

Committee of the Whole (Public Hearing) Report

DATE: Monday, October 07, 2019

WARD(S): ALL

**TITLE: AMENDMENT TO THE VAUGHAN OFFICIAL PLAN 2010,
VOLUME 1 “PRE-CONSULTATION AND COMPLETE
SUBMISSION REQUIREMENTS”, CHAPTER 10.1.3,
FILE 25.7**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on a City-initiated amendment to the Vaughan Official Plan (VOP 2010). The purpose of the amendment is to update Chapter 10.1.3 of Volume 1 of VOP 2010, regarding the City’s “Pre-Consultation and Complete Application Submission Requirements” to respond to the recent amendments to the Provincial Plans and legislation (e.g. the Growth Plan) and the *Planning Act*.

Report Highlights

- This report will give the public and stakeholders the opportunity to provide comments on a draft amendment to Chapter 10.1.3 of VOP 2010 “Pre-Consultation and Complete Application Submission Requirements”.
- Chapter 10.1.3 sets out the City’s Pre-Application Consultation (PAC) process and the types of reports, studies and information that the City requires to deem a development application complete for the purposes of initiating the review.
- Updating these policies is necessary due to changes to the Provincial Plans (particularly the Growth Plan) and the *Planning Act*; and the current policy dates to the original adoption of VOP 2010.
- Updating this policy regime is part of the City’s program of streamlining the development review process to meet the challenge of the new application processing timelines set out in the *Planning Act*.
- This amendment will continue the City’s current practice of requiring applicants to consult with the City prior to submitting development applications and provides a contemporary list of reports, studies or information that may be requested to form part of a complete application.
- This will result in a “two-step” review process that places greater emphasis on ensuring the quality of development applications with the aim of reducing processing times after an application is deemed complete.

Recommendations

1. THAT the Public Hearing report for the City-initiated amendment to the Vaughan Official Plan 2010, Volume 1 “Pre-Consultation and Complete Submission Requirements”, Chapter 10.1.3 File 25.7 BE RECEIVED; and that any issues identified be addressed in a Comprehensive Report by the Policy Planning and Environmental Sustainability Department and the Development Planning Department to the Committee of Whole.

Background

Public Notice was provided in accordance with the Planning Act and Council’s Notification Protocol for City-wide Policy Amendments

Public Notice of this proposed amendment to the Vaughan Official Plan, regarding “Pre-Consultation and Complete Application Submission Requirements”, was given in the following manner.

- a) The Notice of Public Hearing was published:
 - In the Vaughan Citizen and the Liberal on September 12, 2019

- b) The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca.
- c) The Notice was sent to:
 - All Registered Ratepayers' Organizations in the City, and
 - The Building Industry and Land Development Association

Any comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed as input into the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Pre-Application Consultation is an important part of the City's Development Review Process

This City-initiated amendment applies throughout Vaughan wherever a development application is submitted. The *Planning Act* permits municipalities to require applicants to consult with the municipality before submitting their applications for development approval. The Act authorizes municipalities to request two types of information when applications are submitted. They are:

- Information and material that is required by regulation; and
- Other information or material that may be requested by the Council, but only if the official plan contains provisions relating to these requirements.

Until Council has received this information and material it may refuse to accept or further consider an application. Once the information is submitted to the satisfaction of the City, it is deemed a "complete application" and its circulation can commence. It is noted that if there is a dispute as to whether the submission is or is not complete, the applicant may make a motion to have the Local Planning Appeal Tribunal (LPAT) determine whether the necessary information and material has been provided or whether the requirement is reasonable.

Since 2010, Chapter 10.1.3 of the Vaughan Official Plan has authorized the City to:

- Require a Pre-Application Consultation (PAC) meeting with applicants
- Require specific information that would constitute a complete application
- Require, through the PAC meeting, the information, studies and materials that may be required to be submitted in support of a complete application
- Through the review processes, require additional studies, reports and information

- Where it has been determined by the City that a peer review of any study submitted in support of a development application is necessary, it can be required at the expense of the applicant
- Require that an applicant enter into development agreements for the equitable contribution of funding of services, if deemed necessary by Council, as a condition of development approval
- Implement through development approvals the equitable contribution of funds, lands and commitments for services, prior to or coincident with the occupancy or use of the land

It is now appropriate to update the policies of Chapter 10.1.3 to reflect current and emerging conditions. These are discussed below.

