



THE CORPORATION OF THE TOWNSHIP OF BROCK

OFFICIAL PLAN AMENDMENT APPLICATION GUIDE & PROCESS

1. The Township of Brock Official Plan was adopted by Council on June 26, 2006 and approved by the Region of Durham on May 9, 2007 subject to a number of modifications and parts deferred. The purpose of an Official Plan, quite simply, is to establish the long term vision as to how the municipality will be developed. Since the Township is an area municipality within the Region of Durham, where the Region is responsible for the overall planning and development, this Plan must conform with the Region of Durham Official Plan. In addition, the Plan must conform with a number of Provincial planning documents including the Provincial Policy Statement, Place To Grow, and the Greenbelt Plan. Therefore, prior to submitting an application to amend this Official Plan you are encouraged to discuss your plans with staff of the municipality as well as the Region of Durham Planning Department to determine whether a Regional Official Plan amendment is required.
2. The Township Official Plan contains policies which are applicable to the whole of the municipality (e.g., agriculture, housing, transportation, economic development, etc.). It also contains detailed policies which are only applicable to the urban areas of Beaverton, Sunderland, and Cannington.
3. The attached application form has been prescribed by the Province of Ontario and Region of Durham for use by the Township of Brock. It is based on the "Complete Application Form" developed by the Province in 1993. The form asks you for a lot of information which must be completed to the best of your ability. Essentially, the more information that the Township and Region has, the easier it will be to process your application.
4. You should also be aware that, as of September 1, 1994, the Regional Municipality of Durham became the approval authority for Official Plans and amendments adopted by its local municipalities. In other words, in order for your application to be approved it must be **ADOPTED** by the Township of Brock and **APPROVED** by the Region of Durham. You should note that this process may take approximately 6 to 9 months.
5. Approval of a Township Official Plan Amendment by the Regional Planning Department only applies in those cases where the application has been deemed to be non-exempt from Regional approval.
6. The attached form must be completed in full by the applicant. In particular, please note the following important items:
 - a) the application fee is **NON-REFUNDABLE** and, in accordance with Planning Fees By-law No. 1290-94-PL, as amended, the applicant may be required to cover additional costs expended by the Township in the processing of the application (i.e., legal, planning, engineering consultants) including the need to enter into a financial agreement with the municipality and the posting of a letter of credit to cover consulting costs. In addition, by signing the application form, you agree to pay **ALL** costs which may be incurred before the Ontario Municipal Board in the event the Municipality supports your application and it is appealed to the OMB.
 - b) please identify whether you have submitted concurrent applications for a plan of subdivision/condominium, a severance and/or the Township Zoning By-law. In addition, please indicate whether you are intending to submit any of these applications.
 - c) please take note of those sections of the application form where additional studies and reports are requested (e.g., servicing, stormwater management,

soils, noise, etc.). These studies will be required prior to the municipality making a decision on the application.

- d) the application form makes reference to a document entitled Guide to Provincial Planning Applications which would be of assistance in completing this form. Copies of this document are available at the Ontario Government Bookstore, 880 Bay Street, Toronto, Ontario. A reference copy is available at the municipal office.
 - e) the submission of a legal survey or sketch showing all dimensions of the property, property lines to buildings and uses on the property (whether existing or a proposed) is VITALLY IMPORTANT. The Township must have a clear understanding of what is proposed prior to circulation.
 - f) the application must be SIGNED BY THE OWNER or, alternatively, the OWNER must appoint an AGENT and SIGN THE FORM to this effect. Applications without the OWNER'S acknowledgment will NOT be processed.
 - g) the application fee.
7. Municipal staff are available to assist you in the completion of this form as well as to answer any questions you may have regarding this process.

Environmental Site Questionnaire

8. Identification of Potentially Contaminated Sites

When an applicant submits an application for a local Official Plan Amendment, Rezoning, Site Plan Approval, or Minor Variance the applicant must submit either of the following:

- a) Site Screening Questionnaire; or
- b) Phase 1 Environmental Site Assessment

The Site Screening Questionnaire is attached as Appendix A. The purpose of this questionnaire is to review the indicators of potential site contamination to determine the need for further investigation. This questionnaire must be completed by the Owner and sworn before a Commissioner of Oaths.

In addition, depending on the nature of the application and its location relative to existing and/or former uses, it may be necessary that this form be signed and stamped by a Professional Engineer. The decision to require an engineer's stamp will be confirmed by Council based on a recommendation from staff. An engineer's stamp is not required for minor variance applications.

