
TO: PLANNING COMMITTEE

SUBJECT: DRAFT PLAN OF SUBDIVISION EXTENSION POLICY

WARD: ALL

PREPARED BY AND KEY CONTACT: T. THOMPSON, RPP, MANAGER OF GROWTH AND DEVELOPMENT
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CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That staff be directed to delete Council Motions 86-P-27 and 09-G-286 and that the procedure regarding the extension of Draft Approved Plans of Subdivision be approved and added to the Council Policy Manual as attached as Appendix "A" to Staff Report DEV016-22.
2. That the change comes into effect for applications for draft plan of subdivision extension received after June 30, 2022.

PURPOSE & BACKGROUND

Report Overview

3. The purpose of this report is to amend the current Council policies related to the extension of draft plans of subdivisions.
4. Prior to the lapsing date for a draft approved plan of subdivision, the developer/owner can request an extension to draft plan approval status.
5. The current Council policies from 1986 and 2009 (Council Motions 86-P-27 and 09-G-286) only permit an extension for one (1) year.
6. With the number of subdivisions being processed in the Hewitt's and Salem Secondary Plan Areas, staff are recommending that the current policies related to draft plan extensions be modified and replaced with a new policy that permits one (1) to three (3) year extension requests and extension requests beyond a total of six (6) years be supported by detailed justification related to status of matters such as: servicing, transportation, environmental matters, and land conveyances.
7. Allowing for extension requests up to three (3) years will assist the City and the development community by removing an administrative burden in applying, processing and reviewing extensions on a yearly basis while that time could be used to work on clearing the conditions of approval to allow for registration.

Background

8. Development forecasts for the secondary plan areas over the past five years have not been realized as originally anticipated. This is not a reflection of the hard work of all of the participants involved in the planning and development of the Salem and Hewitt's secondary plan areas including the

- property owners, the consulting team and City staff. This is a reality of the complexity of greenfield development, even with an extensive and coordinated effort.
9. Due to delays in registrations, multiple redline (minor) revisions and the overall complexity of the existing approvals within the Salem and Hewitt's Secondary Plan Areas, staff have reviewed the existing practices related to draft plan extensions.
 10. Currently, there are subdivisions either fully approved, draft approved and under consideration within the existing Phase 1 and Phase 2 development boundaries of the Salem and Hewitt's Secondary Plan Areas as follows:
 - a) Registered (in whole or in phases) = 5
 - b) Draft Approved = 17
 - c) Under Consideration = 6
 11. The first draft plan of subdivision approvals in the secondary plan areas were issued in 2017. As registrations have not occurred within the three years from the initial approvals, extension requests began in 2020. The total number of draft plan extensions being requested each year are as follows:
 - a) 2020 = 7
 - b) 2021 = 14
 - c) 2022 (to date) = 4
 12. The number of extensions are compounding yearly and new subdivision applications currently under consideration will add to this issue, if draft approved. The overall impact is resulting in an administrative burden on the City staff, external agencies, and developers in processing and reviewing extension requests on a yearly basis.

ANALYSIS

Policy Planning Framework

13. The following provides a review of the applicable provincial and municipal policy documents related to draft plan of subdivision approvals and extensions.

Ontario Planning Act, R.S.O. 1990

14. Section 51(32) of the *Planning Act* states that in giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years, and the approval shall lapse at the expiration of the time period.
15. Section 51(33) of the *Planning Act* states that the approval authority may extend the approval for a time period specified by the approval authority and may further extend it but no extension is permissible if the approval lapses before the extension is given.
16. The *Planning Act* can be found in its entirety at the following link:
<https://www.ontario.ca/laws/statute/90p13>.
17. As stated above, the *Planning Act* allows municipalities to grant initial draft plan approvals for no less than three years and allows for the approval authority to specify the length of an extension to draft plan approval. If an extension is not granted by the approval authority, the approval will lapse. A new draft plan of subdivision application would be required, and the approval process would start over again.

