



## Regular Council Meeting

<b>To:</b>	Mayor and Council
<b>Date:</b>	December 16, 2024
<b>From:</b>	Karen Ellis, Director of Planning
<b>Report Number:</b>	PEB 2024-57
<b>Subject:</b>	Cavan Monaghan Township Pre-consultation By-law

### Recommendations:

1. That Report PEB 2024-57 be received for information; and
  2. That By-law No. 2023-37 (Pre-consultation By-law) be repealed in its entirety; and
  3. That By-law No. 2024-67 (Pre-consultation By-law) be approved.
- 

### Overview:

With royal assent of Bill 185 on June 6, 2024, the Province made some significant changes to the Planning Act. Two of the changes include:

- the repeal of the requirement to refund planning application fees where a decision has not been reached within the legislated timelines; and
- municipalities can no longer require pre-consultation prior to the submission of a planning application

On June 5, 2023, the Township adopted Official Plan Amendment No. 14 (OPA No. 14) to the Township of Cavan Monaghan Official Plan. The Amendment was approved Peterborough County on August 18, 2023.

One purpose of the Amendment was to bring the Township's Official Plan into compliance with Provincial legislation (Bill 109, More Homes for Everyone Act, 2022 and Bill 23, More Home Built Faster Act, 2022). With OPA No. 14, Section 8.4 of the Official Plan was amended to add the following section:

“h) If an application is submitted and no decision is made with respect to a complete application within: 60 days for Site Plan Control applications; 90 days for Zoning By-law Amendment applications and 120 days for Official Plan amendments and Official Plan amendment and Zoning By-law amendment, applicants may be entitled to a pro-rated refund as outlined in the User Fees and Charges By-law.”

Section 8.5 of the Official Plan was revised to read as follows:

#### “8.5 PRE-CONSULTATION

Prior to the submission of any development application for which the Township is the approval authority, proponents shall consult with the Township in accordance with the provisions of this Plan and the Township’s Pre-consultation By-law. The County of Peterborougjh is encouraged to participate in the Township’s pre-consultation process as appropriate. The pre-consultation process is intended to address the requirements for a complete application and may require the applicant to go through the pre-application process and/or more than one pre-consultation meeting involving other agencies and Township Departments.

Where development proposals are located within 1.0 km of the City of Peterborough the proponents shall also consult with the City.

These Official Plan policies need to be amended to reflect the current provincial direction. Planning Department Staff will include the above-noted policies in a general housekeeping amendment to be initiated early in 2025.

With the approval of By-law No. 2023-37 (Pre-consultation By-law) in June of 2023, pre-consultation on planning applications is mandatory in Cavan Monaghan Township. The By-law outlines the pre-application process and the formal application submission process. Fees associated with the pre-consultation process and pre-applications are included in the Township’s User Fees and Charges By-law.

The repeal of the requirement to refund planning application fees and the prohibition of mandatory pre-consultation for planning applications requires the Township to change the Township’s approach to the processing of Planning Act applications.

By-law No. 2024-67 has been prepared to remove the details regarding the pre-application process and to encourage pre-consultation for Planning Act matters and telecommunication tower projects. The By-law will also repeal the By-law No. 2023-37 in its entirety. A complete copy of By-law No. 2024-67 is provided as Attachment No. 1 to this Report.

The Township’s pre-consultation process will remain the same. The process generally includes meeting with the Applicant and their agent or consulting representatives, Township Staff and Ministry/Agency Staff as appropriate, to review a proposal. Application and supporting documentation requirements are identified and meeting minutes provided. A fee may apply to this process.

For those proponents not interested in pre-consultation, Township Staff are available to meet to provide information and direction about development proposals. These meetings involve Township Staff only and no meeting minutes are prepared. There is no cost for these meetings.

**Financial Impact:**

The User Fees and Charges By-law is proposed to be amended by deleting the fees for pre-applications submissions.

Pre-consultation fees are provided in the Cavan Monaghan Township User Fees and Charges By-law. Minor applications require no fee payment. A fee of \$500.00 applies to major applications. Minor applications are deemed to be consents, minor variances, and zoning by-law amendments as part of an approved plan of subdivision, a plan of condominium, consent or official plan amendment. Major applications are those applications not deemed minor. The proposed fee for major applications pre-consultation is proposed to remain the same as the 2024 fee.

**Attachments:**

Attachment No. 1: By-law No. 2024-67

Respectfully Submitted by,

Reviewed by,

Karen Ellis, B.A.A.  
Director of Planning

Yvette Hurley  
Chief Administrative Officer

**Attachment No. 1: By-law No. 2024-67**

**The Township of Cavan Monaghan**

**By-law No. 2024-67**

**Being a by-law to encourage development proponents to consult with the Township of Cavan Monaghan prior to submission of a complete application titled “Pre-consultation Bylaw”.**

**Whereas** Bill 185, the Cutting Red Tape to Build More Homes Act 2024, removed Council’s ability to pass any by-law that imposes mandatory pre-consultation meetings prior to the submission of a planning application.

**Whereas** authority is granted under Sections 22(3.1), 34(10.0.1), 41(3.1), and 51(16.1) of the Planning Act R.S.O 1990 c. P.13, as amended, to allow municipalities to pass by-laws to permit development proponents to consult with the Municipality prior to the submission of an application made under the Planning Act for an amendment to the Official Plan or Zoning By-law, plans of subdivision, plans of condominium, site plan control or consent.

**And Whereas** Section 8.4 of the Official Plan contains requirements for complete official plan amendment, zoning by-law amendment, minor variance and site plan approval applications.

**And Whereas** the Council of the Township of Cavan Monaghan encourages consultation with the Township prior to the submission of applications made to the Township under the Planning Act and for telecommunication facility projects.

**And Whereas** the Township of Cavan Monaghan has an established process for pre-consultation to inform development proponents of the requirements for a complete application.

**And Whereas** pre-consultation is an important part of the application review and approval process.

**And Whereas** Cavan Monaghan Township believes the pre-consultation process will expedite the review of complete applications.

**Now Therefore** the Council of the Township of Cavan Monaghan hereby enact as follows:

1. That development proponents are encouraged to consult with Township Staff prior to the submission of one or more of the following planning applications:
  - Official Plan Amendment
  - Zoning By-law Amendment
  - Minor Variance

- Draft Plan of Subdivision
  - Draft Plan of Condominium
  - Consent
  - Site Plan
  - Site Plan Amendment
  - Telecommunication Facility
  - Industrial Wind Turbine
2. Minor Applications include consents, minor variances, zoning by-law amendments as part of an approved plan of subdivision, plan of condominium, consent or official plan amendment.
  3. Major applications include any application not defined as a minor application.
  4. The purpose of such pre-consultation meeting is to review the draft development proposal, confirm the type(s) of planning applications required and identify the scope of supporting information or material required by the Township, the County of Peterborough, the local Conservation Authority and/or other affected agencies.
  5. A pre-consultation meeting may include the payment of a fee as per the applicable Cavan Monaghan Township User Fees and Charges By-law.
  6. By-law No. 2023-37 is hereby repealed.
  7. That this By-law shall come into effect on the day of passing by the Township of Cavan Monaghan.

Read a first, second and third time and passed this 16th day of December 2024.

---

**Matthew Graham**  
**Mayor**

---

**Cindy Page**  
**Clerk**