

## **By-law Number 24-65**

### **The Corporation of the Township of Clearview**

**Being a By-law to regulate pre-submission consultation and completeness requirements for applications processed under the Planning Act, R.S.O. 1990, c.P.13.**

(Planning Pre-submission & Completeness Requirements By-law)

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**Whereas** Sections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the Planning Act R.S.O. 1990, c.P.13, as amended (the "Planning Act"), allow municipalities to pass by-laws to permit applicants to consult with the Municipality prior to the submission of Planning Act applications;

**And Whereas** the Township of Clearview Official Plan contains provisions permitting pre-consultation for Official Plan Amendments, Zoning By-law Amendment, Draft Plans of Subdivisions, Draft Plans of Condominiums and Site Plan Approvals;

**And Whereas** the Township of Clearview Official Plan contains provisions setting out the information and material that the Municipality may require as part of a complete application;

**And Whereas** the Council of The Corporation of Township of Clearview deems it necessary to permit pre-submission consultation with applicants submitting Planning Act applications;

**And Whereas** the Council of The Corporation of Township of Clearview deems it necessary to establish the minimum information and material that the Municipality may require as part of a complete application where a pre-submission consultation is not completed;

**And Whereas** through By-law 22-99 the Council of The Corporation of the Township of Clearview deemed it expedient to delegate certain duties of the Planning Act R.S.O. 1990, as amended, to specific Township employees, relating to completeness of planning applications;

**And Whereas** Sections 22(6.1), 34(10.4), 41(3), and 51(19.1) of the Planning Act R. S. O. 1990, as amended, authorizes Council to review completeness of the planning applications;

**And Whereas** Council of the Township of Clearview deems it necessary to update and regulate pre-submission consultation and completeness requirements for planning applications;

**Now Therefore** Council of the Corporation of the Township of Clearview hereby enacts as follows:

1. That Schedule "A" - Pre-submission Consultation & Completeness Requirements and Schedule "B" - Minimum Complete Application Requirements attached hereto, form part of this by-law.
2. That By-law 08-06 and any current by-laws or resolutions outlining the requirements for pre-submission consultation and completeness are hereby repealed.
3. That this by-law shall come into force and effect upon the passage hereof.

**By-law Number 24-65 read a first, second and third time and finally passed this 23<sup>rd</sup> day of September, 2024.**

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Douglas Measures, Mayor

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Sasha Helmky, Director of Legislative Services/Clerk

## Schedule A – Pre-submission Consultation & Completeness Requirements

### Part 1: Definitions

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1.1. For the purpose of this by-law the following definitions shall apply:

**“Completeness Requirements”** means the plans required to form a complete application under the meaning of the Planning Act.

**“Complete Application”** means an application submitted to the Municipality

**“Council”** means the Council of the Corporation of the Township of Clearview.

**“Development”** means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.

**“Engineering Standards”** means the Engineering Standards of the Municipality, as well as related provincial and federal standards as amended and updated from time to time.

**“Formal Application”** means an application, other than a pre-submission consultation, which is regulated by the Planning Act.

**“Lands”** means a lot or parcel of land, including all easement rights and obligations granted in connection therewith.

**“Pre-submission Consultation”** means a request or application to the Municipality from an Owner to review a preliminary version of a proposed development, which precedes a formal application. Also called pre-consultation or pre-application.

**“Pre-submission Consultation Response”** means the written response from the Municipality provided to the Owner at the completion of the pre-submission consultation application process and includes all comments received, estimated fees and charges, and a complete application checklist.

**“Professional Consultant”** means a duly qualified Architect, Engineer, Landscape Architect, Planner, Biologist, Ecologist, Arborist, Lawyer or other professional, licenced in the province of Ontario having expert knowledge in the relevant field, acceptable to the Municipality, acting reasonably.

**“Municipality”** means The Corporation of the Township of Clearview.

**“Owner”** means the registered Owner of the lands or agent representing the registered Owner of the lands.

**“Plan(s)”** means all of the plans, drawings, sketches, elevations, details, reports, studies and renderings submitted to the Municipality for development of the Lands.

