

## **TRANSITION OF IN-STREAM APPLICATIONS**

This document sets out a policy related to Council's anticipated adoption of a new Official Plan on October 27, 2021 to reflect a new comprehensive ten-year Official Plan.

### **Consistency with the Provincial Policy Statement**

Section 3 of The *Planning Act* states that a decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter, shall be consistent with the provincial policy statements (PPS) that are in effect on the date of the decision. This also applies to comments, submissions or advice that they may provide.

### **Official Plan Amendments**

1. If a complete application is **approved** by Council on or before October 27, 2021, it will be processed on the basis of existing Official Plan policy provided it is consistent with the 2020 Provincial Policy Statement.
2. If an application comes to Council after Council adoption of the Official Plan but before Ministry approval of the Official Plan, any reports going forward to Committee and Council under this circumstance must be evaluated against the existing Official Plan and **must also include an evaluation of the application** against the Council approved new Official Plan (and the new Secondary Plan, where applicable). In the period between Council approval of the New OP and the Minister's approval of the New OP, City staff will apply whichever provision, as between the Current and New OP, is more restrictive.
3. Thus, based on 2 above, an applicant may decide it is worthwhile to continue with an OPA to the Current OP even after Council has approved the New OP, if development is to proceed in the period between the approval of the New OP by Council on Oct 27, 2021) and Minister approval (anticipated in Q1 2022).
4. There is currently no automatic transition provisions incorporated into the New OP dealing with how recently approved OPA's (to the Current OP) are or are not carried forward into the New OP. Council must deal with these issues on a case by case basis at the time an OPA is approved. Council could take one of the following steps:
  - a. If the OPA to the Current OP is approved sufficiently far in advance of the New OP going to Council, Council may direct staff to incorporate site-

specific provisions into the final draft of the New OP, prior to it going to Council.

- b. If the OPA is approved closer to the date on which the final draft of the New OP is scheduled to go to Council (such that there would not be sufficient time for Staff to change the draft New OP), OR *after Council approval* of the New OP (but before Minister approval), at the time of OPA approval Council could direct that:
  - i) Staff prepare a request to the Minister to approve the New OP with amended language which carries forward the OPA provisions (the Minister has discretion to amend the New OP before approving it); OR
  - ii) following the approval of the New OP by the Minister, Staff to prepare and bring forward an amendment to the New OP; OR
  - iii) Make no specific direction regarding carrying forward the OPA into the New OP. The OPA would modify the Current (Old) OP only. Once Minister approval takes place the New OP provisions applicable to the property would govern.

5. If an application for an OPA to the Current OP was still pending *after* the Minister has approved the New OP, it will be moot (the New OP replaces the Current (Old) OP). For the first 2 years following Minister approval of the New OP Council has discretion under the Act to not accept requests for amendment to the New OP (s. 22 (2.1) and (2.2)). Staff will seek direction from Council with respect to whether any amendments or any class of amendments will be permitted during the two year period. If directed by Council to permit a pending OPA amendment application to be converted to a New OP amendment application, Staff would recommend that the City not require a new application fee. In that case Staff would recommend that any new or updated supporting documents be required if the designations in the New OP are substantially different from the designations in the Current OP which they originally applied to amend. Staff would also recommend that fresh notice of application under the Act be provided, as necessary.

If a complete application for a OPA application is received after the final Official Plan is adopted by Council (Fall of 2021), the application will solely be evaluated based on the new final Official Plan as adopted by Council.

### Zoning By-law Amendments

If a complete application is received by no later than the day before the new Official Plan is adopted (October 27, 2021), it will be processed on the basis of existing Official Plan policy provided it is consistent with the 2020 Provincial Policy Statement.

For complete applications received after the day before the new Official Plan is adopted on October 27, 2021), but before Ministry approval of the Official Plan, any reports going forward to Committee and Council under this circumstance must be evaluated against the existing Official Plan and must also include an evaluation of the application against the Council approved new Official Plan (and the new Secondary Plan, where applicable). In the period between Council approval of the New OP and the Minister's approval of the New OP, City staff will apply whichever provision, as between the Current and New OP, is more restrictive.

### Zoning By-law amendments that conform to the new Official Plan but not the current Official Plan

Council can pass the by-law after the new Official Plan is adopted but it only comes into force if the relevant policies authorizing it are approved by the Minister. Pursuant to the *Planning Act*, section 24, subsections (2) and (2.1) Council may pass a by-law that does not conform with the official plan but will conform to the new Official Plan once it comes into effect. If the new Official Plan does not come into effect the by-law has no force and effect.

### Plans of Subdivision

If a complete application is received no later than the day before the new Official Plan is adopted (October 27, 2021), it will be processed on the basis of existing Official Plan policy provided it is consistent with the 2020 Provincial Policy Statement.

If a plan of subdivision was granted draft approval no later than the day before the new Official Plan is adopted (October 27, 2021), it can proceed to registration, provided registration is accomplished within three years after granting draft approval. Extensions and re-submissions will be reviewed/evaluated on the basis of the new Official Plan.

### Consents

If a complete application is received no later than the day before the new Official Plan is adopted on October 27, 2021), it will be processed on the basis of existing Official Plan policy provided it is consistent with the 2020 Provincial Policy Statement.

Applications received after the day before the new Official Plan is adopted on October 27, 2021, but before Ministry approval of the Official Plan, and any reports going forward to the Committee of Adjustment under this circumstance must be evaluated against the existing Official Plan and must also include an evaluation of the application against the Council approved new Official Plan (and the new Secondary Plan, where applicable). In the period between Council approval of the New OP and the Minister's approval of the New OP, City staff may apply whichever provision, as between the Current and New OP, is more restrictive when considering the application.

If a consent was granted conditional approval no later than the day before the new Official Plan is adopted (October 27, 2021), it can proceed to registration, provided registration is accomplished within two years after granting conditional approval, or within the stated statutory period. Extensions and re-submissions may be reviewed/evaluated on the basis of the new Official Plan.

#### Review of Site Plans – Building Permits

Until such time as amendments are made to the Comprehensive Zoning By-law, applications will be reviewed/evaluated for zoning compliance based on the provisions of the existing Zoning By-law.