

7. DEVELOPMENT APPLICATION PRE-CONSULTATION AND SUBMISSION REQUIREMENTS

7.1 PURPOSE

All development applications in the Planning Area shall be subject to review in accordance with the policies of this section, and the other applicable policies of this Plan. In addition, the Town may require development to be subject to the site plan control provisions of the Planning Act.

7.2 PRE-CONSULTATION

- i) Consultation with the Town prior to the submission of a development application requiring Planning Act approval is encouraged, and shall be required for applications for the approval of Official Plan amendments, Zoning By-law amendments, draft plans of subdivision, consents, draft plans of condominium and site plans. The Region of York is encouraged to participate in the Town's pre-consultation process. Other affected agencies such as conservation authorities are encouraged to participate, where appropriate.
- ii) The Planning Act and its regulations prescribe the submission of certain information and materials as part of development applications. The Town may require information and materials to support any development application, in addition to that prescribed, including maps, drawings, reports and technical studies. The specific requirements for an application to be deemed to be a "complete" application, shall be determined by the Town as part of the pre-consultation process, in consultation with the appropriate agencies including the Region of York and the applicable conservation authority.

7.3 REQUIRED INFORMATION AND MATERIALS

Unless an exemption is granted by the Town in writing as part of the pre-consultation process, the following information and materials shall be required to be submitted as part of an application for an Official Plan amendment, Zoning By-law amendment, draft plan of subdivision, consent, draft plan of condominium and site plan, and may be required for other applications. Such required information and material shall be prepared at the applicant's expense and carried out by qualified professionals as determined and approved by the Town:

i) Background Information

A plan of survey of the subject site identifying all Greenlands and other natural heritage features including wetlands, valleylands and watercourses, existing significant trees, other significant landscape features, existing buildings and structures and contours.

ii) Plans

Plans, including, where applicable, site grading and landscaping plans, elevations, and other documentation:

- a) describing the proposed development and its relationship to the existing streetscape and adjacent land uses, in particular building envelopes, accesses and parking areas;
- b) demonstrating how stormwater, erosion and sedimentation will be controlled on site;
- c) describing proposed landscaping and any modifications to existing significant trees and landscaping; and,
- d) demonstrating how the development will be integrated with the Greenlands System established on Schedule "A" to this Plan, where applicable.

Such plans should include where applicable a draft plan of subdivision or condominium.

iii) Oak Ridges Moraine

Where the site is located in the Oak Ridges Moraine, proposals shall be evaluated with respect to the information submission requirements of the Oak Ridges Moraine Conservation Plan and Section 3.2. Further, where the lands are located in the Moraine Plan Area proposals will be evaluated in accordance with the policies of Sections 3.2, 5.8.3 (Water and Sewer), 5.10 (Wellhead Protection) and 8.16 (Watershed Plans) and the relevant land use designation.

iv) Greenbelt

Where the site is located in the Greenbelt outside of the Oak Ridges Moraine, proposals shall be evaluated with respect to the information submission requirements of the Greenbelt Plan and Section 3.

v) Greenlands System

Where the site includes or directly abuts the lands designated on Schedule “A” as part of the Greenlands System, proposals shall be evaluated in accordance with the information submission requirements of Section 3 of this Plan.

vi) Tree Analysis

Where new development is to occur on a lot which the Town identifies as having trees which may warrant preservation or replacement, a Tree Conservation and Planting Plan shall be developed either at the time of application, or as a condition of approval at the direction of the Town. Based on this analysis controls will be placed on the trees to be removed, the amount and type of new landscaping to be provided on the site and related management and construction procedures.

vii) Engineering Considerations

All necessary studies shall be required to address engineering considerations including:

- a) Functional servicing study or servicing plan;

- b) Master drainage study;
 - c) Stormwater management study;
 - d) Hydrological Assessment/water balance, Geotechnical/Slope Stability Study;
 - e) Hydraulic analysis for flood plain delineation;
 - f) Erosion and sediment control plan;
 - g) Operation maintenance report; and,
 - h) Water analysis report.
- viii) Noise Impact Study

A noise impact study shall be carried out where residential uses or other sensitive uses, as defined by Ministry of the Environment guidelines, are proposed and the site is adjacent to a major noise source such as a highway, Regional or arterial road, railway or industrial use.

Further, the Ministry of the Environment guidelines, “Noise Assessment Criteria in Land Use Planning, October, 1995” or any successor thereto, with respect to the need for noise impact studies shall apply to new commercial, industrial or institutional development which is a potential major noise source, such as, but not limited to, uses which have associated with their on-going construction activity, outdoor heat rejection systems (including cooling towers) and outdoor exhaust fans, or other stationary noise sources such as railway yards, major truck stops, major hydro transformers, or natural gas compressors. Where required by the guidelines, a noise impact study shall be carried out to the satisfaction of the Town.