Existing City Policies and Procedures for Draft Plan of Subdivision Extensions

Council Motion 86-P-27

18. The original Council policy from 1986 is referenced below and continues to form part of the Council Policy Manual.

NEW PLANS OF SUBDIVISIONS

That all new plans of subdivision seeking draft approval be required to satisfy an approval condition stating that registration must occur within three years of draft approval being granted but, failing plan registration, that the applicant must justify to the Council of the City of Barrie why subsequent extensions for one-year periods should be granted. The reasons for yearly extensions must be thoroughly explained to provide the Council with the necessary information on which to base a decision. For plans of subdivision which are not granted an extension of draft approval, a warning period consisting of four months shall be instituted and the applicant shall be advised accordingly.

After termination of the warning period, if the plan has not proceeded to final approval and registration, City Council shall terminate the draft plan status.

That, in reference to plans of subdivision passed under the old *Planning Act*, the same policy shall apply.

Council Motion 09-G-286

19. A staff report was prepared in 2009 regarding policies for extension of draft plan approvals. Council approved staff's recommendation through motion 09-G-286 as detailed below.

POLICIES AND PROCEDURES REGARDING EXTENSIONS OF DRAFT PLAN APPROVALS

That the following procedure regarding the extension of Draft Approved Plans of Subdivision be adopted:

- a) All applications submitted for extension of Draft Plan of Subdivision approval be submitted a minimum of 120 days (4 months) prior to the lapsing date. Failure to submit an application within the specified timeframe will result in the lapsing of the Draft Plan approval;
- b) All applications for extension of Draft Plan of Subdivision approval will be reviewed based upon their individual merits and for conformity with the Provincial policies/legislation, Municipal policies/by-laws and the policies of all applicable commenting agencies;
- c) Granting of an extension of Draft Plan of Subdivision of approval is neither automatic nor guaranteed;
- d) An extension of Draft Plan of Subdivision Approval may be granted with amendments, deletions, or the addition of further conditions; and,
- e) Where an application for extension of Draft Plan of Subdivision approval results in a recommendation to amend, delete or add further conditions, staff will consult with the applicant to obtain their consent to such amendments. If the applicant objects to the proposed amendments, staff will prepare a Memo advising that the applicant has not agreed to amending the conditions.

Delegation of Approval Authority for Draft Plans of Subdivision

20. In 2010, Council delegated draft plan of subdivision approval, including extensions and revisions and draft plans of condominium, to the Director of Development Services, or their designate,

through By-law 2010-166 in accordance with section 51.2(1) of the *Planning Act*. After a subdivision has been draft approved, the applicant has three (3) years to register the draft plan of subdivision. If the draft plan is not registered within three years, the draft plan approval lapses if an extension is not approved.

21. The Director can approve extension requests with the delegated authority. While this process is internal and does not require notification or approval through Council, the administrative requirements including submission of applications, circulation to City departments and external agencies, updating conditions and issuing approvals are required and can be time consuming.

