) and Sections 5 and 6 of Ontario Regulation 544/06 pertaining to conducting a public meeting.

Carleton Place staff approached the County Planning Department in September 2023 to understand if they would be undertaking an amendment to the County Official Plan to establish an “Alternative Measure” in accordance with Section 51(19.3.1) of the Planning Act to provide a uniform process across all lower-tier municipalities. At this time, the County has indicated that they are not contemplating an amendment and that no public meetings will be required for Subdivision Applications currently under review.

Staff subsequently approached representatives of the Ministry of Municipal Affairs and Housing, who confirmed that notwithstanding our lower-tier status, the Town may choose to establish our own “Alternative Measures” within the Official Plan for engaging members of the community regarding applications for Subdivision.

As a result, staff recommend the immediate undertaking of an Official Plan Amendment to establish local alternative measures for engaging with the public.

The Town is presently consulting on four (4) subdivision applications which will not require public meetings prior to decision.

COMMENT

In order to consider the Official Plan Amendment, staff will circulate notice of the purpose of the amendment (online and via CP Scoop and emailed to prescribed agencies), conduct a statutory public meeting, and present an analysis and recommendation for new processes.

These processes may include:

1. Reinstating the former Subdivision processes prescribed by the Act;
2. Enacting an engagement process similar to the review of a Development Permit;
3. Establishing a new virtual engagement process.

The Official Plan Amendment process is anticipated to occur between January - April 2024, following which the Amendment will be circulated to the County of Lanark for final approval.

FINANCIAL IMPLICATIONS

The Official Plan Amendment will be undertaken by staff within the Planning Department and no additional resources are being requested to proceed with the amendment. Administrative costs associated with notice and public engagement can be accommodated within the operating budget.

STAFF RECOMMENDATION

THAT Council receive as information the Director of Development Services’ report dated December 5, regarding public meetings for subdivisions.