



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chairman and Members of the Planning Committee
From: Mark Paoli
Date: May 4, 2011
Subject: **OFFICIAL PLAN 5-YEAR REVIEW – PROPOSED APPLICATION PROCESS AND SITE PLAN CHANGES (PD2011-12)**

1. Background

One of the purposes of the Official Plan 5-Year Review is to ensure that the Official Plan is up-to-date with provincial legislation. This report is about new and revised policies to reflect changes to the *Planning Act* resulting from the *Planning and Conservation Land Statute Law Amendment Act (Bill 51)*.

2. Bill 51

The province's objectives for Bill 51 included: providing clearer rules and better information when the planning process begins through applications; and providing for greater municipal control when development is being designed through site plan control. The main provisions added through Bill 51 that are of interest in the 5-Year Official Plan Review give municipalities the ability to:

- require additional studies before an application is deemed to be complete;
- require applicants to consult with the municipality before they submit their application;
- control the exterior design of buildings, require sustainable design elements on adjoining highways under municipal jurisdiction, and facilities designed to have regard for accessibility for persons with disabilities.

In order to implement the foregoing, the *Planning Act* requires Official Plans to have supporting policy relating to these matters.

3. Discussion of Proposed Policies

The draft proposed policies for Bill 51 provisions would be added to Part 13 Implementation of the Official Plan and are shown in Attachment 'A'.

Complete Applications

When an application is deemed to be complete, the legislated time frames begin in which municipalities are required to circulate, provide notice for and hold a public meeting, and make a decision on the application. When the municipality fails to meet these time frames, it puts the applicant in a legal position to appeal the lack of timely processing of the application.

Where an Official Plan does not set out additional application information that may be required, an application is deemed to be complete when it meets the prescribed information in the *Planning Act*. Studies that are often required for proper consideration of a major development, but are not in the list of prescribed information, include: Traffic Impact; Noise Impact; Environmental Impact; and Agricultural Impact.



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It should be noted that, in the majority of cases, applicants for major developments in Wellington voluntarily submit these studies with their applications because they understand that it is in their interest to do so. However, from time to time, applications are submitted without key studies. In some cases, the applicant does not have an experienced agent and is honestly not aware of the range of issues and impacts that need to be addressed.

The draft policy is intended to make it possible to require additional information on major or complex applications, and to allow the additional information requirements to be reduced or eliminated on minor or straightforward applications.

Preconsultation

Currently, preconsultation in Wellington is voluntary and ranges from informal phone or in-person discussions, to formal development review meetings with local staff/consultants in Centre Wellington and Puslinch. As with the discussion on studies above, applicants for major developments in Wellington do preconsult with staff in the majority of cases. However, there have been instances where complex applications were submitted without the benefit of preconsultation and the lack of key information led to issues that could have been scoped earlier, or delays that could have been avoided. As a result, some municipalities are looking at requiring preconsultation.

Although County planning staff are not recommending mandatory preconsultation for County applications, the draft wording provides supporting policy direction so that by-laws can be passed where this is desirable locally. The draft policy also states that preconsultation is generally encouraged.

Site Plan Control

Bill 51 expanded the range of matters that could be addressed through site plan control to include the exterior design of buildings, sustainable design aspects of adjoining lands, and accessibility. Exterior design can now include items that the *Planning Act* previously excluded such as character and appearance. Examples of sustainable elements on adjoining lands include trees, shrubs, hedges, plantings or other ground cover, permeable paving or bicycle parking facilities.

The draft policies enable local Councils to pass new Site Plan Control By-laws that provide the ability to address these new aspects of Site Plan Control. More specific Site Plan Control policies can also be added to the local Official Plans in Centre Wellington and Erin if desired.

4. RECOMMENDATION

THAT Report PD2011-11 be approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Paoli'.

Mark Paoli
Senior Policy Planner



ATTACHMENT 'A'

Draft Site Plan Control Policy Changes and New Preconsultation and Complete Application Policies

(new policies are in blue)



13.9 SITE PLAN CONTROL

All lands in Wellington County are identified by this Plan as a proposed Site Plan Control area under the Planning Act.

A local council may, by by-law, designate the whole or any part of its municipality as a site plan control area, and set out exterior design criteria to be addressed through site plan control.

Site plan control is a mechanism normally used to control design features of residential, commercial, industrial and institutional developments. Provisions for such features as off-street parking and loading, walkways, lighting, buffering, waste storage, grading, stormwater facilities, groundwater impact mitigation and remedial measures and other features can be addressed. As provided for under Section 41 of the *Planning Act*, the Site Plan Control process may also address:

- matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design;
- sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
- facilities designed to have regard for accessibility for persons with disabilities.

The following uses will be normally excluded from site plan control:

- a) single detached, semi-detached and duplex dwellings, unless the purpose of site plan control is for grading or drainage purposes, addressing design for intensification or compatibility with cultural heritage resources, or to protect a feature of the greenland system or unless the residential units are part of a land lease project;

- b) agricultural buildings and structures associated with farming operations of a size and nature typical to the area;
- c) buildings and structures for flood control or conservation purposes.



13.15 COMPLETE APPLICATION AND PRECONSULTATION

In order to ensure that appropriate information is available to commenting agencies and the public when development applications are circulated, it is the policy of this Plan that:

1. Prior to confirming that an application for official plan amendment, subdivision, condominium, rezoning, consent, or minor variance is complete, the Council of the County or a local municipality who has received an application may require any or all of the studies outlined in Section 13.14.5 to be prepared by a qualified professional and submitted. A qualified professional is someone who is capable of being qualified to give expert opinion in a court or tribunal proceeding, or as defined in applicable legislation.
2. Applicants or their agents may preconsult with the County or local municipality to:
 - Determine which studies are required for their specific application; and
 - identify the scope of issues, and any technical requirements, to be addressed.
3. The County or a local municipality may pass a by-law to require pre-consultation on any or all applications.
4. Additional information may be required as a result of further review, public input, agency comments, or a peer review of the application.
5. The studies that may be required include the following:
 - Planning Report as set out in Section 4.6.2
 - Environmental Impact as set out in Section 4.6.3
 - Traffic Impact Assessment as set out in Section 4.6.4
 - Agricultural Impact Assessment as set out in Section 4.6.5
 - Fiscal Impact Assessment as set out in 4.6.6
 - Heritage Impact Assessment as set out in Section 4.6.7
 - Archaeological assessment
 - Functional servicing report for water, wastewater, and stormwater
 - Servicing Options Assessment
 - Hydrogeological impact
 - Subwatershed scale hydrogeological study where aggregate extraction below the water table is proposed
 - Noise Study
 - Dust Study
 - Vibration Study
 - Odour Study
 - Floodplain study
 - Slope Stability study
 - Environmental Site Assessment
 - Socio-economic impact
 - Tree preservation and replacement
 - Studies required to fulfill the policies in Section 9.9 in the Greenbelt.
6. The County, local municipalities and commenting agencies may develop standard terms of reference to guide or scope the preparation and review of the studies referred to above.