



REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 11, 2019

FROM: Planning Services Department

DATE: January 21, 2019

SUBJECT: Information Report – Proposed Town Initiated Official Plan Amendments - Revised Pre-consultation Requirements

LOCATION: Town wide

WARD: All Wards

RECOMMENDATION

1. That the Planning Services report titled “Information Report – Proposed Town Initiated Official Plan Amendments – Revised Pre-consultation Requirements” be received.
2. That the Planning Services department proceed with town initiated Official Plan amendments to the Livable Oakville Plan, North Oakville East Secondary Plan and North Oakville West Secondary Plan for the purpose of establishing revised pre-consultation requirements.

KEY FACTS:

The following are key points for consideration with respect to this report.

- This report discusses potential refinements to the Town’s current pre-consultation process which are intended to improve efficiencies and streamline processing requirements at the time of development application submission.
- Processing timelines are significantly influenced by the coordinated review of various prescribed technical and supporting studies (ie Environmental Implementation Reports, Traffic Impact, etc) including multiple re-iterations and revisions undertaken by the proponent in response to comments received from the applicable commenting agencies.

- In addition to the prescribed information set out in the *Planning Act*, Council may require applicants to provide any other information it considers it may need if the Official Plan contains provisions relating to these requirements.
- The establishment of a two phased pre-consultation process would provide an opportunity to “front end” a substantial portion of the review of technical studies to ensure compliance with the applicable terms of reference and incorporate potential revisions to the proposal as part of the complete application requirements. At present, prescribed processing timelines commence upon the submission of a development application regardless of the scope and quality of technical studies.
- Planning staff recommendation reports prepared for Council’s consideration provide a comprehensive planning review.
- Proponents may refer applications to the Local Planning Appeal Tribunal (LPAT) in the event that Oakville Town Council has not made an informed decision within the prescribed times of the *Planning Act*. The timeline for a decision is 150 days for a zoning amendment and 210 days for an Official Plan amendment from the date of submission.
- The revised pre-consultation requirements would require proponents to participate in a mandatory two stage pre-consultation process prior to the formal submission of a development proposal and acknowledgement by the Town of a complete application.
- Amendments to the current pre-consultation process policies would be required to the Livable Oakville Plan, North Oakville East Secondary Plan (NOESP) and North Oakville West Secondary Plan (NOWSP) should Council endorse a phased pre-consultation process.

EXECUTIVE SUMMARY

Planning staff recommend that revised official plan policies be considered to improve processing efficiencies for development applications. The proposed revisions would require proponents to participate in a mandatory two stage pre-consultation process for official plan amendment, zoning amendment, combined zoning amendment and draft plan of subdivision applications.

The new policies would apply to development applications proposed for all lands covered by the Livable Oakville Plan, North Oakville East Secondary Plan and North Oakville West Secondary Plan.

Section 28.17 of the Livable Oakville Plan provides an overview of the Town's pre-consultation and complete application submission requirements. The proposed official plan amendments would be refinements to the current pre-consultation process and would improve the requirements of a complete application to ensure that Council has the information it needs to make an informed planning decision.

The revised pre-consultation requirements would "front end" a substantial portion of the review of technical studies as part of the complete application requirements.

The proposed revisions to the existing pre-consultation process and associated official plan amendments would be consistent with Council's focus on good governance and with Council's strategic objective "to continuously improve our programs and services."

Background

- The recommended revisions to the pre-consultation process are intended to assist in ensuring that Oakville Town Council has an opportunity to provide comments and make an informed decision within the prescribed timelines.
- Proponents may refer applications to the LPAT in the event that Oakville Town Council has not made a decision within the prescribed times of the *Planning Act*. The timeline for a decision is 150 days for a zoning amendment and 210 days for an Official Plan amendment from the date of submission. Town initiated proposed Official Plan amendments would not be subject to the processing deadlines under the recent amendments to the *Planning Act*.
- Modifications to the format for the Planning staff reports have recently been undertaken and further refinements are expected over time with the goal of streamlining and improving clarity.
- The revised pre-consultation requirements would require proponents to participate in a mandatory two stage pre-consultation process as part of the complete application requirements.

Pre-consultation – Current Process

Section 28.17 of the Livable Oakville Plan provides an overview of the Town's pre-consultation and complete application submission requirements. The North Oakville East and West Secondary Plans also provide a general overview of the information requirements and studies to be submitted however do not currently identify specific pre-consultation requirements.

Pre-consultation with the Town prior to the submission of applications requiring *Planning Act* approval is required for applications for Official Plan amendments, Zoning amendments, draft plan of subdivision and condominium and site plan.

The supporting information and technical studies to be provided by the proponent is determined by the Town in consultation with the Region of Halton and Conservation Authority and/or other applicable commenting agencies. Section 28.17.3 provides an overview of the various technical studies which may be required such as engineering and environmental, transportation, cultural heritage, and urban design studies.

Technical and Supporting Studies

The proponent is required to prepare the applicable technical studies in accordance with the terms of reference provided by the reviewing departments or agencies. Once the proponent has submitted the prescribed materials noted in the signed pre-consultation agreement, the application is considered complete. It is important to note that the prescribed processing timelines commence upon submission of a development application regardless of whether the content and quality of the studies are consistent with the applicable terms of reference.

