

**STAFF REPORT:**

**Planning & Building Services Committee**



**REPORT TO:** Mayor and Members of Council  
**MEETING DATE:** May 4, 2009  
**REPORT NO.:** PL.09.40  
**SUBJECT:** Pre-consultation By-law  
**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

**A. Recommendations**

**THAT Council does receive Planning and Building Services Staff Report #PL.09.40, “Pre-consultation By-law” for information purposes; and**

**THAT Council enact a by-law to require applicants to consult with the Corporation of the Town of The Blue Mountains prior to the submission of development applications.**

**B. Background**

Changes to the *Planning Act*, R.S.O. 1990, c. P.13, which came into effect on January 1, 2007, have enabled municipalities to pass a by-law which would require applicants to pre-consult with them before submitting a development application. Pre-consultation is the process whereby prospective development applicants consult with municipal staff prior to their formal application submission in order to ascertain the municipality's information requirements including studies, drawings, reports and potential issues.

This requirement can only be triggered once a municipality has adopted a By-law mandating pre-consultation. Municipalities must also allow applicants to pre-consult if the applicant has requested to do so.

The Town has strongly encouraged pre-consultation in the past in order to ensure that submission requirements, including studies, drawings and reports will be filed at the time of application submission. By mandating the pre-consultation process, the Town would be assured that contact is made early in the development review process. This would help to address potential issues in a timely manner and help reduce application processing timelines.

Staff have drafted a By-law for Council's consideration that requires pre-consultation for all official plan amendments, zoning by-law amendments, site plan approval and plans of subdivisions/condominium applications. Subsections 22(3.1)(b) (Official Plans), 34(10.0.1)(b) (Zoning By-laws) and 41(3.1)(b) (Site Plan Control Area) of the *Planning Act*, R.S.O. 1990, c. P.13 state that "Council" may, by by-law, require applicants to consult with the municipality. Subsection 51(16.1) (Plan of Subdivision approval) states the "approval authority", in the case of an approval authority that is a municipality, may, by-law, require applicants to consult with it.

As the County of Grey is the approval authority for Plans of Subdivision and Condominiums, Section 4 has been added to the By-law. Section 4 of the By-law requires that any person or public body intending to file an application for Plan of Subdivision or Condominium approval is required to request that the Town of The Blue Mountains Planning and Building Services be involved with all consultations done under Subsection 2 of the *Corporation of the County of Grey By-law No. 4463-07* before submitting such an application to the County. Planning Services Staff will make every effort possible to facilitate joint consultations with County Staff.

Section 6 of the By-law recommends the delegation of authority for waving municipal requirements for pre-consultation to the Director of Planning and Building Services where the Director determines that the application will conform with the Town of The Blue Mountains Official Plan and Provincial land use policies or there is no need for such consultation prior to the application being filed. This will be formalized as part of the Delegation Policy review process.

The Pre-consultation By-law is attached to this report.

### **C. The Blue Mountains' Strategic Plan**

The enactment of the Pre-consultation By-law will be in keeping with the Town's Strategic Plan, namely:

1. *Managing growth to ensure the ongoing health and prosperity of the community.*

### **D. Environmental Impacts**

This Pre-consultation By-law does not appear to generate any significant environmental impacts that can be regulated by the Town.

### **E. Budget Impact**

At this time, there will be no charge for a pre-consultation meeting.

### **F. Attachments**

1. Pre-consultation By-law.
2. *Corporation of the County of Grey By-law No. 4463-07*

Submitted by:

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**CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS**

By-law No. 2009-

**Being a By-law to Require Applicants to Consult with the Corporation of the Town of The Blue Mountains Prior to Submission of a Development Application (Pre-consultation By-law).**

**WHEREAS** Subsection 22(3.1)(b) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, provides that Council may require applicants to consult with the municipality before submitting an application to amend the Town of The Blue Mountains Official Plan;

**AND WHEREAS** Subsection 34(10.0.1)(b) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, provides that Council may require applicants to consult with the municipality before submitting an application to amend the Township of Collingwood Zoning By-law No 83-40, as amended and the Town of Thornbury Zoning By-law No. 10-77, as amended;

**AND WHEREAS** Subsection 41(3.1)(b) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, provides that Council may require applicants to consult with the municipality before submitting an application for Site Plan approval;

**AND WHEREAS** Subsection 2 of the *Corporation of the County of Grey By-law No. 4463-07* provides that applicants be required to consult with the County Planning Department before submitting an application for Plan of Subdivision/Condominium approval;

**AND WHEREAS** Subsection 23.1(1) of the *Municipal Act*, S.O. 2001, c. 25 authorizes that a municipality can delegate its powers and duties to a person or body.

