

STAFF REPORT:

BUILDING & BY-LAW DEPARTMENT



REPORT TO: Council
MEETING DATE: November 5th, 2007
REPORT NO.: SRB.07.31
SUBJECT: Site Works in Advance of Approvals
PREPARED BY: D. Finbow, Director, Building & By-law

A. Recommendations:

THAT Council receive Staff Report SRB.07.31 and endorse the Policy attached hereto.

B. Background:

Recently, the Town of The Blue Mountains has experienced several incidents where site works have begun in advance of the necessary Agreements/Approvals. To address this, Town Staff have developed the attached policy which, upon Council's endorsement, will be circulated to the Development Industry.

It is hoped that Town Staff are not caused to utilize this Policy but will do so if it is deemed necessary such that development can proceed in an orderly and acceptable fashion.

C. The Blue Mountains' Strategic Plan:

- Managing growth to ensure the ongoing health and prosperity of the community.
- Addressing the Town's municipal infrastructure needs.
- Providing a strong, well managed municipal government.
- Preserving and enhancing natural and environmental features, and cultural heritage of the community."

D. Budget Impact:

N/A

E. Attachments:

1. Processing of Applications for Land Use Approvals Policy.

Respectfully submitted:

A handwritten signature in black ink, appearing to be "D. Finbow".

TOWN OF THE BLUE MOUNTAINS

POLICY

Subject Title: Processing of Applications for Land Use Approvals

Corporate Policy:	<input checked="" type="checkbox"/>	Policy Ref. No.:	
Administrative Policy:	<input type="checkbox"/>	By-law No.:	N/A
Department Policy:	<input type="checkbox"/>	Name of Dept.:	N/A
Date Approved:		Staff Report:	N/A

Prepared By: D. Finbow, Director, Building & By-law/Chief Building Official

Policy Statement(s)

- 1 In the instance of works proceeding in advance of the necessary Land Use Approvals, Town Staff will immediately stop processing any and all associated approval requests, including the preparation of Staff Reports, Agreements, Certificate of Approval Requests and the review of engineering and related drawings.
- 2 Notwithstanding the commencement of works in advance of the necessary Land Use Approvals, Town Staff will process applications to those stages that the municipality is obligated by Provincial Law to proceed to (i.e. proceeding to a public meeting for Official Plan, Rezoning Approvals, Subdivision and Condominium Approvals).
- 3 If works have proceeded in advance of the necessary Land Use Approvals, the Town may retain a solicitor in order to proceed with injunctive relief from the courts to cause the works to stop.
- 4 The Town will prioritize those Land Use Approval applications where the proponent, in particular the Principal(s), is not, or has not been, in violation of this Policy.

Purpose

The Town of The Blue Mountains Strategic Plan identifies the following Goals:

- a. "Managing growth to ensure ongoing health and prosperity of the community."
- b. "Addressing the Town's municipal infrastructure needs."
- c. "Preserving and enhancing natural and environmental features, and cultural heritage of the community."

The purpose of this Policy is to ensure that the Town can fulfill these goals by precluding certain development related works from proceeding in advance of the necessary Land Use Approvals.

Application

This policy applies to all current and future Land Use Approval applications.

Definitions

Land Use Approval(s) - includes, but is not limited to, Pre-Servicing, Subdivision, Condominium and Site Plan Approval.

Works – includes, but is not limited to, tree clearing, grubbing, alteration of grade, and the commencement of the installation of infrastructure/servicing.

Policy

It is the Town's Policy that:

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- 2 Notwithstanding the commencement of works in advance of the necessary Land Use Approvals, Town Staff will process applications to those stages that the municipality is obligated by Provincial Law to proceed to (i.e. proceeding to a public meeting for Official Plan, Rezoning Approvals, Subdivision and Condominium Approvals).
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Exclusions

N/A

References and Related Policies

Town of The Blue Mountains Strategic Plan
Planning Act
Town By-laws
Town Engineering Standards

Consequences of Non-Compliance

Town Staff will immediately stop processing any and all associated Land Use Approval requests where works have proceeded in advance of the necessary Town Approvals.

Review Cycle

This Policy will be reviewed on a yearly basis by the Senior Management Team.