



TO:	GENERAL COMMITTEE
SUBJECT:	COMMITTEE OF ADJUSTMENT PROCESS IMPROVEMENTS
WARD:	ALL
PREPARED BY AND KEY CONTACT:	R. WHITE, PLANNING SERVICES SENIOR BUSINESS PERFORMANCE SPECIALIST, EXT. 4417
SUBMITTED BY:	A. BOURRIE, RPP DIRECTOR OF PLANNING AND BUILDING SERVICES
GENERAL MANAGER APPROVAL:	A. BOURRIE, RPP ACTING GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT
CHIEF ADMINISTRATIVE OFFICER APPROVAL:	M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the authority to approve consent applications be delegated to the Director of Planning and Building Services, or their delegate, in accordance with the Delegation of Powers and Duties Policy.
2. That the delegated consent applications comply with the following criteria:
 - a) The application is recommended for approval by staff and agencies;
 - b) Members of the public support the application; and
 - c) Applicants agree to any conditions as recommended by City staff or agencies.
3. That the Consent Application Policy attached as Appendix "A" to Staff Report PLN023-18, be approved.

PURPOSE & BACKGROUND

Report Overview

4. The Committee of Adjustment is granted the authority to approve a consent from Section 54(2.3) of the *Planning Act*. The Committee is currently comprised of 5 members (with one of the members acting as chair of the committee), appointed by Council.
5. Committee of Adjustment applications represent some of the most "grass roots" applications processed by the Planning Department. For this reason, staff believe that there are improvements to the process that will enhance the experience for residents and businesses.
6. The current process for a consent application is as follows:
 - a) An application is submitted by a set deadline and, if deemed complete, is scheduled to be heard at a set hearing date;

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- b) Notification is provided to the public by way of a sign posted on the subject property and a letter to owners within 60m, a minimum of 14 days prior to the hearing date.
 - c) City departments and external agencies are circulated for comments. The circulations are currently sent by email, attaching the notice for more detail.
 - d) Staff from each department/agency provide a report, including a recommended decision and any recommended conditions of approval. These reports are due to the Secretary Treasurer of the Committee of Adjustment 6 days prior to the meeting date.
 - e) The reports and comments are then circulated to the Committee members and the applicant. These reports are made available to the public by request, however there is currently no platform to make the reports openly available to the general public.
 - f) At the meeting, each application is heard, with staff/agency comments being summarized by the Secretary Treasurer and the floor opened to the public for comments.
 - g) After all comments are heard, the Committee members discuss the applications (including staff/agency and public comments) and a decision is made by the Committee of Adjustment at the public hearing.
- 7. Currently, the public hearings are scheduled monthly, near the end of the month. The deadline to submit applications is 4 weeks prior to the hearing date. If an application is submitted shortly after the deadline, it could take upwards of 9 weeks to be heard by the Committee.
 - 8. The current process is almost completely paper based, including all notices. Members of the public who wish to view the plans are required to visit City Hall during regular working hours.
 - 9. Over the last 5 years, from 2013-2017, the City of Barrie has received a total of 416 Committee of Adjustment applications, which works out to approximately 80 applications per year. Thus far in 2018, 52 Committee of Adjustment applications have been received.
 - 10. It is anticipated that as the City of Barrie continues to grow, the number of Committee of Adjustment applications will increase. In order to meet legislated timelines and to continue providing excellent service in an increasingly complex legislative system, it is expected that the processing of Committee of Adjustment applications will require one full staff member's time (Secretary-Treasurer of the Committee of Adjustment).
 - 11. The Committee of Adjustment application process is scheduled to be the second major planning process launched on the e-service customer portal through APLI. The customer portal and improved process will go live on December 10, 2018.
 - 12. In May of 2018, City Staff began work on process changes, aimed to improve the Committee of Adjustment process for staff, applicants and the public. These changes will complement the APLI changes in enhancing and improving the application process.
 - 13. Section of 54(5) of the *Planning Act*, R.S.O. 1990 provides the Council of a single-tier municipality the authority to delegate, by by-law, the authority of the council under section 53 (Consent) or any part of that authority to an appointed officer identified in the by-law by name or position occupied.
 - 14. The *Planning Act* does not permit the delegation of authority for Minor Variance decisions to any officer.

ANALYSIS

15. With the volume of Committee of Adjustment applications and thus staff time in recent years, there have been some challenges with providing efficient, timely service while balancing the accessibility of the process.
16. During the summer of 2018, staff hosted a public engagement session and created a survey, both aimed to gather input from the public on changes that could be made to the Committee of Adjustment process. The following suggestions emerged from the responses:
 - a) The process can be more accessible (clearer notices, access to documents and ability to provide comments);
 - b) Notification can be improved to promote public involvement; and
 - c) Additional training may be beneficial for the Committee.
17. Staff also researched the practices and procedures from other municipalities in Ontario to obtain ideas on how to improve the process in the City of Barrie:
 - a) Some municipalities do not pre-schedule hearings and schedule the public meetings based on needs;
 - b) Re-usable public notice signs;
 - c) Delegation of authority for consents to the Director/Commissioner of Planning;
 - d) Easy to access information for the public on the Committee of Adjustment process; and
 - e) A process guide is available for applicants and the public.
18. Earlier in 2018, planning staff hosted a consultation session with staff from various City departments, who are involved in the Committee of Adjustment Process. This session was meant to identify areas of improvement that would make the process more valuable for each department. The following suggestions emerged from the responses:
 - a) Improved communication throughout the process;
 - b) Standardize documentation;
 - c) Improved education for staff involved in the process; and
 - d) Make information more readily available to the public.
19. A number of the improvements suggested through the engagement session will be addressed through the implementation of the Committee of Adjustment process in APLI:
 - a) The system will allow the public to view drawings and potentially provides comments online, making the process more accessible.
 - b) The use of the GIS system in APLI will improve the notification and circulation processes, allowing staff to dedicate more of their time to technical review and public engagement.