- ix) Vibration Study

A vibration study shall be required at the request of the Region of York, the Town or the applicable railway where the site is within 75 m (246 ft) of a railway right-of-way or any Regional or arterial road. Such a study shall be carried out to the satisfaction of the Town, in consultation with the appropriate government agency or railway.

Further, where new industrial development, which is a potential major source of vibration, such as metal forming industries including punch presses or drop forges, is proposed within 75 m (246 ft) of existing residential development, a vibration study shall be carried out to the satisfaction of the Town.

x) Cultural Heritage Impact Assessment

Where the site includes a building of architectural and/or historical merit listed or designated under the Heritage Act or is located in a designated Heritage District, a cultural heritage impact assessment, prepared by recognized professional(s) in the field, shall be required to be submitted to the Town. Such a study shall demonstrate to the satisfaction of the Town that:

- a) the proposal will not adversely impact the heritage significance of the property or the area in which it is located; or,
- b) demonstrate that it is not physically feasible to maintain the heritage building or structure.

xi) Archaeological Resource Assessment

Where there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential within a site, a Phase I Archaeological Assessment conducted by archaeologists licensed under the Ontario Heritage Act shall be required. In addition, the provisions of the Cemeteries Act and its regulations shall be applied when marked and unmarked cemeteries or burial places are encountered during development, assessment or any activity.

xii) Land Use Compatibility

Where applicable, information or necessary studies shall be provided to assist in the establishment of a separation distance, having regard for any applicable Ministry of Environment guidelines, between proposed development and potentially incompatible uses.

xiii) Soil Quality

The applicant must demonstrate that on-site soil quality is suitable for the proposed use. Where site remediation is required the Town shall be satisfied with respect

to the implementation of remediation prior to development approval. Specifically, where the Town, other public body, or the applicant has identified potential site contamination, the Town shall require the applicant to complete a Phase 1 assessment, in accordance with the Ministry of the Environment's Guidelines for Use at Contaminated Sites in Ontario. The Phase 1 Environmental Site Assessment will be reviewed by the Town to ensure there is no contamination prior to the granting of any development approvals. If there is evidence of contamination, the applicant will be required to submit a Phase 2 assessment in accordance with the Ministry of the Environment's Guidelines. If the site is found to be contaminated, the Town shall require the applicant to submit a Ministry of the Environment acknowledged Record of Site Condition to the Town to verify site clean-up prior to the granting of a building permit.

xiv) Traffic Impact Analysis

Where the Town, Ministry of Transportation, or the Region have identified concerns with respect to public safety and/or operational integrity, a traffic impact analysis carried out by a qualified transportation engineer shall be required. Transit plans and pedestrian and bicycle circulation plans may also be required.

xv) Air Quality

Where the Town identifies concerns with impacts on air quality, appropriate studies by qualified professional(s) shall be required.

xvi) Other Environmental Studies

All necessary studies shall be required to address environmental considerations including:

- a) Demarcation of physical and stable top of bank;
- b) Demarcation of limits of natural heritage and hydrologic features;
- c) Fish habitat assessment; and,
- d) Natural features restoration plan.

xvii) Financial Considerations

Financial considerations shall be addressed through the submission of the following studies:

- a) Market impact study;
- b) Financial impact study; and,
- c) Capital impact assessment.

xviii) Sewage and Water Services

- a) Where individual sewage and/or water services are to be provided, technical studies related to soil condition, groundwater availability and the suitability of the area for private sewer and water services may be required to be submitted as determined by the Town and/or Region of York Health Services Department. Such studies shall be carried out by a qualified hydrogeologist.
- b) Where communal sewage and/or water services are to be provided the policies of Section 5.8.2 iii) or iv) as applicable shall be satisfied.

xix) Agricultural Impact Evaluation

Where the site is located within or abutting the Agricultural Area designation or the Rural Area designation, an Agricultural Impact Evaluation shall be required by the Town, except for a proposed pit or quarry operation or expansions to existing pit or quarry operations. Such study shall be carried out to the satisfaction of the Town and shall demonstrate the need for the proposed use, the suitability of the site chosen, the reason for the choice, the amount of land required and the ability to accommodate the use within the Secondary Plan areas or on lower capability agricultural land. The study shall also incorporate Minimum Distance Separation Formula I calculations. In addition, where the site is located in the Agricultural Area designation, the evaluation shall take into consideration not only the impacts on existing farming operations, but also impacts on the potential for the expansion of such operations, to ensure that maximum flexibility is provided to such operations for future expansion.

xx) Views and Vistas

That where proposed development is located on a site adjacent to the south side of Bloomington Road and the proposed development is considered by the Town to impact on the views and vistas from this area which is considered the ridgeline of the Oak Ridges Moraine, that information, to the satisfaction of the Town, be submitted to demonstrate how the impact on the views and vista will be minimized.

xxi) Other Additional Studies

The following additional studies shall also be required where appropriate:

- a) Urban Expansion Needs Study;
- b) Settlement Capability Study for Hamlets; and,
- c) Mineral Aggregate Study.

xxii) Other Information

In addition to the requirements of Sections i) - xxi), the applicant shall be required to submit any other supporting information and materials that may be identified by the Town during the pre-consultation process as being relevant and necessary to the evaluation of the particular application.

