

The Corporation of the Township of Guelph/Eramosa

By-law Number 62/2022

A By-law to Implement a Mandatory Pre- Consultation Process for *Planning Act* Applications

WHEREAS sections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the *Planning Act*, R.S.O 1991, c.P.12, as amended, provide that a municipality may, by By-law, require applicants to consult with the municipality prior to submission of development applications;

WHEREAS the Township deems it expedient to respond to recent legislation that shortens the ability for municipalities to effectively respond to planning applications in the mandated time period;

NOW THEREFORE, the Council of the Corporation of the Township of Guelph/Eramosa hereby enacts as follows:

PART I – DEFINITIONS

1. For the purposes of this By-law:

“Applicant” means the person or public body, including the landowner or authorized agent, making an application.

“Application” means those applications described in Section 2 of this By-law.

“Clerk” means the Municipal Clerk, or his or her designate.

“Complete Application” means an application which includes the prescribed information and material under the *Planning Act* and any information and material deemed necessary by the Township of Guelph/Eramosa in accordance with the provisions of the *Planning Act* and the Wellington County Official Plan;

“Legislative Services Department” means the department within the Township of Guelph/Eramosa municipal office that encompasses both the Clerk’s Office and Planning.

“Mandatory Pre-consultation” means a required two-phase pre-consultation process between the applicant and the municipality, initiated through a formal Request for Pre-consultation, which includes a Pre-consultation Meeting and a Preliminary Review, prior to the application being deemed complete.

“Municipal Act, 2001” means the *Municipal Act, 2001*, S. O. 2001, c. 25, as amended, or any successor thereto.

“Pre-consultation” or **“Pre-consult”** means communication between the applicant and municipality, initiated through a formal Request for Pre-consultation and as may be determined appropriate by the Township, and undertaken in accordance with this By-law.

“Pre-consultation Meeting” means the act of meeting to satisfy a portion of the pre-consultation requirements of this By-law.

“**Preliminary Review**” means the review of information and materials required to constitute a complete application, as identified in the record of pre-consultation, to satisfy a portion of the pre-consultation requirements of this by-law, prior to the formal submission of an application.

“**Request for Pre-consultation**” means a written request in the form established by the Township and as amended from time to time for pre-consultation.

“**Record of Pre-consultation**” means a written record issued by the Legislative Services Department or Township Planning Consultants in the form established by the Township and as amended from time to time that:

- i. Acknowledges that the Township’s Pre-consultation Meeting requirement has been satisfied; and
- ii. Sets out the information and material required to constitute a complete application.

“**Township**” means the Township of Guelph/Eramosa.

Part II – MANDATORY TWO-PHASE PRE-CONSULTATION PROCESS

2. Applicants shall be required to undergo a mandatory two-phase pre-consultation process with the Township prior to submission of the following development applications in order to identify the information and materials necessary for the processing of an application and to undertake a preliminary review of the submission materials.

- a) Official Plan Amendment
- b) Zoning By-law Amendment
- c) Draft Plan of Subdivision
- d) Draft Plan of Condominium
- e) Site Plan
- f) Other applications referenced by the *Planning Act* as may be determined by the Township based on the application’s complexity or relationship to other application types for which a mandatory pre-consultation applies.

3. The mandatory pre-consultation process shall occur in two (2) phases:

a) Phase one (1) is to include a Pre-consultation Meeting between the applicant, municipality, and other designated authorities, as deemed necessary by the Legislative Services Department and Township Planning Consultants, for the evaluation of an Application.

b) Phase two (2) is to include a Preliminary Review of the information and materials required to constitute a Complete Application, as identified in the *Planning Act* and Record of Pre-consultation.

4. Prior to the commencement of the mandatory pre-consultation process, an applicant shall submit to the Legislative Services Department a completed Request for Pre-consultation form, which shall include:

- a) The general location and physical address of the property;
- b) The current use of the property;
- c) A concise summary of the proposal and proposed application(s);
- d) The following, where applicable:
 - i. The proposed land use including dwelling unit types;
 - ii. Detailed concept plan;
 - iii. Population and employment densities, if required;
 - iv. Environmental, servicing, and transportation information and issues as known to the Applicant; and other information as may be required by the Legislative Services Department or other designated authority for the evaluation of an application.

5. In order to receive the Request for Pre-consultation form, the applicant must first contact the Legislative Services Department directly to determine the reasonableness of the need for a given development application. Upon determining the validity of the application, the Legislative Services Department will provide the Request for Pre-consultation form.

6. The Township relies on external consultants to undertake peer review works as part of its process for application review, including pre-consultations. The applicant is required to pay all third-party costs generated through the implementation of the mandatory pre-consultation process.

Part III – PHASE ONE (1): PRE-CONSULTATION MEETING

7. Upon receiving a completed Request for Pre-consultation form that includes the required information, as set out in Section 4 of this By-law, the Legislative Services Department shall review the Request for Pre-consultation and set corresponding dates for the Pre-consultation Meeting.

8. The form and extent of a Pre-consultation Meeting may vary based on application type and context and shall, in any case, be determined by the Legislative Services Department.

9. The Legislative Services Department or Township Planning Consultants are authorized to:

- a) Conduct timely Pre-consultation Meetings; and
- b) Identify the information and materials necessary for deeming an Application to be a Complete Application; and
- c) Identify and require other applications referenced by the *Planning Act* that, in the opinion of the Legislative Services Department or Township Planning Consultants, require one (1) or more Pre-consultation Meeting(s) based on the application's complexity or relation to the application types for which mandatory pre-consultation applies.

10. Upon completion of each Pre-consultation Meeting, the Legislative Services Department or Township Planning Consultants shall prepare and deliver a Record of Pre-consultation to the applicant and Clerk.

Part IV – PHASE TWO (2): PRE-SUBMISSION REVIEW

11. Following the first stage Pre-consultation Meeting, and prior to the submission of a formal application, the applicant is to provide to the Legislative Services Department a digital copy of the application, site plan and all technical studies/reports identified within the Record of Pre-consultation for preliminary review and circulation by applicable designated authorities.

12. The Legislative Services Department or Township Planning Consultants are authorized to conduct a preliminary review of the required materials identified in the Record of Pre-consultation prior to the acceptance of an Application and deeming an application complete under the *Planning Act*.

13. The preliminary review shall take place over the course of one (1) month from the date of circulation with written correspondence regarding this review being provided following the preliminary review.

Part V – AUTHORITY

14. In the absence of mandatory Pre-consultations between the applicant and municipality, as prescribed within this By-law, and the submission of all

required supporting information or materials, the Legislative Services Department or Township Planning Consultants may deem an application incomplete and refuse to accept the application.

15. The Township shall have the discretion to waive the requirement for a Pre-consultation Meeting and/or preliminary review as a mandatory Pre-consultation.

Part VI – ADMINISTRATION

16. The Township of Guelph/Eramosa will hereby implement mandatory Pre-consultations with certain requirements for each planning application; and

17. This By-law comes into effect upon enactment and passage hereof.

READ three times and finally passed
this **19th** day of **December, 2022**.



Chris White, Mayor



Amanda Knight, Clerk