

Draft

The Corporation of the City of Pickering

By-law No. XXXX/22

Being a by-law to adopt Amendment 46 to the Official Plan for the City of Pickering (OPA 22-003/P)

Whereas pursuant to the *Planning Act*, R.S.O. 1990, c.p. 13, subsections 17(22) and 21(1), the Council of the Corporation of the City of Pickering may by by-law adopt amendments to the Official Plan for the City of Pickering;

Whereas pursuant to Section 17(10) of *the Planning Act*, the Minister of Municipal Affairs and Housing has by order authorized Regional Council to pass a by-law to exempt proposed area municipal official plan amendments from its approval;

Whereas on February 23, 2000, Regional Council passed By-law 11/2000 which allows the Region to exempt proposed area municipal official plan amendments from its approval;

Whereas the Region has advised that Amendment 46 to the City of Pickering Official Plan is exempt from Regional approval;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. That Amendment 46 to the Official Plan for the City of Pickering, attached hereto as Exhibit "A", is hereby adopted;
2. That the City Clerk is hereby authorized and directed to forward to the Regional Municipality of Durham the documentation required by Procedure: Area Municipal Official Plans and Amendments;
3. This By-law shall come into force and take effect on the day of the final passing hereof.

By-law passed this XXXX day of XXXX, 2022.

Draft

Kevin Ashe, Mayor

Draft

Susan Cassel, City Clerk

**Amendment 46
to the City of Pickering Official Plan**

Amendment 46 to the Pickering Official Plan

Purpose: The purpose of this Amendment is to change existing policies for complete application requirements, pre-consultation, and peer review. The Amendment will also add new policies for pre-submission review.

These new and revised policies will align the Pickering Official Plan with recent changes to the *Planning Act* (Bill 109) for the development review process.

Location: This amendment applies to all lands within the City of Pickering.

Basis: Through Bill 109, the *Planning Act* was amended to create graduated refunds for Zoning By-law Amendments decisions and Site Plan approvals that are not completed within the timelines prescribed by the *Planning Act*. In order to avoid paying refunds, revisions are needed to the manner in which the City of Pickering reviews and processes development applications. The proposed changes necessitate amendments to the Pickering Official Plan to create new review procedures and update the requirements of a complete application.

Actual Amendment: The City of Pickering Official Plan is hereby amended by:

(New text is shown as underlined text, deleted text is shown as strikethrough text, and retained text is shown as unchanged text.)

1. Revising and renumbering, and updating all cross-references to City Policy 16.2, Pre-submission Consultation, in Chapter 16 – Development Review, so that it reads as follows:

City Policy

Pre-~~submission~~consultation

16.2A City Council shall require applicants to consult with the municipality ~~Municipality~~ prior to submitting an application for an official plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium or site plan approval. ~~The A~~ pre-~~submission~~ consultation meeting will be held with the applicant, City staff and any other government agency or public authority that the City determines appropriate. At the pre-~~submission~~ consultation meeting:...

2. Adding a new City Policy 16.2B, Pre-submission Review, in Chapter 16 – Development Review, as follows:

“City Policy

Pre-submission Review”

16.2B City Council shall require that all materials and fees listed at the pre-consultation meeting be submitted to the City for review by City staff. Except for matters that are the subject of an amendment application, submission materials must conform with all policies, guidelines, and regulations stipulated by the City of Pickering, the Region of Durham, the Province of Ontario, and all relevant commenting agencies. The submission

materials must also provide the rationale for all matters for which an amendment is being sought. This includes the completion and submission of any peer review of any materials that may be required.

Once the City, and all commenting agencies, are satisfied that the submitted materials conform with the requirements listed at the pre-consultation meeting, the Proponent may submit the application.”