7.4 SCALE AND SCOPE AND TIMING OF SUBMISSIONS

- i) The scale, scope and timing of any required information and material, particularly any reports and technical studies, is dependent on the nature of the proposal, its relationship to adjacent land uses and the type of planning approval required.
- ii) The Town may, and where directed by this Plan shall, at its discretion, and after consultation with the applicant, require that the required reports and studies be carried out by a consultant retained by the Town at the cost of the applicant. The Town may also, as an alternative, require a peer review by an appropriate public agency or by a professional consultant retained by the Town at the applicant's expense. In either case, the applicant shall have input to the establishment of the terms of reference for such a study or peer review and a specific cost limit shall be established prior to the commencement of the study.

7.5 COMPLETE APPLICATION

An application for an Official Plan amendment, Zoning By-law amendment, draft plan of subdivision or draft plan of condominium shall be considered complete under the Planning Act only when all the following items have been provided to the Town:

- i) an application form;
- ii) any information or materials prescribed by statute;
- iii) a pre-consultation form;
- iv) any supporting information or materials required to be provided in accordance with Section 7.3; and,
- v) the prescribed application fee.

7.6 DEVELOPMENT EVALUATION CRITERIA

Development proposals shall generally conform with the following criteria, in addition to any of the applicable policies of this Plan:

i) Land Use Compatibility

Land uses shall be designed to mitigate any impacts on abutting uses. In particular, appropriate buffering and separation distances shall be provided between all agricultural uses and non-farm uses.

ii) Heritage Preservation

Buildings of architectural and/or historic significance, particularly buildings identified as part of the Town's Heritage Inventory, where feasible, are preserved on site and/or integrated into the development in an appropriate manner and/or preserved in some other manner. Standard archaeological potential criteria in accordance with Ministry of Citizenship, Culture and Recreation guidelines will be used to evaluate future development areas and expansion proposals for impacts on significant resources.

iii) Greenlands System

Development shall only be permitted in lands designated as part of the Greenlands System on Schedule "A" in accordance with the policies of Section 3 of this Plan. In addition, all development shall be evaluated with respect to its conformity with the provisions of Section 3 of the Plan. Further, where the lands are located in the Moraine Plan Area proposals will be evaluated in accordance with the policies of Sections 3.2, 5.8.3 (Water and Sewer), 5.10 (Wellhead Protection) and 8.16 (Watershed Plans) and the relevant land use designation.

iv) Watercourses

All watercourses shall be, where feasible, maintained or enhanced or rehabilitated as appropriate as distinct ecosystems, and lands immediately adjacent to these watercourses shall be retained or rehabilitated to a natural self-sustaining state. In particular, the Town shall encourage the replacement of barriers to fish migration

with natural forms and features. Alterations to watercourses, including riparian features such as intermittent streams and drainage swales, shall generally be discouraged. However, the necessity for retention/restoration of riparian features such as intermittent streams and drainage swales, will be evaluated on a site by site basis and some modifications of these features may be approved where deemed appropriate by the Town, in consultation with the appropriate Conservation Authority.

v) Sewer and Water Services and Stormwater Management

Development shall be serviced in accordance with the provisions of Section 5.8 of this Plan.

vi) Soil Quality

The applicant must demonstrate that on-site soil quality is suitable for the proposed use in accordance with the provisions of Section 7.3 xiii). Where site remediation is required the Town shall be satisfied with respect to the implementation of remediation prior to development approval.

vii) Noise and Vibration Impact and Safety Measures

Where the site is adjacent to a major noise source such as a highway, Regional or arterial road, railway or industrial use, the Town, in consultation with the appropriate government agency and, if applicable, the appropriate railway, shall be satisfied that appropriate measures to mitigate any adverse effects of noise and vibration can be implemented. Furthermore, for sites adjacent to a railway, the Town, in consultation with the applicable railway, shall be satisfied that appropriate safety measures are provided.

viii) Traffic

The applicant must demonstrate that the existing road system can accommodate any traffic impacts or can be modified to do so at the cost of the applicant.

ix) Air Quality

Where the Town identifies potential concerns with air quality, the applicant must demonstrate that any impacts on air quality can be appropriately mitigated at the cost of the applicant.

x) Development Adjacent to Sewage Treatment Plants

The applicant must demonstrate that any impacts arising from proximity to a sewage treatment plant can be appropriately mitigated in accordance with Ministry of the Environment Guidelines.

xi) Views

That the Town is satisfied at its sole discretion, where proposed development is located on a site adjacent to the south side of Bloomington Road, that views and vistas from this area which is considered the ridgeline of the Oak Ridges Moraine, have been adequately protected.