



Planning Act Application Pre-Submission Review Manual

This manual guides the Town of Midland *Planning Act* Application Pre-Submission Review process and was approved by Council on September 25, 2024.



Planning Services

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Introduction

Consultation is a process through which property owners, prospective owners, or their agents, engage in a formal dialogue with the Town of Midland ('Town') to determine what *Planning Act* approvals are required to move a development proposal from concept to building permit. The *Planning Act* requires that municipalities allow an applicant to consult prior to the submission of a formal application; this process will be referred to herein as the Planning Act Application Pre-Submission Review ('Pre-Submission Review'). A key outcome of this process is a customized list of the plans, reports, and studies that would be required in support of a complete application. Further, the Town will work with prospective applicants to establish Terms of Reference for any required plans, reports, and studies.

Benefits of Pre-Submission Review

The *Planning Act* requires that the Town offer a Pre-Submission Review service. However, prospective applicants are not required to use this service prior to submitting a *Planning Act* application (e.g. consent to sever, plan of subdivision, rezoning, etc.). Despite this service being elective, it is strongly recommended and encouraged as it offers prospective applicants a number of benefits including but not limited to:

- Circulation of proposal to external stakeholders, agencies, and approval authority (e.g. utilities or County of Simcoe) to obtain feedback and approval requirements/conditions from same/consolidated application review process,
- Opportunity to confirm applicable policies and zoning standards/regulations and their implementation,
- Identification of which *Planning Act* approvals/applications are required, and the associated fees,
- Confirmation of municipal servicing capacity and whether any local benefit improvements are required,
- Establishing which plans, reports, and studies – as well as Terms of Reference and scope of same – are required to be submitted in support of a complete *Planning Act* application,
- Timely and coordinated processing of applications by ensuring required public consultation and decisions timelines align with Council and Committee meeting dates,
- Assistance with project management, and
- If an applicant goes through the pre-submission review process to the satisfaction of the Town, a fee refund will be in accordance with the Fee Refunds section of this manual.



Disadvantages of not participating in Pre-Submission Review

The pre-submission review process was developed by the Town to provide prospective applicants with guidance and direction to ensure timely approvals and cost savings are maximized. By not going through the pre-submission review, prospective applicants risk incurring additional costs and introducing delays in approvals by:

- Submitting incorrect development applications due to incomplete or inaccurate understanding of applicable policy or zoning regulation,
- Misunderstanding of the Town's approval process,
- Lack of coordination with Council or Committee meeting dates,
- Reports and studies not being completed as per the Town's Terms of Reference ('ToR'), and scope of reports and studies being inadequate or exceeding scale of development proposed, and
- Applications being deemed incomplete due to missing supporting material or incorrect fees being paid/appropriate fees not being paid.

In not participating in the pre-submission review process, applicants forfeit their ability to work with the Town to establish an agreed upon Terms of Reference for any required studies and coordinate comments from stakeholders.

The Town has prepared robust Terms of Reference (ToRs) for any report or study that may be required as part of a complete application. At times, it may be appropriate to scope these ToRs to address unique location and application characteristics. By not going through the pre-submission review process prospective applicants lose the ability to identify opportunities to consolidate and scope reports and studies, resulting in the preparation of studies which may go beyond what is required for the application. This, of course, will result in additional costs for the prospective applicant and delay application submission. Further, by not pre-consulting with the Town, prospective applicants will need to contact all appropriate external stakeholders and commenting agencies, such as Newmarket Tay Power, and other utility providers, as well as approval authorities, such as the County of Simcoe and Ministry of Transportation, to obtain feedback on a proposal. This disjointed approach could lead to comments conflicting between external agencies and further delays in the application proceeding through the reviews process. Should a commenting agency or approval authority be missed, the application may be delayed, or decisions may be appealed to the Ontario Land Tribunal.