3. Revising City Policy 16.3, Complete Application, in Chapter 16 – Development Review, so that it reads as follows:
 - 16.3 City Council shall not accept an application for an official plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium, or site plan approval until the following has been submitted to the City:
 - (a) **a complete application form, including an acknowledgement by the applicant of the obligation to pay required peer review costs, as referred to in Section 16.4;**
 - (b) any information or materials prescribed by statute and regulation;
 - (c) a record of pre-~~submission~~ consultation;
 - (d) the prescribed application fee(s);
 - (e) **payment, or** proof of payment of **all** application review fees **and any other fees** charged by commenting agencies;
 - (f) confirmation from internal departments and external agencies that the submitted studies and reports meet approved terms of reference and have addressed all technical comments;**
 - (f) (g)** all required studies set out in Section 16.5A for an official plan amendment, zoning by-law amendment, draft plan of subdivision and draft plan of condominium application; and
 - (h)** all required studies set out in Section 16.5B for a site plan application.
4. Revising City Policy 16.4, Peer Review at Applicant’s Expense, in Chapter 16 – Development Review, so that it reads as follows:
 - 16.4 City Council shall require all of the matters set out in Sections 16.3, 16.5A, and/or 16.5B to be completed to the satisfaction of the City respecting the scope and complexity appropriate to the application prior to the City deeming the application complete. ~~Once an application is deemed complete, t~~The City may retain a qualified consultant to conduct a peer review of any of the studies required in Sections 16.5A and/or 16.5B at the applicant’s expense as acknowledged on the application form and as provided for in Section 16.3 (a). **All peer reviews must be completed before the study can be deemed to be in conformity with the requirements listed at the pre-consultation meeting.**

5. Revising City Policy 16.5A, Required Studies for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium Approval, in Chapter 16 – Development Review, so that it reads as follows:

City Policy

Required Studies Requirements for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium Approval

16.5A City Council shall require the following materials and studies prepared by qualified experts, as scoped or expanded as a result of the pre-~~submission~~ consultation required by Section 16.2A, to be submitted **for review to ensure conformity with the requirements listed at the pre-consultation meeting at the time of application for an official plan amendment, zoning by-law amendment, draft plan of subdivision, and draft plan of condominium approval:**

- (i) a planning rationale report which considers the overall benefit to the community and evaluates the proposal against the relevant goals, objectives, policies and general purpose and intent of this Plan, the Regional Official Plan, **the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan and Provincial policy**, where applicable;
- (ii) a transportation study;
- ...
- (xxxvii) an Information and Communication Technologies Implementation Plan, as referred to in Section 7.12 (b); **and**
- (xxxviii) a salt management plan as referred to in Sections 10.13 (g), and 10.27 (c);
- (xxxix) a public engagement report from a public engagement event that has been held within six months prior to the submission of the application. The public engagement report must demonstrate that the event followed the City's notification and meeting format requirements;**
- (xl) confirmation that Indigenous consultation has been held in accordance with the City's requirements;**
- (xli) confirmation of parkland requirements;**
- (xlii) a record of site condition; and**
- (xlili) an affordable housing brief.**

6. Revising City Policy 16.5B, Required Studies for Site Plan Approval, in Chapter 16 – Development Review, so that it reads as follows:

City Policy

Required Studies Requirements for Site Plan Approval

16.5B City Council shall require the following materials and studies prepared by qualified experts, as scoped or expanded as a result of the pre-~~submission~~ consultation provided for by Section 16.2A, to be submitted at the time of application for site plan approval:

(i) a transportation study;

...

(xxviii) a water balance study, as referred to in Section 10.29 (e), 10.29 (f), 10.29 (g), 10.29 (h), and 10.29 (k); ~~and~~

(xxix) a salt management plan as referred to in Sections 10.13 (g), and 10.27 (c);

(xxx) confirmation of parkland requirements;

(xxxi) a record of site condition;

(xxxii) a zoning certificate;

(xxxiii) approved cost estimates for all off-site and landscaping works;
and

(xxxiv) an affordable housing brief.

7. Revising City Policy 16.8, Environmental Reports Required, in Chapter 16 – Development Review, so that it reads as follows:

16.8 City Council:

(a) as determined through a pre-~~submission~~ consultation in Section 16.2A, require the submission and approval of an Environmental Report as part of the consideration of a development application or a public infrastructure project for major development within 120 metres of the Natural Heritage System or within the minimum area of influence prescribed in Table 18 of this Plan; and

(b) despite Section 16.8(a), may, through the pre-~~submission~~ consultation in Section 16.2A, require the submission and approval of an Environmental Report as part of its consideration of any other development application or public infrastructure project.