## **Part 2: General Provisions for Pre-submission Consultation**

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- 2.1 Where the local planning authority is permitted by the Planning Act to make pre-submission consultation mandatory, the following application types are required to complete Pre-submission consultation as described in Part 3 of this by-law:
- a. Official Plan Amendment;
  - b. Zoning By-law Amendment;
  - c. Draft Plan of Subdivision/Condominium; and
  - d. Site Plan Approval.
- 2.2 Non-Planning Act Applications may also be required to complete pre-submission consultation, including:
- a. Telecommunication tower proposals;
  - b. Green and other energy facility proposals;
  - c. Other proposals that warrant preliminary comprehensive review.
- 2.3 Where not required, submission of a pre-submission consultation application for processing in accordance with the process as outlined in Part 3 of this by-law is strongly encouraged.
- 2.4 Where a pre-submission consultation application is not submitted, the applicable Pre-consultation Application Fee shall be added to the required formal application fee. Application and review fees are set out in the Municipality’s Fees and Charges By-law.
- 2.5 Where a pre-submission consultation application is not submitted, the Municipality takes no responsibility for delays or increased costs in formal application processing incurred by the Owner as a result of completeness requirements not being met by the Owner.

## **Part 3: Pre-submission Consultation Process**

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- 3.1 The following outlines the general procedure by which the Municipality processes pre-submission consultations:
- Pre-submission Consultation Application provided by the Owner to the Municipality.

- Municipality intakes and circulates application to commenting partners.
  - Municipality collects and collates all comments into a comprehensive pre-submission consultation response.
  - Municipality provides pre-submission consultation response to Owner.
- 3.2 Notwithstanding that the provision of the pre-submission consultation response to the Owner represents the completion of the pre-submission consultation process, the Owner is encouraged to:
- a. Meet with the Township Development Team to discuss questions about the pre-submission consultation response; and
  - b. Have their professional consultants engage with the Municipality to define Terms of Reference to scope, refine and direct inclusions in plans required for completeness.
- 3.3 Pre-submission consultation responses shall remain valid for one year (12 months). After expiry of the response or if a proposal or development area changes substantially a new pre-submission consultation application is required.

#### **Part 4: Completeness Requirements**

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- 4.1 The Municipality will not process any formal application until the application has been deemed complete by virtue of having met all applicable completeness requirements.
- 4.2 The provisions outlined in this section pertain to all Planning Act applications, notwithstanding that the Planning Act may not require completion of pre-submission consultation.
- 4.3 The completeness requirements laid out herein shall be considered 'other information' required that Council considers it may need in consideration of a complete application pursuant to s. 11.16 of the 2024 Township Official Plan and as referenced throughout the 2001 Official Plan.
- 4.4 The following documents and plans are required by the Municipality at a minimum as part of a complete pre-submission consultation request:
- a. An application form with all fields completed.
  - b. Applicable fees and deposits.
  - c. A detailed Site Plan prepared by a professional consultant.

- 4.5 The documents and plans outlined in Schedule 'B' of this By-law are required, in a form acceptable to the Township, at a minimum as part of a complete formal application. Schedule 'B' forms part of this By-law.
- 4.6 Notwithstanding completeness requirements indicated herein, the completeness requirements specific to a development proposal may be amended, added to, or waived in writing by the Municipality or by a Pre-submission Consultation Response completed by the Municipality, which lays out other requirements.
- 4.7 The precise details and inclusions of plans forming part of a complete application are to be determined by the most current version of the municipal Engineering Standards, any applicable Ontario Ministry guidelines, Ontario Provincial Standard Specifications, Natural Heritage Reference Manual and all other industry standards as applicable. Scoping of plans may be completed as determined by the Municipality and executed through a formal Terms of Reference creation exercise to the satisfaction of the Municipality.

## **Part 5: Administration**

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- 5.1 The provisions of this By-law shall be interpreted where required and administered by the Municipality's Director of Planning & Building or their designate.
- 5.2 This By-law shall be subject to review a minimum of every five (5) years and shall be amended by the Township to reflect legislative changes or other warrant, as appropriate.