Initiating the Pre-Submission Review Process

The appropriate Pre-Submission Review Request Form can be downloaded from the Town's [online portal](#). The completed form, along with the required pre-submission review materials, as outlined below, can be uploaded to the Town's system via the same portal. Further instructions and notes are included within the portal to assist with the submission.

Typically, only one pre-submission review is required per development proposal. However, the Town may recommend that an applicant pre-consult with the Town on policy approvals first (i.e. Official Plan Amendments, Zoning By-law Amendments, part lot-control exemptions, Lift of Holding Symbol), with subsequent development approval applications (i.e. Draft Plan of Subdivision/Condominium, Site Plan Approval) being considered as part of a stand-alone pre-submission review that would be submitted should the required policy approvals be granted. The Town encourages an applicant to reach out to the Planning Services department (planning@midland.ca) to discuss if a combined Pre-Submission Review Request Form would be appropriate for a proposal.

Submission Requirements

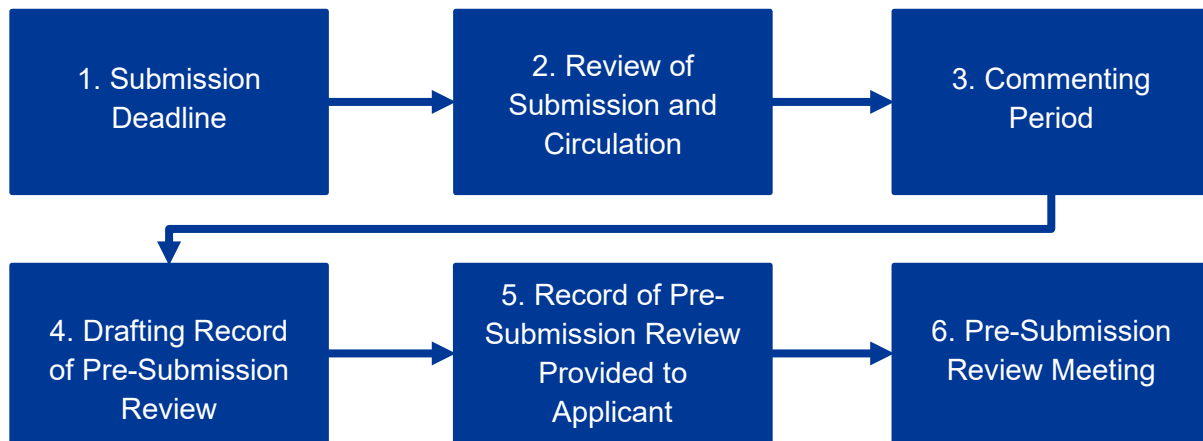
When submitting a Pre-Submission Review Request Form, the following materials are to be provided:

- Completed and signed Pre-Submission Review Request Form
- Fees as established by the Planning Schedule of the [Composite Fees and Charges By-law](#)
- The concept site plan or draft plan (in metric) detailing the proposal and outlining:
 - site dimensions
 - proposed and existing buildings including setbacks (municipal, MTO, County, etc.)
 - zoning conformity matrix (where applicable)
 - vehicular and pedestrian access points
 - parking areas and drive aisle widths
 - treed and/or landscaping areas, snow storage, and garbage enclosures
 - location of existing/proposed services including water, sanitary, utility poles, utility boxes, etc.
 - any other relevant information
- Any other relevant drawings (i.e. elevations/renderings, etc.).
- Any correspondence, approvals, or permits from external agencies/departments.



Pre-Submission Review Process

The Town aims to complete the pre-submission review process within 6 weeks from a submission deadline, assuming all minimum application requirements are met. The process is described in further detail below.



