



Staff Report

Planning & Development Services

Report To: COW-Operations_Planning_and_Development_Services
Meeting Date: April 9, 2024
Report Number: PDS.24.057
Title: Follow Up Report for Amendment to the Delegation By-Law
Prepared by: Adam Smith, Director of Planning & Development Services

A. Recommendations

THAT Council receive Staff Report PDS.24.057, entitled "Follow Up Report for Amendment to the Delegation By-Law";

AND THAT Council approve the proposed amendments to Schedule A of the Town's Corporate Delegation by Council of Powers and Duties Policy POL.COR.07.04 as outlined in Attachment 1 to Staff Report PDS.24.057;

AND THAT Council approve the attached by-law to amend By-law 2021-61 being a By-law detailing certain Delegation of Powers and Duties by the municipality as it relates to delegations to the Director of Planning and Development Services;

AND THAT Council direct staff to provide the by-law to Council for enactment at the April 15, 2024 Council Meeting

B. Overview

This report is in response to a resolution passed at the Council meeting on March 11th 2024 regarding proposed amendments to By-law 2021-61 being a By-law detailing certain Delegation of Powers and Duties by the municipality as it relates to delegations to the Director of Planning and Development Services.

C. Background

At the March 11th 2024 Council meeting, the following resolution was passed in response to Staff Report PDS.24.030::

THAT Council receive Staff Report PDS.24.030, entitled "Amendments to Delegated Authority for Consent Applications";

AND THAT Council in support of Option #1, being "Restrict the authority of staff to approve consents to applications that are 'uncontested' and for those that are 'contested', refer to the Committee of Adjustment for approval", and to direct staff to

work with the Committee of Adjustment to bring forward an administrative standard to support objective decision making for uncontested applications and provide Council with an Administrative Standard policy prior to actioning the delegation to staff;

AND THAT the Administrative Standards, addresses:

- 1. The protection, preservation and enhanced provincially designated watercourses, wetlands, woodlands and hazard lands, including legislated setback;*
- 2. Objective criteria for to determine an uncontested consent application*
- 3. A decision pathway for a contested application to proceed to the Committee of Adjustment*
- 4. How uncontested decisions will be made available to the public*

In response to the above motion, staff are proposing that the administrative process for consent applications under Section 53 of the Planning Act proceed as follows:

Uncontested Consents

- i. Pre-consultation meeting with Applicant and Town staff (if required)
- ii. If a concurrent application for Minor Variance is received staff would refer the application to Committee of Adjustment.
- iii. Submission of application package. Once determined to be complete, Notice in accordance with the Planning Act, requesting the provision of comments, would be circulated to neighbours and agencies (similar to the existing process).
- iv. Notice would identify a date that a decision would be made on the application by staff. If the application is contested the objector and those circulated with notice will be advised that a decision with respect to the application will be made by the Committee of Adjustment.
- v. As there is no requirement under the Planning Act to hold a public meeting for Consent applications, upon receipt of the comments, Planning staff would provide a report to the Director of Planning and Development Services or their designate and a decision would be rendered.
- vi. Decisions would include all conditions requested by commenting agencies (e.g. a road widening requirement, financial obligations etc..)
- vii. An applicant will have the right to appeal a staff decision on an uncontested application to the Committee of Adjustment which will be heard at the next scheduled meeting.
- viii. Notice of the decision will appear on the Town website under News and Notices and received as correspondence at the following Council meeting. Depending on the scope of the application it may also be listed under Planning and Development Projects.

Contested Consents

- i. A file would be deemed to be contested if a concern from a member of the public or commenting agency is received that cannot be addressed or satisfied by a condition of provisional consent.
- ii. Any disagreements pertaining to which conditions should be imposed would result in the referral of the application to the Committee of Adjustment for their consideration.

- iii. Notice of the decision will appear on the Town website under News and Notices and received as correspondence at the following Council meeting. Depending on the scope of the application it may also be listed under Planning and Development Projects.

At the March 20th 2024 Committee of Adjustment (COA) meeting, staff discussed at a high-level the proposed approach. The principal concern from Committee of Adjustment members was a perceived lack of transparency and public process associated with the delegation of authority. Following the discussion, the Committee of Adjustment passed a motion noting that:

THAT the Committee of Adjustments would be pleased to accept the delegation from Council of the Town of The Blue Mountains to consider Consent Applications as part of the Committee of Adjustment’s role in the Town, in order to expediate matters on behalf of the Town.

D. Analysis

Staff are confident that the proposed administrative framework and amendments to delegated authority regarding consent applications balance the need for efficiency with accountability and transparency. The administrative process described above satisfies the four components of the Council resolution as outlined in the chart below:

Administrative Standard Request	Staff Response
<p>1. The protection, preservation and enhanced provincially designated watercourses, wetlands, woodlands and hazard lands, including legislated setback;</p>	<p>Conservation authorities, the Niagara Escarpment Commission and Grey County will continue to be circulated as external commenting agencies in delegating consent approvals to staff. If any agency noted concerns with these features being negatively impacted, staff would proceed in the same manner as the current practice and not recommend approval.</p> <p>In the instance to which an application was contested by the agency, it would proceed to the COA for approval.</p> <p>Overall, the proposed approach will not negatively impact the regulation of sensitive environmental features.</p>
<p>2. Objective criteria for to determine an uncontested consent application</p>	<p>Uncontested is defined in the by-law as being: No concerns or objections have been received by the Town, public agency, company or member of the public that have not been resolved between the objector and the</p>

	applicant or cannot be addressed or satisfied by a condition of provisional consent.
3. A decision pathway for a contested application to proceed to the Committee of Adjustment	Upon receipt of an objection to an application or proposed condition of the consent, the matter will be referred to the next scheduled COA meeting.
4. How uncontested decisions will be made available to the public	Notice of the decision will appear on the Town website under News and Notices and received as correspondence at the following Council meeting. Depending on the scope of the application it may also be listed under Planning and Development Projects.

In response to the motion by the COA expressing a willingness to review consent applications, staff do not have concerns with this approach if Council wishes to proceed in that direction. It was previously posed as an option in PDS.24.030 with the following considerations:

Delegating consent approval authority to the Town’s Committee of Adjustment (COA) would revert to the previous practice at the municipality. Proceeding in this direction will not offer the same efficiencies relative to staff delegated authority, however, will be an improvement over the status quo. Only one COA meeting is required to review a consent application and for a decision to be made.

Despite the motion by the COA, staff believe the hybrid approach of having ‘uncontested’ consents be delegated to staff with contested applications proceeding to the COA, as the most optimal from an efficiency perspective. To support COA involvement, staff added a new piece to the administrative standard based on dialogue with the Committee. If an applicant was in disagreement of a staff decision, they may choose to appeal the decision to the COA.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

F. Environmental Impacts

There are no environmental impacts associated with this report.

G. Financial Impacts

There are no financial impacts associated with this report.

H. In Consultation With

Corrina Giles, Town Clerk

Carter Triana, Intermediate Planner

Shawn Postma, Manager of Community Planning

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Adam Smith, directorplanningdevelopment@thebluemountains.ca

J. Attached

1. Proposed Amendment to Schedule A of the Town's Corporate Delegation by Council of Powers and Duties Policy POL.COR.07.04
2. Proposed amendment to By-law 2021-61 being a By-law detailing certain Delegation of Powers and Duties by the municipality as it relates to delegations to the Director of Planning and Development Services;

Respectfully submitted,

Adam Smith
Director of Planning & Development Services

For more information, please contact:
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