



**SPECIAL SESSION OF COUNTY COUNCIL  
5:00 P.M., WEDNESDAY, DECEMBER 21, 2022  
AGENDA**

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1. Call to Order.
2. Land Acknowledgement.
3. Moment of Silent Reflection.
4. National Anthem.
5. Roll Call.
6. Disclosure of Pecuniary Interest and General Nature Thereof.
7. Delegation: none at time of mailing.
8. Committee Reports: Page
  - a) Planning Division Report 2
    - i. Confirmation of Public Notice Requirements
    - ii. Overview of County Official Plan Amendment (OPA) Process and Presentation of Official Plan Amendment No. 35
    - iii. Confirmation of written comments received
8. Comments from the Public.
9. Questions/Comments from County Councillors.
10. **Recommendation**  
**THAT staff be directed to present an updated official plan amendment and staff report to an upcoming session of the Development and Property Committee and County Council.**
11. New Business.
12. Closing Remarks – Warden Peter Emon.
13. Confirmatory By-law 6-23 - A By-law to confirm the Proceedings of the Council of the County of Renfrew at the Meeting held on December 21, 2022.
14. Adjournment.

**NOTE:** (a) Any submissions received by the public, either orally or in writing may become part of the public record/package.

**COUNTY OF RENFREW**  
**DEVELOPMENT AND PROPERTY DEPARTMENT REPORT**

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**TO:** County Council

**FROM:** Alex Benzie, County Planner  
Jason Davis, Director of Development and Property  
Bruce Howarth, Manager of Planning Services

**DATE:** December 21, 2022

**SUBJECT:** Department Report

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**INFORMATION**

**1. Official Plan Amendment 35**

**Background**

This Official Plan Amendment (OPA) has been initiated by the County of Renfrew and affects all lands within the County of Renfrew. In April of this year, the Government of Ontario passed Bill 109, the More Homes for Everyone Act, 2022. The key objective of the bill is to “expedite approvals and incent timely decisions” in an effort to increase housing supply.

Bill 109 included a suite of changes to the Planning Act:

- Ability to revive Plan of Subdivisions that have lapsed in last five years
- Site Plan approval is to be delegated to Staff (effective July 1, 2022)
- Sliding scale of refunds for application fees (see table below):

<b>Application</b>	<b>No Refund</b>	<b>50% Refund</b>	<b>75% Refund</b>	<b>100% Refund</b>
Zoning By-law Amendment	Decision made within 90 days	Decision made within 91 and 149 days	Decision made within 150 and 209 days	Decision made 210 days or later

<b>Application</b>	<b>No Refund</b>	<b>50% Refund</b>	<b>75% Refund</b>	<b>100% Refund</b>
Zoning By-law Amendment with Official Plan Amendment	Decision made within 120 days	Decision made within 121 and 179 days	Decision made within 180 and 239 days	Decision made 240 days or later
Site Plan	Decision made within 60 days	Decision made within 61 and 89 days	Decision made within 90 and 199 days	Decision made within 120 days or later

### **Working Group Process and Recommendations**

In the spring, county and local municipal staff formed a working group in response to Bill 109 changes. The objective of the working group was to collaboratively identify and implement opportunities to improve/revamp our processes so that we are processing applications in a timely manner; to facilitate a consistent approach across the County; and to avoid the financial penalty of the fee refunds.

There was consensus among working group members that new or improved processes are needed to avoid refunded application fees, as the reduction of fees would put increased pressure on operating budgets. At present, the most time-consuming part of the development review process is staff and agency review/approval of submitted studies. Currently, staff and the relevant agencies review planning/engineering studies after the submission of a complete application. This often results in a cyclic, or “back and forth” process that takes time to get through, particularly if the proposal is complex. Shifting the review of plans and studies to an enhanced pre-consultation phase will ensure that any major challenges associated with a proposal can be addressed at the outset, and significantly reduce the time that would otherwise be needed during the formal review period.

Working group members also considered solutions that can be enabled at the end of the review process. This includes considering what can be included as a condition for site plan approval, or encouraging a greater use of holding provisions for zoning by-law amendments.

To delegate the approval of site plans to staff and to implement a “front-ended” pre-application review process, amendments are required to the County of Renfrew Official Plan. Working group members also recommended updates to the Official Plan that would enable municipalities to, by by-law, delegate the approval of “minor” zoning amendments, such as the removal of holding symbols and temporary use provisions.

