



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: April 20, 2020

To: Mayor and Council

Author: Robert Brown, H. Ba, MCIP, RPP
Manger, Planning Services

RE: Planning Act Application Processing

Report No.: PS 2020-028

AIM

To provide details on the interim changes to the Planning Act related to the processing of planning applications along with options for moving forward.

BACKGROUND

Under the regulations of the Planning Act there are timelines for the processing of applications once deemed complete. The timeframes range from 30 to 180 days. After these timelines expire, an applicant can submit an appeal to LPAT on the basis of a non-decision by the approval authority. Locally most approval authorities work very hard to avoid appeals on this basis. With the declaration of emergency on March 17th of this year there were questions raised both locally and province wide as to the status of these timelines. Particularly if an application required one or more public meetings. Having the meetings would be a violation of the prohibition on gatherings over five people but is the clock still ticking on the mandated timelines?

DISCUSSION

On Tuesday April 14th the Legislature introduced and passed Bill 189 (Coronavirus (COVID-19) Support & Protection Act, 2020 (Appendix A) to address timelines under a number of Acts including the Planning Act. The general purpose being to suspend the timelines during the declaration of emergency time period, retroactive to March 17th, in effective stopping the clock. This in turn would avoid appeals to LPAT since approval authorities could not hold the required public meetings to consider approvals. The regulations under the Act are attached as Appendix B.

However, in addition to the suspension of the time lines municipalities were also given the option to proceed with planning applications using alternative public input methods such as electronic or virtual meetings. With the options to continue to process applications the Town has the ability to move forward with less complex applications and avoid a significant backlog of applications to be given consideration for approval.

When the declaration of emergency was first announced staff communicated with all pending applicants and advised that no further public meetings would be scheduled. At that time there was no question from the applicants that there would be some delay in moving applications forward. Presently there are approximately 10 applications pending. Two of the applications are site plan amendments, with the others being a variety of consents, minor variances and zoning.

If applications proceed, there are a variety of different approaches:

- 1) pause all applications until such time as the emergency order has been lifted;

Comment: At present there is not a significant backlog of applications and we are tentatively scheduling applications based on submission dates. What is not known is how long the current situation will last and whether issues such as this will repeat themselves.

- 2) proceed only with applications that do not require a public meeting;

Comment: Site plan approvals and site plan amendments are generally the two applications, which do not require public meetings. There is no significant backlog of applications however since construction is generally permitted to continue there is no reason not to consider approval of these applications

- 3) proceed with basic applications utilizing an electronic or virtual format;

Comment: Although there is no significant backlog at present continuing to move these applications forward is advisable. Administration will still have to investigate what format allows for the best public participation.

- 4) proceed with all applications but reserve the right to determine, based on either the complexity of the application, public input or a combination of the two whether to consider approval at that time or wait.

Comment: This method gives the most flexibility of all the options as it allows the application to be considered but gives the approval authority the chance to move forward based on input from all sources or pause the application and wait for a formal in person public meeting to occur. As noted in option three the best alternative public participation methods still have to be explored.

In considering options to move forward it is important to keep in mind that regardless of the choose, a large part of the standard input process is available to the public. Notices are still sent in the required timeframe, the public still has the ability to submit written comment which is part of the official record, if the electronic or virtual format is used, comment is

heard and minutes will still be taken with the added benefit that the meetings (Council) are now recorded.

LINK TO STRATEGIC PLAN

To promote a safe community.

Comment: Limited public meetings and seeking alternative methods of public input will be required not only in the short-term but may become a necessity moving forward to safeguard public health.

FINANCIAL CONSIDERATIONS

There are no financial implications associated with this item.

CONSULTATIONS

Managers

RECOMMENDATION

That Council:

receive the report on the options for the continued processing of Planning Act applications during the COVID-19 declaration of emergency timeframe for information purposes;

provide administration with the preferred option for moving Planning Act applications forward during the COVID-19 declaration of emergency timeframe, subject to maintaining appropriate public participation.

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

Jennifer Astrologo

Jennifer Astrologo
Director of Corporate Services