## Schedule B: Minimum Complete Application Requirements

Plan Type	Description/Condition	LC	OPA	ZBA	SPA	MV
An application form	With all fields completed	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Applicable fees and deposits	In accordance with the Fees and Charges By-law	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
A draft amendment	Where amendment to policy is proposed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A Planning Justification Report	Demonstrating conformity and consistency with local, County and Provincial planning policy.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Climate Change Mitigation and Adaptation Statement	Prepared in accordance with s. 11.16.1 of the 2024 Official Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Survey Plan	Prepared by a licensed <a href="#">Ontario Land Surveyor</a> for the purpose of illustrating and confirming the precise location of proposed or existing parcel boundaries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
A detailed Site Plan	Detailing all existing and proposed buildings, services, features/landscaping, roads/accesses and utilities prepared by a professional consultant.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A concept Site Plan	Detailing existing and proposed buildings, services, roads/accesses, servicing, utilities, and landscaping.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A Traffic Impact Study	Where development is proposed that has the potential to impact transportation infrastructure or traffic volume/patterns. Detailing the impact of development on and any necessary road improvements to existing and planned roads and intersections. May require inclusion of a Parking Justification Brief.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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or Consent  
OPA = Official Plan Amendment

ZBA = Zoning By-law Amendment  
SPA = Site Plan Approval  
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Tree Preservation & Inventory	Where development is proposed within or in proximity to an area that has trees. Detailing existing trees on the development lands, adjacent ROW and/or within 6m of the development property boundary, to include species, diameter, and assessment of condition.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Impact Study	Where development is proposed within or in proximity to an area that has confirmed or potential natural heritage features. Assess any potential impact of the development on the natural environment, characterize impact and provide recommendations for mitigation.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Site Assessment	Undertaken and completed in accordance with the requirements of O. Reg. 153/04 or the latest revision.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hydrogeological Report	To characterize the groundwater regime from a site specific and area perspective to address issues related to impacts to existing wells, soil permeability, impact to area aquifers, impacts to nearby surface water and review of wellhead capture zones.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Geotechnical Report	Making recommendations on seasonal high groundwater levels including recommendations of separation from underside of slab, infiltration, road base and asphalt recommendations, heavy duty and light duty pavement (where required), etc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Functional Servicing Report	To address at a minimum the proposed servicing of the development, with regard to water supply and distribution, sanitary sewage collection, storm drainage and stormwater management and roads. A review of existing infrastructure to confirm if they are sufficiently sized to accommodate the proposed development.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Completed Archaeological Potential Checklist	Criteria for Evaluating Archaeological Potential ( <a href="#">Online Checklist</a> )	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Archaeological Assessment	Where a property or project area may contain archaeological resources (i.e., have archaeological potential) as determined by completion of the <a href="#">Criteria for Evaluating Archaeological Potential Checklist</a> .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater Management Report & Plan	Where development is proposed that alters the grade, elevation or permeability of a site. To address stormwater management planning and design, taking into consideration external drainage areas contributing to the development lands.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Flood Hazard Assessment	Where development is proposed within or in proximity to a flood hazard.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Agricultural Impact Assessment	Where development is proposed in an agricultural area.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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D-series Study for Environmental Land Use Planning	An appropriate <a href="#">D-series study</a> is required in support of the proposed development, prepared by a professional consultant, where environmental considerations are warranted for industrial land uses, protection of sensitive land uses, sewage and water services, and private wells.	☒	☒	☒	☒	☒
Minimum Distance Separation Calculation	Where required in accordance with the <a href="#">Minimum Distance Separation (MDS)</a> Document: Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks being <a href="#">Publication 853</a> and its successors	☒	☒	☒	☒	☒
Cultural Heritage Evaluation Report and/or Heritage Impact Assessment	Where development has the potential to impact or is within proximity to a property, building or structure having cultural heritage value or interest.	☒	☒	☒	☒	☒

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