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Local Official Plan Amendment Approval Procedure*Introduction and Definitions*

The *Planning Act* assigns the County the approval authority for area municipal official plans and area municipal official plan amendments. The following is a procedure on how Council will exercise this authority for:

- a. Official Plans and Amendments adopted by area Municipal Councils on or after May 22, 1996; and
- b. Amendment applications received by Municipalities on or after May 22, 1996.

In this document:

- a. “**Amendment Application**” means a request by any person or public body, other than an area Municipal Council, to initiate an amendment to an area Municipal Official Plan after May 22, 1996
- b. “**Area Municipal-Initiated Amendment**” means an amendment to an area Municipal Official Plan initiated by an area Municipality;
- c. “**Clerk**” means the Clerk for the County of Grey;
- d. “**Director**” means the Director of Planning and Development for the County of Grey;
- e. “**Committee**” means the Planning Committee for the County of Grey;
- f. “**Complex**” means all area Municipal Official Plans and any Official Plan Amendment that is not considered to be standard in accordance with these procedures;
- g. “**Council**” means the Council of the County of Grey
- h. “**Delegated Provincial Plan Review Responsibilities**” means the Provincial interest in Plan Review delegated to the County by Province of Ontario;
- i. “**Official Plan**” means an Official Plan prepared for an area Municipality in accordance with the Planning Act and adopted on or after May 22, 1996;
- j. “**Planning Act**” means the Planning Act, R.S.O. 1990, as amended from time to time, and the regulations made thereunder;
- k. “**Planning Department**” means the Planning and Development Department for the County of Grey;
- l. “**Record**” means a Record as defined in the Planning Act; and
- m. “**Standard**” means any area Municipal Official Plan Amendment:
  - i. That has regard for the Provincial Policy Statement; and
  - ii. That is in conformity with the Grey County Official Plan; and where
  - iii. The recommendation of the Planning Staff is in accordance with the recommendation of the Council of the area municipality; and where
  - iv. The Director determines a review by Planning Committee is not warranted

*Phase 1 Review of Proposed Official Plans, Amendment Applications and Area Municipal-Initiated Amendments*

**Step I Pre-Submission Consultation & Review**

1. The Planning Department will provide pre-submission information to area municipal staff and applicants on County policy and information requirements. In addition, the Planning Department will address Provincial Policy in accordance with the Delegated Provincial Plan Review Responsibilities.
2. The Planning Department will receive proposed Official Plans, Amendment Applications and Area Municipal-Initiated Amendments for review and comment prior to adoption.
3. The Planning Department will open a file for each proposed Official Plan, Amendment Application and Area Municipal-Initiated Amendment using the area municipal file number for identification.
4. The Planning Department will circulate each proposed Official Plan, Amendment Application and Area Municipal-Initiated Amendment to the appropriate County Departments for review and comments.
5. The Planning Department will provide comments to the area municipality addressing Delegated Provincial Plan Review Responsibilities, matters of conformity to the County Official Plan, including the need for an amendment, County policies and the impact on the County.

*Phase 2 Adopted Official Plans and Amendments*

**Step I Receipt**

6. The Planning Department will receive written notice for adopted Official Plans and Amendments from area Municipalities, as required by the Planning Act.
7. The Planning Department will check to ensure the submission also includes the complete Record required by the Planning Act and the appropriate fee(s). The Director may refuse to accept any submission where the Record is incomplete.
8. The Planning Department will:
  - a. Stamp each complete Record with the date received;
  - b. Assign a file number;
  - c. Acknowledge receipt and advise of the date the submission is complete; and
  - d. Check for compliance with Delegated Provincial Plan review Responsibilities, County policies and conformity with the County Official Plan.

## **Step II Consultation**

9. Where the Planning Department determines that consultation with other public bodies is necessary:
  - a. The adopted Official Plan or Amendment will be circulated with a request for comments within 30 days; and
  - b. Copies of the circulation list, the comments received and any submission from the public will be forwarded to the area Municipality.

## **Step III Post-Circulation**

10. The Director, upon receipt of comments from the public bodies consulted, will identify circumstances where modifications may be proposed.
11. If modifications are not proposed, then the Director may determine that an adopted amendment is Standard (proceed to Phase 2 – Step IV A)).
12. If modifications are proposed, The Director will send a post-circulation letter to the area Municipal Clerk requesting a response. A copy of that letter will be sent to the applicant, if applicable, and the affected public bodies.
13. The Director will receive the area Municipal Council's response to the proposed modifications contained in the post-circulation letter.
14. The Director, upon review of comment and the response from the area Municipality, will determine the Amendment to be Standard (proceed to Phase 2 – Step IV A)) or Complex (proceed to Phase 2 – Step IV B)). All Official Plans shall be Complex (proceed to Phase 2 – Step IV B)).

## **Step IV Notice of Decision and Final Decisions**

### ***A) Standard Amendments***

15. The Director may make one of the following decisions regarding a Standard amendment:
  - a. Approval as adopted by the area Municipal Council;
  - b. Approval with modifications supported by the area Municipal Council; or
  - c. Refuse to approve part of parts of the amendment.
16. The Director shall give written notice of the decision for an approved amendment, as required by the Planning Act. The 20-day time period within which notice of appeal to the Ontario Municipal Board may be submitted by any person or public body commence on the last day that notice is given.

17. If the Director does not receive a notice of appeal of a decision within the 20-day time period, the Director's decision becomes final and comes into force on the day after the last day for submitting notices of appeal as specified in the notice (proceed to Phase 2 – Step V A)).
18. If the Director receives a notice of appeal along with the prescribed fee of the decision within the 20-day time period, proceed to Phase 2 – Step VI.

### ***B) Official Plans and Complex Amendments***

19. The Planning Department will prepare a report to Committee recommending a decision regarding an Official Plan of a Complex Official Plan Amendment.
20. The Director will give notice of the date, time and location of consideration of the Planning Report by Committee as the Director determines is appropriate
21. Committee will consider the Planning Report and may render a decision.
22. The Clerk will give written notice of the Committee's decision. The 20-day time period within which a notice of appeal may be submitted by any person or public body commences on the last day that notice is given.
23. If the Clerk does not receive a notice of appeal within the 20-day time period, decision becomes final and comes into force on the day after the last day for submitting notices of appeal as specified in the notice (proceed to Phase 2 – Step V B)).
24. If the Clerk receives a notice of appeal along with the prescribed fee of the Committee's decision within the 20-day time period, proceed to Phase 2 – Step VI.

### **Step V                      Appeal**

25. Where the County does not make a decision within 180 days of receipt of an adopted amendment, or within 20 days of giving written notice of decision, any person or public body may appeal to the Ontario Municipal Board by filing a notice of appeal with the Clerk.
26. The Director will confirm that the notice of appeal is in the form required by the Planning Act, and will prepare and forward the Record, as required by the Planning Act, to the Clerk.
27. The Clerk shall forward, within 15 days after the notice of appeal is received, along with the prescribed fee, the Record to the Ontario Municipal Board.

28. In the event that the Ontario Municipal Board dismisses the appeals, or the appeals are withdrawn, processing of the proposed amendment will resume upon receipt of notice from the Board.