### **Proposed Official Plan Amendment**

The proposed Official Plan Amendment is attached to this report as Appendix A. The key changes are summarized below:

- Amended Section 17.5 to delegate site plan approval authority to staff and enhance matters that can be considered via site plan approval.
- Amended 17.6 to provide ability (via by-law) to delegate authority to pass a by-law to remove a holding symbol.
- Amended 17.8 to provide ability (via by-law) to delegate authority to pass a by-law to authorize the temporary use of land, buildings, or structures.
- Amended 17.14 to provide ability (via by-law) to delegate authority to pass a zoning by-law considered “minor” in nature.
- Amended Section 17.16 to provide fee options when implementing a tariff of fee by-law.
- Amended Section 17.17 to differentiate the general inquiry from a new, enhanced pre-consultation review process; recognize that site plans are now subject to complete application requirements; and enhance requirements for a complete application.
- Amended Section 17.18 to provide approval authorities with ability to request public engagement during the pre-consultation review process.

Overall, the OPA does not change the scope of work involved in the review of a Planning Act application. Rather, it enables municipalities (the County of Renfrew and the local municipalities), via the passing of a by-law by council, to re-arrange the process so that the bulk of the review work is completed up-front. This change of process will speed up the formal review time of a complete application, and limit municipal exposure to refunded application fees.

### **Agency and Public Comments Received**

The draft amendment was circulated to the Ministry of Municipal Affairs and Housing (MMAH). Provincial staff did not indicate any omissions or changes deemed necessary. They did however provide comments for the County's consideration regarding additional detail under Section 17.5 – Site Plan Control. The draft OPA includes these comments in Section 17.5(6). Since the initial consultation with MMAH and drafting of the OPA, the Province passed new legislation (Bill 23) that necessitates changes to this proposed official plan amendment.

Thus far, the County of Renfrew has received three written responses from the public, which are attached at Appendix B. Letters were received from MHBC (on behalf of their client, R.W. Tomlinson Ltd.) and JP2G Consultants Inc. An email was also received from a resident.

The letters from MHBC and JP2G expressed similar concerns. Namely, that the proposal to “front-end” the technical review process during pre-consultation, particularly the requirement of agency and/or peer-review signoff prior to deeming the application complete, is inconsistent with the Planning Act. The letter from MHBC expressed concern that there is not enough clarity with the requirement of the approval authority to confirm when the pre-consultation review is complete, and that the requirement of agency approval during pre-consultation will slow down the overall process. The letter from JP2G expressed an additional concern that the OPA goes beyond the scope of Bill 109 in its inclusion of Plans of Subdivision/ Condominiums and Consent applications.

Comments received (both written and orally provided at the public meeting) will be addressed in a future committee report.

### **Conclusion and Next Steps**

As indicated, recent legislative changes under Bill 23 impact the proposed OPA 35 and revisions are necessary. Staff will prepare a report addressing all comments received through the consultation process and prepare a revised OPA for Council consideration.

December 14, 2022

County of Renfrew  
Development and Property  
9 International Drive  
Pembroke, Ontario  
K8A 5S2

Attn Alex Benzie, County Planner

**Re Official Plan Amendment No. 35**

Dear Ms. Benzie,

We appreciate the opportunity to review proposed Official Plan Amendment No. 35 and to provide our comments. The purpose of *Bill 109, More Homes for Everyone Act, 2022* is to increase the supply of housing province-wide and we understand that the County is considering an enhanced pre-application process including more detailed submissions, technical/peer review and comment, and broader community engagement, prior to submission of an application under the *Planning Act* and the commencement of the statutory review period.

Beginning on January 1, 2023 (recently suggested to be revised to July 1, 2023), municipalities will be required to refund application fees if they fail to make a decision within the applicable statutory timelines and we appreciate the pressure that this will place on municipalities to uphold the legislative timelines. However, we believe frontloading significant components of the application process before starting the review 'clock' is not only contrary to the *Planning Act* but also not in keeping with the spirit of the legislation.

It is our opinion that the inclusion of pre-consultation with review agencies, members of the public or other persons and public bodies is contrary to the *Planning Act*. Applicants have a statutory right to submit an application, and the *Planning Act* is clear that the requirement to pre-consult is limited to consultation with a municipality. Applicants are certainly encouraged to engage in consultation with all stakeholders but requiring pre-consultation with any agency or body outside of the municipality is contrary to Sections 22 (6.1), 34 (10.4) and 41 (3.6), which set out the requirements for complete applications. The exercise of deeming an application complete occurs after the application has been formally submitted and is not part of the pre-consultation process. Pre-consultation is for municipalities to provide preliminary direction and advice in advance of the submission, it is not an exercise in the review and determination of the appropriateness of the submission materials.