Changes to the Planning Act and the role of the LPAT require a repositioning of the Pre-Application Consultation Process

In 2017, the Bill 139 amendments to the *Planning Act* imposed specific timelines on municipalities for the processing of applications for amendments to the Official Plan (OPAs) and the Zoning By-law (ZBAs) and applications for the approval of Draft Plans of Subdivision (DPSAs). The *Planning Act* required municipal councils to adopt OPAs within 210 days; and make decisions on ZBAs and DPSAs within 150 days and 180 days respectively, after the applications are deemed complete.

These timelines were further shortened in 2019 by the Bill 108 (the More Homes, More Choice Act) changes to the *Planning Act*. These changes reduced the requirement for municipal councils to adopt OPAs to 120 days from 210 days; and on making decisions on ZBAs and DPSAs to 90 days (120 days if a corresponding OPA is required) from 120 days, from the date the applications were deemed complete. It is noted that these provisions were proclaimed into law on September 3, 2019.

Should municipal councils be unable to adhere to these timelines and not make a decision, the applications are subject to immediate appeal to the LPAT. Under the LPAT rules a “No Decision” by a municipal council places it in a weakened position in responding to the appeal, unlike instances where an action has been taken (i.e. an OPA adoption, ZBA and DPSA approvals or outright refusals).

To mitigate this risk, staff is working to streamline the application review process to respond to the new Provincial deadlines. This objective was supported by the City's recent adjustment to its Council/Committee schedule. Adding another Committee of the Whole meeting per cycle, will assist in achieving more timely consideration of applications. Another potential response is to make better use of the PAC process to

ensure that each application can be subject to an expeditious but still rigorous review, while providing for quality outcomes, consistent with the intent of the Official Plan.

This will entail placing greater reliance on the PAC process and making it a more integral part of the development review process. The emphasis will need to be placed on ensuring that the City and agency reviewers get the “right information, material, reports and documentation” with the “right content” on first submission so they can provide their comments and conditions of approval in a timely fashion. Under the new regime, there will be limited opportunity for resubmissions of reports, public consultation or lengthy negotiations on content. These matters, to the extent practical, should be settled or significantly advanced prior to the submission of the application.

This could include demonstration that certain key parameters or tasks have been established or undertaken prior to submission. One example may be the confirmation of development limits. Also, since the timelines are short, there may not be time to do a community meeting during the statutory review period beyond the required public hearing. Therefore, evidence of public outreach prior to submission would be expected in most cases. Other areas could include developing standard terms of reference for important and/or frequently requested studies; and developing standard conditions of approval for non-contentious issues.

This would result in a blended two-step process more closely integrating pre-consultation with the application review

As such, new policies are proposed to be added to reposition the PAC process to make it the critical first step in the City’s review process before the countdown on the post-complete application deadline commences. This entails a more rigorous pre-application consultation that takes the time to get the submission material right the first time to minimize occasions where a recommendation for refusal is a better option than a “No Decision”.

Establishing the required information, materials and studies required to support a complete application

Identification of the required information, materials, studies and documentation that may be requested through the PAC process is one of the most important parts of the pre-consultation policy. If they are not provided for in the Official Plan, the City cannot request their submission, which could weaken the approval process.

This current policy in the Vaughan Official Plan has not been updated since its adoption in September of 2010. Over the years conditions have changed, Acts and regulations have been amended, responsibilities have shifted, and the City has learned about the

strengths and weakness of the original process. In general, the following changes have played a role in shaping the requirement for the studies:

- The Provincial Policy Statement (2014 and is currently under review)
- Amendments to the York Region Official Plan
- The Provincial Plan Coordinated Review (2017)
- The Provincial Growth Plan for the Greater Golden Horseshoe, 2019)
- The *Planning Act* (Bill 139-2017, Bill 108-2019)
- Greater Levels of Environmental Protection.

In many instances, to meet the current requirements, more detailed information, materials and studies will be required. In addition to identifying the right types of submission material, greater emphasis will need to be placed on completeness and quality. For this reason, a policy has been added to provide for the City or any commenting agency to terms of reference and/or guidance documents the ability to guide the applicant's preparation of their submissions.