Proposed Changes to Existing Extension Policies

22. As noted above, the existing Council motions related to draft plan extensions were created in 1986 and 2009. Council Motion 86-P-27 identifies the limit for one (1) year extensions while Council Motion 09-G-286 lists additional conditions related to timing for requests, amendments to conditions, and clarification on the review process.
23. Many municipalities allow multiple extensions to draft plans of subdivisions with a variety of initial approval timeframes and extension lengths. Some initial approvals can be issued at five (5) years for large and complex developments. Draft plan extensions typically vary from one (1) year to three (3) years depending on the reasons for the extension request along comments or input from the municipality and external agencies with conditions of approval.
24. The current policies require that an application be submitted to a request an extension 120 days (4 months) in advance of the lapsing date and that only a one (1) year extension may be granted. As a result, extension applications are being received and processed every eight (8) months. With the significant number of draft plan approvals in the secondary plan areas and with additional applications under consideration this year, the existing policy framework for extensions is becoming time consuming and burdensome for City staff, external agencies and the development community.
25. Staff are proposing to combine and modify the existing 1986 and 2009 Council motions into one new policy as attached as Appendix "A" to this Staff Report. The new policy would include the following three new requirements:
 - i. Extensions may be requested for one (1) to three (3) years;
 - ii. Extension requests beyond one (1), three (3)-year extension (total approval period timeframe equalling six (6) years and any subsequent extension requests beyond this total time period) will require detailed justification in the form of a letter describing:
 - a. Status of servicing (capital infrastructure, City or developer led)
 - b. Status of transportation infrastructure (capital infrastructure, City or developer led)
 - c. Status of environmental considerations related to City or Conservation Authority priorities
 - d. Status of lands to be conveyed to the City, school boards or other agencies related to their priorities and needs
 - iii. Staff will consider extension requests based upon City priorities, the applicability and appropriateness of existing conditions of approval and any financial commitments or requirements.
26. The recommendation to permit extension requests up to three (3) years will enable developers to focus on satisfying conditions of approval in order to register in part (phases) or in full. Additional justification beyond a total of six (6) years and all subsequent extension requests will require detailed justification to be provided related to City priorities and staff will consider requests based upon these priorities, existing conditions, and financial commitments.
27. The following are potential risks related to the proposed change in current practices related to draft plan extensions:

- a) Draft plans continue to be extended and construction is not proceeding as anticipated;
 - b) Development charge revenues are not being collected as expected;
 - c) City built infrastructure investments are advanced prior to development proceeding, thereby increasing the risk to asset management over the long term;
 - d) Difficult to forecast future development revenues related to capital contributions to City infrastructure; and,
 - e) Potential changes to conditions of approval to reflect new or updated municipal or agency standards.
28. The potential risks noted above are acknowledged; however, City staff from Development Services, Infrastructure, Finance and Legal Services are working closely with the Hewitt's and Salem Landowners Groups in ensuring that realistic development forecasts are provided on a yearly basis, that developer or City led infrastructure requirements are being met, that all agreements are processed in a timely manner and that the overall vision set out in the secondary plans is being achieved. Additionally, all conditions of approval for draft plans of subdivision from 2017 to 2019 have been reviewed and updated by City departments and external agencies including updated conditions related to phosphorus and ecological offsetting from the Lake Simcoe Region Conservation Authority and road widening requirements from Transportation Planning.
29. Additionally, to mitigate any potential real or perceived risks, the Director of Development Services may approve an extension for any time length of time even though a greater length of time was requested. A reduced time period for an extension may be due to recommendations from internal City departments or external agencies as it relates to current conditions of approval when circulated for comment.
30. Ultimately, if an extension request is not approved for any length of time, conditions of draft approval will lapse. This would not be recommended unless under difficult and extreme circumstances as the developer/owner would be required to restart the planning process from the beginning which would result in a significant delay for bringing housing to market. This would not be beneficial to anyone.

Summary

31. As detailed throughout this report, the current policies and procedures related to draft plan extensions are resulting in a time-consuming process for City staff, external agencies, and the development community. Allowing for the consideration of up to three (3) year extensions to draft plan approval is recommended to remedy the current issues surrounding extension requests while requiring that developers provide detailed justification focused on City priorities for any extension requests beyond one (1), three (3) year request and all subsequent requests.
32. As stated in Section 51(33) of the *Planning Act*, extensions to draft plan approval may be approved for a time period that is specified by the approval authority. As delegated by Council, the Director of Development Services has the authority to approve draft plan of subdivision and extensions to the approval status. The modified policy will enable, but not require, the Director to approve extension requests for up to three (3) years.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