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:**

1. THAT any person or public body intending to file an application to amend the Town of The Blue Mountains Official Plan is hereby required to consult with the Planning and Building Services Department before submitting such an application.
2. THAT any person or public body intending to file an application to amend the Township of Collingwood Zoning By-law No 83-40, as amended, or the Town of Thornbury Zoning By-law No. 10-77, as amended, is hereby required to consult with the Planning and Building Services Department before submitting such an application.
3. THAT any person or public body intending to file an application for Site Plan approval is hereby required to consult with the Planning and Building Services Department before submitting such an application.
4. THAT any person or public body intending to file an application for Plan of Subdivision or Condominium approval is hereby required to request the Town of The Blue Mountains Planning and Building Services Department's involvement with all consultations done under Subsection 2 of the *Corporation of the County of Grey By-law No. 4463-07* before submitting such an application to the County.
5. THAT the Town shall not accept any application for which a person or public body has not consulted with the Planning and Building Services Department as required under paragraphs 1, 2, 3 and 4 above.
6. THAT despite the provisions of paragraphs 1, 2, 3, and 4 above, the Director, Planning and Building Services is hereby delegated the authority to waive the requirement for persons or public bodies to consult with the Planning and Building Services Department where the Director determines that:
  - a) the application will conform with the Town of The Blue Mountains Official Plan and Provincial land use policies; or

b) there is no need for such consultation prior to the application being filed.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Ellen Anderson, Mayor

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Corrina Giles, Deputy Clerk

**CORPORATION OF THE COUNTY OF GREY**

**BY-LAW NO. 4463-07**

**A By-Law to require consultation with the County Planning Department prior to formal submission of a County Official Plan Amendment, Local Official Plan Amendment and/or Plan of Subdivision/Condominium application for which the Corporation of the County of Grey is the Approval Authority**

WHEREAS Section 22(3.1)(b) of the Planning Act R.S.O. 1990 c.P.13, as amended by the Planning and Conservation Land Statute Law Amendment Act 2006 provides that County Council, by by-law, may require applicants or municipalities to consult with the County before submitting requests to amend the County of Grey Official Plan;

AND WHEREAS Section 51(16.1)(b) of the Planning Act R.S.O. 1990 c.P.13, as amended by the Planning and Conservation Land Statute Law Amendment Act 2006 provides that the approval authority, by by-law, may require applicants to consult with the County Planning Department before submitting requests for Plan of Subdivision/Condominium approval;

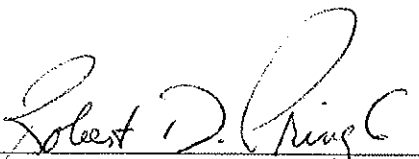
AND WHEREAS by the adoption of Resolution PCD210-07 of the Planning and Community Development Committee, County Council deems it expedient to require and establish a format for consultation with the County Planning Department before a person or public body requests County Council to amend its official plan and/or approve a Plan of Subdivision/Condominium.

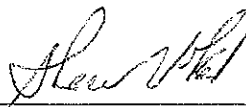
NOW THEREFORE the Council of the Corporation of the County of Grey enacts as follows:

1. THAT applicants or municipalities be required to consult with the County Planning Department before submitting requests to amend the County of Grey Official Plan.
2. THAT applicants be required to consult with the County Planning Department before submitting an application for Plan of Subdivision/Condominium approval.
3. THAT applicants be encouraged to consult with the County Planning Department before submitting an application to the lower tier Municipalities for local Official Plan Amendments, Zoning By-law Amendments, Consents, Site Plan Approvals, Subdivision/Condominium approvals, Site Plan approvals and Development Permits where the local Municipality is the approval authority when the subject lands; front on a County Road or where the County Road is to be utilized as a primary access route, abuts a County Forest, abuts other lands owned by the County, and when interpretation is necessary of the County of Grey Official Plan or relevant Provincial Policy with respect to the development or related matters.

4. THAT the County shall not be required to accept any application in which the applicant or municipality, as the case may be, has not consulted as required under Clauses 1 and 2 above.
5. THAT notwithstanding this By-law, the Director of Planning is hereby delegated the authority to waive the requirement for consultation on County Official Plan Amendments and Subdivision/Condominium Applications where the impact on the intent and policies of the County of Grey Official Plan and/or Provincial Policy is not significant or if a previous application affecting the same property has been considered by the County.
6. THAT this By-law shall come into force and effect on the date of final passing thereof.

ENACTED AND PASSED this 27<sup>th</sup> day of November, 2007.

  
WARDEN: Robert D. Pringle

  
CLERK: Sharon Vokes

**CERTIFIED TO BE A TRUE COPY**

  
DEPUTY CLERK-COUNTY OF GREY