



**CITY OF KINGSTON
REPORT TO PLANNING COMMITTEE**

Report No.: PC-10-003

TO: Chair and Members of Planning Committee

FROM: Cynthia Beach
Commissioner, Sustainability and Growth

RESOURCE STAFF: George Wallace
Director, Planning and Development Department

DATE OF MEETING: 2009-12-03

SUBJECT: DELEGATION OF AUTHORITY TO STAFF FOR ALL
UNCONTESTED CONSENT APPLICATIONS

EXECUTIVE SUMMARY:

On September 18, 2008 Planning Committee received Report No. PC-08-079. One of the purposes of that report was to examine and provide a recommendation respecting the delegation of consent granting authority to staff for all "uncontested" consent applications where there was no associated minor variance application. The report noted that the previous delegation of approval authority to Staff for "uncontested" technical consents had been very effective, both in terms of reducing the time required for processing an application and in terms of achieving some internal efficiencies. The report also noted that the administrative savings in time and effort had been offset to a certain extent by having to establish and track an individual time line for each delegated authority application.

Report No. PC-08-079 indicated that Staff was supportive of streamlining the decision making process and enhance customer service.

The discussion at the September 18, 2008 Planning Committee meeting respecting additional delegation of authority to staff identified some concerns related to the need for further clarification between "contested" and "uncontested" applications. The need for enhancing the requirements for public notice for delegated applications and the need for a public meeting to discuss the further delegation of approval authority was raised. As a result, the following motion was passed:

"THAT the motion of Councillors Glover and Hector as amended to expand the delegation of approval authority to include all "uncontested" consent applications for a one year trial period with a report to be brought back to the Planning Committee in 14 months be DEFERRED and REFERRED to staff for further consideration."

Staff has had the opportunity to further consider the matter of additional delegation of authority for all "uncontested" consents from a number of perspectives. The new combined Committee of Adjustment has been operating since April of this year. With the expertise and experience of the current members, the new Committee has assumed the responsibility of the workload for the two previous Panels in a seamless fashion and is efficiently conducting business. Given the policies of the City's Adopted Official Plan, it is expected that there may be a reduction in the number of consent applications for the creation of new lots. While there is an expectation that there would be a reduced timeframe for processing applications under a further delegation of

authority, there is a concern from a workload perspective given the need to establish and track an individual time line for each delegated authority application.

Therefore, based on these further considerations/discussions, it is the recommendation of Staff that **NO ACTION** be taken on the request for further delegation of approval authority to staff for all "uncontested" consent applications.

RECOMMENDATION:

THAT it be recommended to Council that **NO ACTION** be taken on the request for further delegation of approval authority to staff for all "uncontested" consent applications.

AUTHORIZING SIGNATURES:

<p>ORIGINAL SIGNED BY COMMISSIONER Cynthia Beach, P.Eng., MCIP, RPP, Commissioner, Sustainability and Growth</p>
<p>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer</p>

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Commissioner Beach, <i>Sustainability & Growth</i>	N/R
Commissioner Thurston, <i>Community Development Services</i>	N/R
Commissioner Leger, <i>Corporate Services</i>	N/R
Jim Keech, President, <i>Utilities Kingston</i>	N/R

(N/R indicates consultation not required)

OPTIONS/DISCUSSION:**Background:**

In 2006, various options respecting the Committee of Adjustment were investigated as outlined in a report presented to Planning Committee on August 17, 2006 (Report No. PC-06-070). The recommended approach was intended to achieve internal efficiencies and process streamlining, thereby allowing Staff to better manage its workload. The recommended and adopted approach had the following two components:

- Delegation to Staff of approval authority for "uncontested" technical consents only. It was the opinion of Staff that this approach would achieve some efficiencies, result in a decreased time frame for the approval of these routine consent applications, and provide an opportunity to establish the process and determine the efficiencies that could be achieved before considering whether or not to seek a broader delegation of authority; and
- Rearranged the schedule for Committee of Adjustment meetings so that both Panels met in the same week, rather than having separate meetings approximately two weeks apart. This resulted in single deadlines for the submission of applications, submission of technical comments, submission of reports, circulation of notices, etc. and thereby eliminated much of the overlap in the process, duplication of effort, and conflicting priorities associated with the administration of two separate Committee of Adjustment Panels.

At that time, Council directed that Staff prepare a further report to Planning Committee after these new initiatives had been in place for a year to assess the effectiveness of the revised process, to examine the feasibility of expanding the delegation of consent granting authority to Staff to include all "uncontested" consent applications, and to examine the feasibility of combining the Urban and Rural Panels of the Committee of Adjustment into a single body to consider all applications.

On September 18, 2008 Planning Committee received Report No. PC-08-079 that addressed the foregoing matters, including examining and providing a recommendation respecting the delegation of consent granting authority to staff for all "uncontested" consent applications where there was no associated minor variance application. The report noted that the previous delegation of approval authority to Staff for "uncontested" technical consents had been very effective, both in terms of reducing the time required for processing an application and in terms of achieving some internal efficiencies. The report also noted that the administrative savings in time and effort had been offset to a certain extent by having to establish and track an individual time line for each delegated authority application. The report indicated that Staff was supportive of the anticipated benefits that could result from expanding delegated authority to Staff to include all "uncontested" consents in order to further streamline the decision making process and enhance customer service.