In the alternative, a Phase 1 Environmental Site Assessment may be submitted. This report, prepared by a Professional Engineer, summarizes the potential for site contamination based on the following: a records review, a site visit, interviews, and an evaluation of information and reporting.

If the assessment indicates the potential for site contamination a detailed site assessment must be submitted. This document, detailed as follows, must be prepared in accordance with M.O.E.E. Guidelines.

9. Assessing Detailed Site Assessments and Remedial Work Plans

Where the potential for site contamination has been established, the applicant will be required to submit a Phase 2 Environmental Site Assessment involving a detailed site investigation and sampling of soil and groundwater. If these samples exceed provincial guidelines, the applicant must submit a Proposed Remedial Work Plan with the Phase 2 report.

The applicant should be aware that this report will be subject to a peer review by the Township's engineering consultant at the applicant's expense. This is to ensure that the

report adequately addresses the extent of the contamination and to comment on the proposed rehabilitation plan. Once the peer review has determined that the work plan is adequate, applications may then be conditionally approved (Council resolution) subject to implementing the Remedial Work Plan and submission of the "Record of Site Condition" (Appendix B).

10. Finalization of Clean-up

A "Record of Site Condition", signed by a qualified engineer, in accordance with the M.O.E.E. guidelines, will be accepted as sufficient proof of the completion of a decommissioning plan, including verification and sampling. This document has been designed by the M.O.E.E. to provide information on the completion of a remedial work plan and the suitability of a site for the proposed use. The record will not be subject to further review, if it clearly states that the site is suitable for the proposed use.

APPLICATION PROCESS

Formal Circulation/Notice

- Upon receipt of your completed application and payment of fees, the Township will prepare an appropriate notice of public meeting which can be circulated to government agencies and members of the public.
- Once the notice of a public meeting is prepared (approx. 1 week) it will be circulated to government agencies and to all property owners within 120 metres (400') of the lands subject of the application at least twenty (20) days prior to the public meeting being held. In addition, depending on the nature of the application, notice of the public meeting may be published in the local newspapers.
- A complete list of government agencies to which your application may be circulated is found in Appendix 1.
- The Planning Act also requires that you erect a sign on the subject property advising as to the nature of the application and the public meeting date. The municipality will provide you with appropriate wording for the sign. It is your responsibility to ensure that the sign is erected by the date specified by the Township.
- The public meeting notice will include a brief description of what is proposed, where the property is located, and when and where the public meeting will be held.
- It is a good idea to speak to your neighbours in advance of their receiving the public meeting notice to discuss your proposal. In this regard, potential problems can be overcome at an early stage.

Public Meeting

- The Public meeting will be hosted by the Township Planning Committee. You will be expected to attend and present your proposal as well as answer any questions which Planning Committee and staff may have. This will be followed by questions and comments from those members of the public in attendance. It is in your best interest to attend the public meeting. An application may be denied if you do not attend.

Planning Report

- Following the public meeting the municipality will authorize its planning consultants to prepare a report discussing the application. In some cases, depending on the nature of the application, engineering comments will be provided as well. This planning report will summarize agency and public comments, discuss relevant planning documents issued by the Region, Township, and Province which may apply, as well as discuss the planning merits of the application. This report will also contain a planning recommendation for the consideration of Planning Committee.

- It should be noted that, in certain instances, a specific recommendation may not be made; rather, a general discussion of the issues may be presented.
- If a positive recommendation is made it is normal that any conditions of approval will be included in the report. These might include the need for a site plan agreement, resolution of certain agency concerns, or satisfying the municipality's consulting engineer in regard to the proposed development.

Planning Committee

- Once the planning report is received by the municipality it will be placed on a regular agenda for discussion at an upcoming Planning Committee meeting.
- The planning consultant normally presents the report to the Committee and answers any questions the Planning Committee may have arising from the report.
- Normally, Planning Committee will make a decision with respect to the application. The application may be approved (with or without conditions), denied, or tabled for further study, etc.
- It is important to note that the Planning Committee's decision on the application must be confirmed by Council. This usually takes place at the next regular meeting of Council.

Adoption

- If the application is approved by Planning Committee and confirmed by Council the planning consultant will be directed to prepare an appropriate amendment to the Official Plan for consideration by Council. Sometimes, a draft of it will be sent to certain agencies for comment to ensure that their concerns will be addressed prior to adoption by Council.