1. Submission Deadline

- 1.1 Submission deadlines are tied to the meeting schedule, which are regularly scheduled to be the mornings of the first and third Thursday of each month (except where a statutory holiday or scheduled office closure effects these dates).
- 1.2 Where a statutory holiday or office closure effects the regular schedule, it may need to be revised to ensure each step of the pre-submission review process can be met. The revised dates will be communicated on the Town's website.
- 1.3 At the discretion of either the Executive Director, Community and Growth or the Manager of Planning Services, meetings may be scheduled outside of the regular schedule based on exceptional circumstances.
- 1.4 Pre-submission review dates and the corresponding submission deadlines can be found on the [Pre-Consultation Requests](#) page of the Town's website.
- 1.5 Failure by an applicant to provide the minimum material required or if requests for additional information are not reconciled within two



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businesses days, will result in the pre-submission review request being deferred to the next meeting date.

2. Week 1 - Review of Submission and Circulation

- 2.1 Following the submission of a pre-submission review request, staff will begin to review the information and materials provided to determine if the minimum requirements have been met and if additional information and/or materials are required.
- 2.2 Once staff determine that the submitted materials are adequate and no additional information is required, the submission is circulated to internal staff and any applicable external agencies (such as Severn Sound Environmental Association, Ministry of Transportation, County of Simcoe, etc.) for their review.
- 2.3 Town staff confirm the meeting date with the applicant by providing a virtual meeting link and will outline any other relevant information. Be advised that several factors may require the meeting link to be provided at a later date and it may not necessarily be provided during week 1.

3. Week 2 and Week 3 - Commenting Period

- 3.1 Town staff and any applicable external agencies complete a review of the materials provided and provide feedback on the proposal. Any comments received will form part of the formal Record of Pre-Submission Review.

4. Week 4 – Drafting of Record of Pre-Submission Review

- 4.1 Staff follow-up with the commenting departments or external agencies, where required.
- 4.2 Staff compile the comments made by the commenting departments and/or external agencies and will finalize the Record of Pre-Submission Review.

5. Week 5 – Record of Pre-Submission Review Provided to Applicant

- 5.1 To assist the applicant in preparing for the pre-submission review meeting, the Record of Pre-Submission Review is issued approximately one week in advance of the meeting. Applicants are to review the Record of Pre-



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Submission Review prior to the meeting and prepare to ask staff questions. Should applicants have no questions or discussion points for the meeting, the meeting will be adjourned after staff confirm same with the applicant.

- 5.2 The Record of Pre-Submission Review will include the customized list of the plans, reports and/or studies required in support of a formal *Planning Act* application, and it may also include the issuance of Terms of Reference for the related plans, reports and/or studies.
- 5.3 The Record of Pre-Submission Review will include comments from the commenting departments and external agencies. A Response Matrix to these comments will be required as part of the submission of a formal *Planning Act* application, showing how comments made during the pre-submission review process have been met.
- 5.4 The Record of Pre-Submission Review will identify which of the plans, reports and studies will be subject to a peer review through the application review process. See the Peer Reviews section of this manual for more information.

6. Week 6 – Pre-Submission Review Meeting Held

- 6.1 The pre-submission review meeting is held with the applicant, members of their project team, Town staff, and may include members from external agencies.
- 6.2 Pre-submission review meetings are to be applicant led. That is, while the Town will host the meeting and provide a brief synopsis of the application, as understood by the Town, it is up to applicants to review the Record of Pre-Submission Review and be prepared to ask clarification questions, discuss application requirements, etc.

Meeting Procedure

Pre-submission review meetings are hosted by the Town and will, by default, be held virtually. Applicants may request for hybrid meetings (combination of in-person and virtual). While hybrid meetings are possible, they may take more time to organize, and as such the Town cannot guarantee the meeting will occur on the applicant's preferred date. Town staff will circulate link to the virtual meeting to all attendees, including the



primary contact as identified by the Pre-Submission Review Request Form, once the meeting time and date is confirmed. All meetings will proceed as follows:

- Introductions
- Town staff provide a brief outline of the proposal as it is understood, confirm the issuance of Record of Pre-Submission Review
- Applicant to ask any follow-up questions or clarifications, as needed
- Applicant to confirm understanding of plans, reports, and studies required to be submitted as part of a complete application
- Applicant to confirm applications to be submitted and in what order
- Applicant to confirm understanding of fees payable and timing of Council or Committee meetings as it pertains to each *Planning Act* application
- Meeting will conclude once applicant has satisfactory understanding of Record of Pre-Submission Review and comments provided therein.