The report recommendation regarding the additional delegation of authority was initially amended to read as follows:

"THAT it be recommended to Planning Committee that the delegation of approval authority to Staff be expanded to include all "uncontested" consent applications for a one year trial period with a report to be brought back to the Planning Committee in 14 months in order to further streamline the decision making process and enhance customer service and that Section 11 of By-Law No. 2006-75, "A By-Law To Delegate Various Planning Approvals To Staff And To Adopt Certain Procedures For The Processing Of Planning Applications Subject To Delegated Authority" be amended in accordance with Exhibit B to this report".

The discussion at the September 18, 2008 Planning Committee meeting respecting the matter of additional delegation of authority to staff identified some concerns related to the need for further clarification between "contested" and "uncontested" applications, enhancing the requirements for public notice for delegated applications and the need for a public meeting to discuss the further delegation of approval authority. As a result, the following motion was passed:

"THAT the motion of Councillors Glover and Hector as amended to expand the delegation of approval authority to include all "uncontested" consent applications for a one year trial period with a report to be brought back to the Planning Committee in 14 months be DEFERRED and REFERRED to staff for further consideration."

Discussion:

Staff has had the opportunity to further consider the matter of additional delegation of authority for all “uncontested” consents from a number of perspectives. Firstly, the new combined Committee of Adjustment has been operating since April of this year. With the expertise and experience of the current members, the new Committee has assumed the responsibility of the workload for the two previous Panels in a seamless fashion. Although the workload of the Committee has remained steady, the meetings have been conducted very efficiently while respecting the requirements of the legislation and the input of all participants. With the amalgamation of the two Committee Panels, the additional delegation of approval authority to Staff was viewed as a means of reducing the Committee’s workload and ensuring that the length of the meetings was not excessive. To date, this does not appear to be a problem, with most meetings lasting three hours or less.

The following chart provides a summary of the consent applications processed under delegated authority since 2007.

YEAR	No. of Delegated Consent Applications	% of Total Consent Applications
2007	18	22.2%
2008	10	29.4%
2009	26	44.0%

As shown in the foregoing table, the number of delegated authority applications, as a percentage of the total consent applications submitted to the Committee of Adjustment during the years 2007-2009, has been steadily increasing. Given the policies of the City’s Adopted Official Plan, it is expected that there may be a reduction in the number of consent applications for the creation of new lots. This could have an impact on both Committee and staff workloads, but at this point it is not possible to determine whether or not that will actually be the case. As such, delegated authority applications may continue to represent a significant proportion of submitted consent applications in any given year.

For the majority of the delegated authority technical consent applications processed to date, there was a time savings of a minimum of three weeks in the overall process. There is an expectation that there would be a similar reduced timeframe for processing other applications should the delegation of authority to staff be expanded. However, there is a concern from an existing workload perspective should additional delegated approval authority for all “uncontested” consents be pursued at this time. As noted earlier in the report, there is a need to establish and track an individual time line for each delegated authority application. In discussing this matter with Committee of Adjustment Staff, given current workloads and the number of delegated authority applications being processed, there is a concern that the net positive effects achieved to date for the applicants could be compromised if additional approval authority was delegated to staff.

Therefore, based on these further considerations/discussions, it is the recommendation of Staff, at this time, that **NO ACTION** be taken on the request for further delegation of approval authority to staff for all “uncontested” consent applications.

EXISTING POLICY/BY LAW:**The Planning Act,**

Section 54 (5), Re: Consents:

“(5) **Delegation, single-tier municipalities.** – The Council of a single-tier municipality authorized to give a consent under section 53 may by By-Law delegate the authority of the Council under section 53 or any part of that authority to a Committee of Council, to an appointed officer identified in the By-Law by name or position occupied, to a municipal planning authority or to the Committee of Adjustment.”

Section 11 of **By-Law No. 2006-75** (Comprehensive Delegation of Authority By-Law) contains the provisions respecting the delegation of consent granting authority to Staff for “uncontested” Technical Consents.

NOTICE PROVISIONS:

There are no notice requirements.

ACCESSIBILITY CONSIDERATIONS:

There are no accessibility considerations to be considered as part of this Report.

FINANCIAL CONSIDERATIONS:

There are no financial considerations to be considered as part of this Report.

CONTACTS:

Further information with respect to the contents of this Report can be obtained by contacting:

- George Wallace, Director, Planning & Development Department (613-546-4291, extension 3252);
- Marnie Venditti, Manager, Development Approvals, (613-546-4291, extension 3256);
- Ted Stratford, Secretary-Treasurer, Committee of Adjustment (613-546-4291, extension 3274).

OTHER CITY OF KINGSTON STAFF CONSULTED:

None

EXHIBITS ATTACHED:

There are no Exhibits attached to this Report.