It will be essential that the new policy identify the full range of information, materials and studies that may be requested; and ensure that they are of a quality that will address the technical need of the City and/or the reviewing agency and allow for their timely review.

Previous Reports/Authority

"Bill 139: Building Better Communities and Conserving Watersheds Act, 2017"
Approved by Council on June 19, 2018: The report is available at the following link:
<https://pub-vaughan.escibemeetings.com/filestream.ashx?DocumentId=4512>

Analysis and Options

A synopsis of the draft amendment

The draft policies are shown in Attachment 1 to this report. This amendment is intended to create a pre-consultation process that can improve the current development approval process, in response to immediate pressures, and also inform the preparation of the updated City Official Plan to 2041, which will result from the Official Plan Review. The draft policies are summarized as follows:

Chapter Reference	Commentary
10.1.3	The preamble positions the PAC policy to address the new provincial timelines stating that it is the intent of the process to ensure that each development application is capable of being processed in a timely manner with quality outcomes envisioned by the Official Plan. It further states that pre-application consultation will be required.
10.1.3.1	This policy continues to require a pre-consultation meeting and reiterates the types of applications that will be subject to the process.
10.1.3.2	This policy set out the purpose of the PAC meeting, which is to identify the information, materials and studies required for a complete application. It reiterates that the meeting is only to discuss the submission requirements and does not constitute an approval and will not involve a discussion of the merits of the potential proposal.
10.1.3.3	This policy sets out the procedures for the PAC meeting, including participants (city departments and review agencies); and the minimum information requirements. The intent is to ensure that the proposal information provided for the PAC meeting is sufficient to allow for the identification of the information, studies etc. that are required for a complete application. The policy also provides that these requirements may be further articulated through the guidance document/application form.
10.1.3.4	In order to ensure quality submissions, this policy states that the City or any review agency may issue terms of reference or guidance documents to establish the technical and formatting standards for any of the studies, materials or information that may be required through the PAC. In absence of this guidance, the applicants would be expected to rely on the direction received at the PAC meeting.
10.1.3.5	For the purpose of the City deeming an application to be complete, this policy sets out the required information, which is to be in form and content satisfactory to the City. This includes: the

	application form and fee; any prescribed information (by Regulation); draft OPA or ZBA if applicable; any information required as a result of the PAC meeting and process; and confirmation of a minimum of one PAC.
10.1.3.6	This policy sets out the base criteria for evaluating whether an application is complete. It will be evaluated in terms of its content, adherence to statutory and prescribed requirements, consistency with the information, material and studies required at the pre-consultation meeting; and whether the submissions meet the technical requirements of the City and the review agencies sufficient to allow a timely review of the application in accordance with the statutory timelines and the intent of the Official Plan.
10.1.3.7	This policy provides, consistent with the <i>Planning Act</i> , that the City may refuse to accept or further consider an application, if the submissions do not contain the information, material and studies required through pre-consultation or address the identified technical issues.
10.1.3.8	This policy provides that when the application is deemed complete, the processing of the application will begin.
10.1.3.9	This policy sets out the information, materials, studies or other information that may be required through the PAC process if an application is to be deemed complete. The following may be requested: a) <u>Demonstration of Pre-Application Public Consultation</u> Due to timing constraints an applicant may be required through the PAC process, to consult with the public prior to submitting an application. When required, the applicant will provide a “Public Consultation Summary Report”, in accordance with a city-approved format, detailing the organizational arrangements of the meeting (e.g. location, notification and attendance) and the outcomes (e.g. identification of issues and commitments to action).