Meeting Attendance

Pre-submission review meetings are hosted by the Town and give applicants an opportunity to ask questions about comments provided by internal and external stakeholders and other agencies as noted in the Record of Pre-Submission Review. As such, property owners or their agent(s) are required to attend pre-submission review meetings. Applicants may, in writing, request that the Town cancel the pre-submission review meeting should there be no questions or comments arising from the Record of Pre-Submission Review. However, should Town staff see merit in proceeding with the pre-submission review meeting (e.g. to confirm understanding or underscore an issue) the meeting will occur as scheduled.

Town staff will circulate a virtual meeting link to the primary contact, as indicated on the Pre-Submission Review Request Form. It is the responsibility of the primary contact to forward the meeting information to necessary participants, such as appropriate sub-contractors or subject matter experts/consultants.

External agencies (i.e. Ministry of Transportation, County of Simcoe, etc.) that have a stakeholder interest in the property are invited to attend, where appropriate. While the Town extends the invitation to relevant external agencies, this does not guarantee their participation. Obtaining permits from any external agencies is the responsibility of the applicant.



Record of Pre-Submission Review

The Record of Pre-Submission Review will, by default expire six months from the date it is issued. At the discretion of either the Executive Director, Community and Growth or the Manager of Planning Services, an extension may be granted should justification as to why the extension is required be acceptable.

Prior to a formal *Planning Act* submission, the applicant should confirm with the Town that there have been no legislation changes or changes to guidelines (e.g engineering standards) that would impact the submission.

In specific circumstances, the Executive Director, Community and Growth or the Manager of Planning Services have the ability to waive or scope requirements identified by the Record of Pre-Submission Review.

The pre-submission review meeting and the corresponding Record of Pre-Submission Review are privileged and confidential, subject to *Municipal Freedom of Information Protection of Privacy Act*.

Peer Reviews

The Town may require that certain plans, reports and/or studies be peer reviewed following the submission of a complete application under the *Planning Act*. Where a peer review is required, the Town would retain a qualified person to review the contents of the report or study. Any costs associated with peer reviews are to be borne by the applicant, including any additional work (e.g. additional site visits, monitoring, addendums, etc.) required to address peer review comments. The Record of Pre-Submission Review will identify which of the plans, reports and/or studies to be submitted as part of a complete application may require peer review as part of the approvals process. A deposit for outside services is required for each peer review identified. The fee associated with the deposit for outside services is shown in the Planning Schedule of the [Composite Fees and Charges By-law](#).

Fee Refunds

Applicants may request a refund for the Pre-Submission Review fee following the receipt and deeming complete of a subsequent and related application under the *Planning Act*. Requests for fee refunds are to be submitted to the Planning Department. A refund will be issued according to the following:

- To be eligible, the Record of Pre-Submission Review must be valid when the related *Planning Act* application is submitted. Should an extension to the Record



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of Pre-Submission Review be provided, an extension to the refund eligibility will be automatically applied.

- The refund will be based on the amount paid at the time the pre-submission review request was submitted.
- The refund will be provided to the payor of the pre-submission review fee.
- Where the pre-submission review relates to multiple *Planning Act* application types, only the first related submission will be entitled to a refund.
- Requests for a refund shall be submitted no later three months after the application has been deemed complete.
- The submitted *Planning Act* application must be for policy and development approvals as outlined in the Record of Pre-Submission Review.

Contact Us

Questions relating to the pre-submission review process can be directed by email to planning@midland.ca. Please allow for a response time of up to two business days. A response time may be greater depending on the complexity or scale of the inquiry.