Approval - Exempt Amendments

Once the amendment document has been adopted by Council, notice of its passage must be circulated to the Regional Planning Department and each person who has filed a written request to be notified of the adoption.

- The notice of passing of an amendment will indicate the date it was passed, the final date of appeal, the purpose and effect, whether concurrent applications have been submitted, and a Key Map (if applicable).
- A person or agency may appeal the passing of the by-law within 20 days of notice being given together with the reasons in support of the appeal and required Ontario Municipal Board Fee. If an appeal is received the municipality must submit it to the Ontario Municipal Board for a hearing. Please note, however, that the municipality will attempt to resolve any concerns prior to a hearing being held if such is possible.

Approval - Non-Exempt Amendments

- The Township staff will forward the adopted amendment together with all necessary reports and paperwork to the Regional Planning Department where it will be processed for approval. The Region also charges a fee to approve the OPA. It will be collected prior circulating the adopted amendment to the Region.
- If you have applied to amend the Regional Official Plan you should be aware that amendments to the Township Official Plan will not be approved until the Regional Official Plan amendment has been approved by the Minister of Municipal Affairs.
- Following receipt of all required information the Region will initiate a circulation of the adopted Official Plan Amendment to all affected agencies if it is deemed necessary prior to making a decision on its approval.

- Once all agency comments have been received the Region will be in a position to approve, modify, or deny the amendment. Depending on the complexity of the amendment, extent of proposed modifications (if any), and position of the Regional Planning Commissioner, the amendment may be approved with or without consultation with Regional Council.

The Region will normally circulate notice of the date upon which proposes to approve the official plan amendment. In addition, the Region will circulate notice of its decision to approve or deny the amendment to the Township and those persons who have requested notice of it decision.

A person or agency may appeal the Region's decision within 20 days of notice being given together with the reasons in support of the appeal and required Ontario Municipal Board Fee. If no notice of appeal is received the Region's decision will be final.

Note: If someone appeals the amendment YOU will be responsible for submitting the applicable Ontario Municipal Board fee and a fee payable to the Region of Durham prior to the Region addressing the appeal. You should also note that without receipt of this fee the Region will NOT continue processing approval of the amendment.

Application Denial

- In the event that the Township of Brock refuses to amend its Official Plan or fails to do so in a specified period of time you may request the Regional Planning Commissioner to refer the matter to the Ontario Municipal Board for a hearing. You will be required to submit a processing fee to the Region, complete the "Private Official Plan Amendment Application Form," and submit copies of the amendment document itself. Please note that the municipality will NOT do this for you.
- Upon receipt of the information the Region may circulate the amendment to various agencies prior to making a decision on whether to refer the matter to the Ontario Municipal Board. If the amendment is to be referred it will be done in the absence of input from Regional Council.
- If the Planning Commissioner refuses to refer the amendment to the OMB a report will be prepared for Regional Council. Notice of this meeting will be provided 14 days in advance to the applicant, area municipality, and others who have requested it.

Other

- The Official Plan process can be long and complicated normally taking approximately 6 to 9 months to secure approval. Notwithstanding you should be aware that applications referred to the OMB for approval could be extended by several months.
- Prior to submitting an application for an Official Plan amendment, you are strongly encouraged to discuss your proposal with municipal staff. In addition, you are always welcome to make a deputation before Planning Committee by contacting the Clerk's department at (705) 432-2355.
- The information contained within this guide is intended only to be a summary of the Official Plan Amendment process based on the provisions of Section 17 and 22 of the Planning Act, R.S.O., 1990, as well as processing guidelines established by the Regional Planning Department. It is not intended to be a substitute for the Planning Act, R.S.O., 1990 nor the Regional processing guidelines.

APPENDIX 1
AGENCY CIRCULATION

- Region of Durham
 - Planning Department
 - Works Department
 - Health Department
- Bell Canada
- Veridian Connections, or
Ontario Hydro (depending on location)
- Consumers Gas (if applicable)
- Canadian National Railways (if applicable)
- Durham Board of Education
- Durham Region Roman Catholic Separate School Board
- Lake Simcoe Region Conservation Authority, or
Kawartha Region Conservation Authority (depending on location)
- Ministry of Transportation (if applicable)
- Transport Canada (if applicable)
- Trent-Severn Waterway (if applicable)
- Adjacent Municipality (if applicable)