An additional concern is that draft Official Plan Amendment goes beyond the scope of *Bill 109* in its inclusion of plans of subdivisions and condominiums and consent applications in the proposed changes. The requirements of the new legislation are limited to Sections 22 (Official Plans), Section 34 (Zoning By-laws) and Section 41 (Site Plan Control) and do not include plans of subdivisions or condominiums or consents. The inclusion of plans of subdivision and condominiums and applications for consent in the draft OPA is an unnecessary overreach.



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Respectfully, we would encourage the County to consider:

- **deleting any reference/suggestion to a requirement for pre-consultation with any person or body outside of the municipality itself;**
- **deleting any reference/suggestion to a requirement for peer review(s) prior to the submission of an application; and**
- **not including reference to plans of subdivision or condominium or applications for consent in the proposed Official Plan Amendment as these changes are clearly beyond the scope of the changes required by municipalities through Bill 109.**

Adding additional layers of pre-consultation to the development review process will serve to make the process longer and discourage prospective applicants from participating in the process, which is the opposite of the intentions of Bill 109. We trust that the County will consider our comments in preparing a staff report and making a recommendation to the Development and Property Committee and ultimately to County Council. We would also encourage the County to seek a legal opinion on the changes being proposed through Official Plan Amendment No. 35.

Given the recent changes to the *Planning Act* through *Bill 23, More Homes Faster Act, 2022*, and the suggestion from AMO (Association of Municipalities Ontario) that the Province will delay the implementation date for the changes stemming from Bill 109, the County should consider deferring their decision on Official Plan Amendment No. 35 in order allow time for County Council to gain a better understanding of the implications of these policy changes and continued consultation with affected stakeholders.

If the County decides to move forward with the adoption of Official Plan Amendment No. 35 as proposed, we would request being provided with a copy of the Notice of Decision.

Yours truly,

**Jp2g Consultants Inc.**  
**Engineers • Planners • Project Managers**



Brian Whitehead, MA, MCIP, RPP  
Principal | Planning Services

December 2, 2022

Alex Benzie  
County Planner  
County of Renfrew  
9 International Drive  
Pembroke, ON K8A 6W5

Dear Alex:

**RE: R.W. Tomlinson Ltd. Comments on Renfrew County Official Plan Amendment No. 35  
OUR FILE 9137W**

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On behalf of our client, R.W. Tomlinson Ltd. (Tomlinson), we are pleased to provide the following comments on draft Amendment No. 35 to the County's Official Plan.

First and foremost, we kindly request confirmation that Tomlinson's recently submitted application for a new pit (Storyland Pit) to the County, Horton Township and MNRF would not be subject to the proposed policies of OPA 35. We note the application was submitted prior to January 1, 2023, the date in which the fee refund provisions in the Planning Act takes effect.

Secondly, we have specific concerns regarding OPA 35 as drafted. It is our understanding that the purpose of OPA 35 is to update policies in the County's Official Plan in response to Bill 109. The intent of Bill 109 was, among other matters, to build homes faster by expediting approvals.

Among the proposed changes the County is considering in OPA 35 include a new pre-application review process and enhanced complete application requirements. Section 17.17(2) outlines proposed policies for "pre-consultation review" including the following:

**b) The pre-consultation review may require peer review, technical sign-off or acceptance, and/or external agency sign-off of technical studies as part of the review process. The pre-consultation review may also incorporate public engagement as part of the review process (See Section 17.18). This engagement may include the hosting of public information sessions, open houses, public meetings, or other strategies.**

**c) The approval authority undertaking the pre-consultation review process will provide a letter to an applicant confirming the completion of the pre-consultation review process.**



Our concern is that these proposed policies, which require technical and agency sign-offs and clearances through pre-consultation, attempt to “front-end” the technical review process to the extent that the merits of an application may have to be determined through pre-consultation instead of during formal application review following submission to a municipality. We are concerned this is inconsistent with the purposes of a complete application review established in the Planning Act and appears to circumvent the intent of Bill 109.