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- c) In conjunction with APLI, staff will make website improvements to provide more information on the Committee of Adjustment process for applicants and the public.
20. Some of the challenges in the Committee of Adjustment process cannot be addressed through APLI, specifically:
- a) *The Planning Act*, section 14, states that an applicant may appeal a non-decision of a Consent Application should the Council/Minister fail to render a decision within 90 days of receiving the application.
- b) The City of Barrie currently processes Consent Applications within 30 days of receipt, where possible. This processing time often does not permit sufficient review from City departments or external agencies.
- c) Ensuring that staff and Committee members are properly trained on both technical and statutory requirements of the Committee of Adjustment.
21. By increasing the processing time to up to the permitted 90 days, staff can complete a more comprehensive review of Consent Applications. This review may include responses to public input prior to a public meeting, potentially resolving concerns and reaching better decisions.
22. Of the 108 consent applications received since the beginning of 2016, almost 30% of consent applications were recommended for approval by city staff, had standard conditions associated with the approval and received no official comments from members of the public. These applications were heard by the Committee and ultimately approved.
23. Based on the above, it is believed that through a delegated authority process, upwards of 50% of consent applications could be approved prior to a Committee hearing. This would allow Committee meetings to be dedicated to more complicated applications.
24. The proposed delegated authority process is attached as Appendix "A".
25. Training for Committee members and staff can be completed as part of the Planning Department's regularly scheduled training.
26. Additional procedural improvements will be addressed in an additional report in 2019. This report will be coordinated with the Clerks Department.
27. Staff are coordinating the implementation of all proposed and recommended process improvements regarding the Committee of Adjustment with the launch of the Customer Portal for Committee of Adjustment Applications through APLI. The launch is currently scheduled for November of 2018.

ENVIRONMENTAL MATTERS

28. There are no environmental matters related to the recommendation.

ALTERNATIVES

29. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could maintain the existing procedure with respect to consent applications.

This alternative is not recommended as it does not address the challenges currently being experienced in the Committee of Adjustment Process.

Alternative #2

General Committee could alter the recommendations in this report by removing the recommendation for delegated authority.

This alternative is not recommended as it eliminates some of the efficiencies created by delegated authority.

FINANCIAL

30. There are no financial implications for the Corporation resulting from the proposed recommendation. As part of the ongoing improvements to the Committee of Adjustment process, the previous Zoning Administrative Officer role has been altered. The duties of the position have been amended so that it will be a Secretary-Treasurer role, dedicated to the support of the Committee of Adjustment and the process. The additional duties originally assigned to the Zoning Administrative Officer have been assigned to an existing position. There are no net new positions created by the proposed improvements.

LINKAGE TO 2014-2018 STRATEGIC PLAN

31. The recommendation(s) included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan:

☒ Responsible Spending

☒ Inclusive Community

The proposed process changes will expedite the process for simple Consent Applications, allowing staff and the Committee of Adjustment to focus time and resources on more complicated applications.

In addition, the proposed APLI changes will allow more members of the public to participate in the Committee of Adjustment process by eliminating and/or reducing time and space constraints associated with paper processes.

APPENDIX "A"

Delegated Authority for Consent Applications Policy

Delegated Authority for Consent Approvals

The Director of Planning and Building Services has delegated authority to approve consent applications. Consent applications include new lots, lot additions/property boundary adjustments, private easements and leases exceeding 25 years.

Criteria

The Director of Planning and Building Services will render a decision on any consent applications where all of the following criteria are met:

1. The department and agency comments recommend approval of the consent application.
2. Any public comments received support the approval of the consent application.
3. Any conditions recommended by departments/agencies or the public are agreed upon by the applicant.

Should any member of the public provide comments that do not support the application, the Director will host a meeting between the member(s) of the public and the applicant, attempting to resolve any concerns.

Should the applicant disagree with any conditions recommended by staff, the Director (or their delegate) will host a meeting with the applicant, attempting to resolve any concerns.

If a resolution cannot be found, the application will be referred to the Committee of Adjustment to make a decision.

Application Process

When a consent application is received, staff will conduct a review to ensure the application contains all required documentation and information.

When the application is deemed complete, notification will be provided to the public in accordance with the *Planning Act*, and the application will be circulated to all applicable City departments and external agencies for comments. The notifications will advise that all comments must be submitted to the Secretary-Treasurer of the Committee of Adjustment for review.

When all comments are received, they will be reviewed by the Director. Should there be comments from the public that do not support the application, a meeting will be hosted between the member(s) of the public, the applicant and the Director (or their designate) to resolve any concerns. If the concerns cannot be resolved, the application will be referred to the Committee of Adjustment and new notices will be sent to the public, stating the meeting date, time and location.

Should the public support the approval of the application, conditions of approval will be sent to the applicant for review. If the applicant contests any of the conditions, a meeting will be hosted by the Director, with the applicant, to resolve any concerns. If the concerns cannot be resolved, the application will be referred to the Committee of Adjustment and new notices will be sent to the public, stating the meeting date, time and location.

Planning Services will reserve weekly time slots, which will be used to schedule meetings with members of the public and applicants to resolve concerns with specific applications. These meetings will allow Consent Applications to be processed in a timely and efficient manner.

Should the applicant agree to all conditions of approval, the Director will render a decision on the consent application. The notice of decision, appeal period and requirements to satisfy conditions will be in accordance with the *Planning Act*.