33. There are no environmental matters related to the recommendation.

ALTERNATIVES

34. The following alternatives are available for consideration by Planning Committee:

Alternatives for Draft Plan of Subdivision Extension Policy and Procedures

<p><u>Alternative #1</u></p>	<p>That staff be directed to maintain current practices for extension to draft plans of subdivision.</p> <p>This alternative is not recommended as staff have identified issues with current practices throughout this report. The increasing number of draft plan extension requests being received and processed by the Development Services Department is becoming an administrative burden.</p>
<p><u>Alternative #2</u></p>	<p>That staff be directed to provide the following extension options:</p> <ul style="list-style-type: none"> i. Length of extensions could be fixed at any of the following time periods from initial draft plan approval: <ul style="list-style-type: none"> • 1-year • 3-year • 5-year ii. Number of extensions could be set at any amount. <p>This option is not recommended as setting different time periods for extension requests or fixing the number of extensions that could be requested could be seen as arbitrary and does not allow the ability to reflect current market conditions.</p>

FINANCIAL

35. There would be no financial implications to Development Services revenues related to the current fees received for draft plan extensions. As outlined in Schedule 'K' of By-law 2022-013, the current 2022 fee under Plan of Subdivision – Extension to Draft Plan Approval is \$4,181.97 and would be applied per the number of years requested, not per request. This can be further clarified in the update to the fee by-law for 2023.
36. While not fully captured in a dollar amount, the removal of administrative duties related to preparing, processing and reviewing multiple yearly draft plan extensions will save time and related costs for City staff, external agencies and developers.
37. The timing of revenues including development charges may be impacted by the delay of subdivision registrations across the City, but in particular in the secondary plan areas. The earlier the development charges are collected, the more the City is able to invest in the needed infrastructure. Further delays in the receipt of development charge revenues could put the City at risk for delivering any additional infrastructure in the short to medium term.

LINKAGE TO 2018–2022 STRATEGIC PLAN

38. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:
 - ☒ Growing our Economy
 - i) Make it easier to do business
 - ii) Help businesses grow
 - ☒ Building Strong Neighbourhoods
 - i) Grow Responsibility

Attachments:

Appendix "A" – Proposed Draft Plan of Subdivision Extension Policy

Appendix "B" – Map of Active Applications within the Secondary Plan Areas

APPENDIX "A"

Proposed Draft Plan of Subdivision Extension Policy

POLICIES AND PROCEDURES REGARDING EXTENSIONS TO DRAFT PLAN APPROVALS

That all new plans of subdivision seeking draft approval be required to satisfy an approval condition stating that registration must occur within three (3) years of draft approval being granted but, failing registration in that time period, that the following requirements apply to requests for an extension to draft plan approval:

- 1) All applications submitted for extension of Draft Plan of Subdivision approval be submitted a minimum of 120 days (4 months) prior to the lapsing date. Failure to submit an application within the specified timeframe will result in the lapsing of the draft plan approval;
- 2) All applications for extension of Draft Plan of Subdivision approval will be reviewed based upon their individual merits and for conformity with the Provincial policies/legislation, municipal policies/by-laws and the policies of all applicable commenting agencies;
- 3) Granting of an extension of Draft Plan of Subdivision of approval is neither automatic nor guaranteed;
- 4) Extensions may be requested for one (1) to three (3) years;
- 5) Extension requests beyond one (1), three (3)-year extension (total approval period timeframe equalling six (6) years and any subsequent extension requests beyond this total time period) will require detailed justification in the form of a letter describing:
 - a. Status of servicing (capital infrastructure, City or developer led)
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 - c. Status of environmental considerations related to City or Conservation Authority priorities
 - d. Status of lands to be conveyed to the City, school boards or other agencies related to their priorities and needs;
- 6) An extension of Draft Plan of Subdivision Approval may be granted with amendments, deletions, or the addition of further conditions;
- 7) Where an application for extension of Draft Plan of Subdivision approval results in a recommendation to amend, delete or add further conditions, staff will consult with the applicant to obtain their consent to such amendments. If the applicant objects to the proposed amendments, staff will prepare a Memo to Council advising that the applicant has not agreed to amending the conditions; and,
- 8) Staff will consider extension requests beyond the total time permitted based upon City priorities, the applicability and appropriateness of existing conditions of approval and any financial commitments or requirements.

Map of Active Applications within the Secondary Plan Areas