Specifically, our concern is that the requirement for technical sign-off or approval as part of the pre-consultation process places applicants at the will of review agencies and peer reviewers outside of a formal application process, with no statutory timelines for review and no proper appeal rights. As well, the pre-consultation stage is a time when preliminary development concepts are subject to change and refinement as a result of discussions with the applicant, municipalities and review agencies. We are concerned that OPA 35 fundamentally changes this well-established process.

As drafted, OPA 35 provides little clarity regarding the requirement for the approval authority to provide a letter confirming completion of the “pre-consultation review process”. What objective measures are in place for this proposed requirement and how long should an applicant reasonably expect to receive this? This appears to be another example where an applicant would have little certainty and rights as to when ‘permission’ would be provided to move forward with a formal application. We are concerned that the arbitrary nature of this requirement will only slow down the approval process, circumventing the intent of Bill 109.

While we assume the County and the local municipalities would work cooperatively and transparently with applicants, what happens if applicants can’t reasonably obtain comments from review agencies or peer reviewers as part of the pre-consultation process? The statutory right to appeal a completeness review is not the same as appealing the merits of an application.

We also have questions about the requirement for public engagement through pre-consultation and how this will be applied consistent with the requirements of the Planning Act. For example, how will it affect statutory public consultation requirements in the Planning Act? What will the public be asked to provide comments on through the pre-consultation process and how would it differ from formal consultation occurring through the application review process? Are two separate public consultation processes required and, if so, will this not lead to duplication of efforts? We appreciate that public consultation is integral to the planning process but feel that there is a need for greater clarity on how public consultation is proposed to be addressed during pre-consultation through OPA 35.

OPA 35 proposes to add the following items to the list of complete application materials in Section 17.17(3):

- (ii) Ministerial approval where applicable (i.e., MTO permits, ECA’s, archeological submissions, record of site condition)
- (jj) Outside agency approval where applicable (i.e., Hydro One, Enbridge, TSSA, Bell, Rogers, School Boards)

As noted above, we have concerns with the requirement for technical reviews and clearances through pre-consultation as opposed to the generally accepted application review process with statutory requirements and oversight through the Planning Act.

It is not always possible to obtain Ministerial or outside agency approval through pre-consultation given that some of these approvals cannot be obtained until zoning is in place e.g. ECAs, ARA licences, etc. We are concerned this may become a chicken-and-egg scenario.

In summary, our concern is that it would appear OPA 35 is attempting to determine the merits of a planning application through pre-consultation with little to no oversight or accountability on how this could occur. Further, it could conflict with prescribed requirements of the Planning Act as it relates to consultation and technical review, and does not appear to meet the intent of Bill 109.

Thank you for the opportunity to provide comments. Please notify us of the County's decision on OPA 35.

If you have any questions, please let us know.

Yours truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'ND', with a long horizontal stroke extending to the right.

Neal DeRuyter, BES, MCIP, RPP

cc. *Bruce Howarth, Renfrew County*  
*Dan Ethier, MMAH*  
*Craig Bellinger / Nick Mariani, Tomlinson*

**COUNTY OF RENFREW**

**BY-LAW NUMBER 6-23**

**A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL  
OF THE COUNTY OF RENFREW AT THE MEETING HELD  
ON DECEMBER 21, 2022**

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WHEREAS Subsection 5(1) of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS Subsection 5(3) of the said Municipal Act provides that the powers of every Council are to be exercised by by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the County of Renfrew at this meeting be confirmed and adopted by by-law;

THEREFORE the Council of the County of Renfrew enacts as follows:

1. The action of the Council of the County of Renfrew in respect of each motion and resolution passed and other action taken by the Council of the County of Renfrew at this meeting is hereby adopted and confirmed as if all such proceedings were expressly embodied in this by-law.
2. The Warden and the appropriate officials of the County of Renfrew are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the County of Renfrew referred to in the preceding section.
3. The Warden, and the Clerk, or in the absence of the Clerk the Deputy Clerk, are authorized and directed to execute all documents necessary in that behalf and to affix thereto the corporate seal of the County of Renfrew.
4. That this By-law shall come into force and take effect upon the passing thereof.

READ a first time this 21<sup>th</sup> day of December 2022.

READ a second time this 21<sup>th</sup> day of December 2022.

READ a third time and finally passed this 21<sup>th</sup> day of December 2022.

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PETER EMON, WARDEN

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CRAIG KELLEY, CLERK