	b) <u>Delineation of Environmental Development Limits</u> Establishing the limits of development adjacent to valley and stream corridors is often a lengthy process and it is now unlikely to be done within the statutory timelines for the processing of applications. This is particularly the case over the winter months or when multi-season monitoring processes are required. As such, these limits should be established in advance and be reflected in the submission material. This is required to be established, to the satisfaction of the City and the TRCA, the limits of the valley and stream corridors, including the required buffers. Such information may be submitted in the form of free-standing report or integrated into another environmental study. a) Planning Related Information, Materials and Studies b) Plans and Drawings c) Urban Design Reports and Studies d) Environmental Reports and Studies e) Transportation Reports and Studies f) Engineering Reports and Studies g) Heritage Reports and Studies h) Other Reports and Studies
10.1.3.10	This policy provides that the City or other review agency may require additional reports, studies and information after an application has been deemed complete. It further clarifies that this requirement will not affect the date on which the original application was deemed complete.
10.1.3.11	This policy provides that where a study has been submitted and it is determined that a peer review is required, the peer review shall be coordinated by the City and undertaken by a peer reviewer retained by the City, but at the expense of the applicant.
10.1.3.12	This policy states that the City will require a pre-consultation process for Block Plan approvals, scoped to the needs of the Block Plan process.
10.1.3.13	This policy provides that through the development review process Council shall require, if the applicant is a benefitting party in the provision of services in accordance with a development

	agreement, that the applicant enter into that development agreement.
10.1.3.14	This policy provides that development approvals shall implement the required equitable contributions of funds, land and commitments for services and that they will be in place and operative prior to, or coincident with occupancy and use of the land. Such contributions include a range of public facilities including but not limited to: Parks, open space, streetscaping and landscaping, water, sewers, stormwater management, municipal services etc.

This table is a synopsis of the draft policies, provided to indicate the scope of the policy regime. Please refer to the full text, which is set out in Attachment 1.

Next steps in public consultation

The more stringent processing timelines are now in effect. It is therefore important that the City adjust its procedures as quickly as possible to adapt to the new rules. The recent changes affect two major groups. The first is the public in general. The timelines will restrict the City's ability to consult with the public when reviewing a development application. Alternative procedures will have to be built into the process, possibly through the updated PAC process, to ensure effective consultation with the public. For this reason, notice of this public hearing has been sent to the registered Ratepayer Organizations in the City, in order to obtain input.

Another major stakeholder is the development industry. The new process will result in a change in how the City and development interests interact. While both the industry and City share the objective of achieving an efficient process, it will be necessary to ensure that efficiency does not compromise the goal of achieving complete and sustainable communities. Notice of this public hearing has been sent to the Building Industry and Land Development Association (BILD) to obtain their comment and input.

Prior to reporting to Committee of the Whole with the Technical Report, staff will consult with both groups as necessary to ensure that their input is taken into consideration in finalizing the recommended Official Plan amendment. Staff will also be seeking comments from City departments and external agencies who are typically involved in the review of planning and development applications prior to finalizing the OPA.

Financial Impact

It is anticipated that no external resources will be required to complete the preparation and adoption of the proposed amendment. The policies of the amendment will be implemented through the development approval process, which is application based. Cost recovery will continue in accordance with the City's Tariff of Fees for Planning Applications.

Broader Regional Impacts/Considerations

This amendment is being prepared to conform to the recently updated Provincial Plans (2017 and 2019) and the current version of the York Region Official Plan (the YROP). Section 8.3.15 of the YROP identifies a series of planning studies that are required to assess proposed amendments to the Region's Plan. This section also states that the Regional Planning studies required in the YROP also be included in the local official plans as part of their complete application listings. This will continue to be respected.

York Region is the approval authority for this proposed amendment to VOP 2010. City staff will work with the Region to ensure that the requirements of the new Provincial Plans are fulfilled.

Conclusion

Updating the City's pre-application consultation process and complete application requirements provides the opportunity to bring the current VOP 2010 policies into conformity with the Provincial Plans and identify the full range of the contemporary information, materials, studies and documentation that may be required for applicants to submit a complete application. In addition, it will serve to emphasize the importance of this process as one of the means of addressing the deadlines placed on the processing of development applications introduced by the amended *Planning Act* and the LPAT appeal process. Providing for a rigorous PAC process will ensure that complete applications have the thoroughness and quality that will ensure an efficient and effective review of applications. This will minimize the risk to the City of not meeting the required deadlines.

Any issues identified in this report or through the further analysis of this proposed amendment will be considered in the technical review of the draft OPA together with the comments from the public and Vaughan Council, expressed at this Public Hearing or in writing, together with any focused consultations with affected stakeholders, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

Attachments

1. Draft Policy Regime, “Pre-Consultation and Complete Application Submission Requirements”, Chapter 10.1.3, Vaughan Official Plan – Volume 1

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