The submitted technical and supporting studies are circulated by the Planning Services department and reviewed by the applicable reviewing agencies. It is not uncommon for technical studies to be subject to multiple reiterations and revisions to ensure that the studies have incorporated the appropriate data and information and are in accordance with the applicable terms of reference.

For development proposals in North Oakville, an Environmental Implementation Report/Functional Servicing Studies (EIR/FSS) is typically required to be prepared as a condition of a complete application. The EIR/FSS is fundamental to identifying the environmental and engineering development constraints of development located within a subcatchment area of the watershed. The preparation of an EIR/FSS by the proponent and review by the Town, Region and Conservation Authority can take 24 months or longer before sufficient information is available to accurately delineate and define Natural Heritage System features and influence the layout and design of a draft plan.

Options

Two Stage Pre-consultation Process

A two stage pre-consultation process would provide an opportunity to front end the review and comment of technical studies prior to the formal submission of a development application by the proponent.

The objective of the stage 1 pre-consultation process would be to provide an early identification and discussion of matters related to Provincial interests, such as consistency with Provincial Policy Statements, conformity with the Growth Plan, Regional Official Plan and Livable Oakville Plan, the North Oakville East Secondary Plan, the North Oakville West Secondary Plan.

Proposals may advance from stage 1 to stage 2 at such time Planning and agency staff are satisfied the proponent has completed drafts of all technical supporting studies in accordance with approved terms of reference to the satisfaction of the applicable reviewing agencies and that the supporting studies are of sufficient quality and scope prior to application submission.

It may be appropriate to establish a pre-consultation fee to recognize the staff time required for the review and comment of various technical studies. Any pre-consultation fee could be credited to the proponent should the application proceed through the planning approval process.

A staged pre-consultation process may also require the Conservation Authority and Region to request separate fees to reflect the review of applicable technical studies.

Current Process – Status Quo

Since proclamation of Bill 139 in April 2018, Planning staff reports involving applications for Official Plan amendments and zoning amendments have sought to meet the prescribed processing timelines with some success. The use of site specific H – holding provisions permitted under Section 36 of the *Planning Act* have provided an opportunity to condition specific outstanding matters.

Section 28.2.2 of the Livable Oakville Plan indicates that a site-specific holding by-law can be used to implement the Livable Plan for one or more of the following reasons:

- To ensure that certain conditions, studies or requirements related to a proposed zoning change are met;

- To achieve orderly staging of development or redevelopment, in accordance with municipal and provincial policies;
- To ensure that adequate infrastructure and community services and facilities are, or shall be, available in accordance with municipal standards;
- To satisfy policies of this Plan related to heritage conservation, site plan control, potentially contaminated sites, protection of the natural environment, community improvement and any other planning matters determined to be relevant to the development of the subject lands;
- To achieve bonusing policies of the Plan;
- To ensure the execution of legal agreements, approval of subdivision plans and/or approval of necessary studies by the appropriate authorities to satisfy the above.

While an effective planning tool, the use of H – holding provisions may not be appropriate in every circumstance. Unresolved technical matters which have the potential to impact the fundamental design, configuration and/or layout of the proposal, would not be an appropriate use of a H – holding provision. In circumstances where technical matters have not been resolved or advanced to a level of comfort of the reviewing agencies, planning staff would take a report for Council's consideration within the prescribed timelines based on information available to date.

Development Industry Input

The concept of establishing a two stage pre-consultation process was presented to the Oakville Developer Liaison Committee on December 6, 2018. The comments and concerns noted included:

- ensuring that external commenting agencies would respond within the expected timelines.
- the timing of applications progressing from stage 1 to stage 2.
- whether the Region would provide comment on combined zoning and draft plan applications which had not received servicing allocation from the Region.
- Potential refunds of application fees should applications be withdrawn.

It was indicated that revisions to the pre-consultation process would require town initiated Official Plan amendments. An information report on the concept of a revised pre-consultation process would be presented to the Oakville Council in early 2019 with formal statutory public meetings proceeding subject to Council endorsement.

Matters to be further discussed

The following matters could be further addressed as part of the future Official Plan amendment process should Council wish to proceed with a revised pre-consultation process:

- Opportunities for public input during the two stage pre-consultation process.
- Timing of information posted on the Town's web-site advising of pre-consultation proposals.
- The consideration of the merits of exemptions from staged pre-consultation process based on the specific nature of a potential application including simplified straight forward applications.
- Administrative implementation including graduated application fees, and withdrawal of applications.

Summary/Conclusion

This report provides an overview of the challenges of the town's current pre-consultation process and recommends refinements to ensure that Council is provided an opportunity to make an informed decision within the prescribed timelines.

Revised official plan policies are recommended which would have the effect of requiring proponents to participate in a mandatory two stage pre-consultation process for official plan amendment, zoning amendment, combined zoning amendment and draft plan of subdivision applications

The coordinated review and comment by town staff and external commenting agencies of various technical studies (ie Environmental Implementation Reports, Traffic Impact studies, etc.) including resubmission timelines are a significant constraint in the ability to meet the mandated timelines.

The establishment of a two phased pre-consultation process would provide an opportunity for technical studies to be reviewed for compliance with required terms

of reference and to incorporate potential revisions to the proposal prior to submission of a formal application.

Amendments to the current pre-consultation process policies would be required to the Livable Oakville Plan, NOESP and NOWSP should Council wish to proceed with a phased pre-consultation process.

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