A. Recommendations

THAT Council receive Staff Report PDS.20.77, entitled “Refined Roles and Composition of Various Committees - Committee of Adjustment, Property Standards Committee & Development Review Committee”;

AND THAT Council endorses Option XX regarding Council representation on the Development Review Committee as an observer.

AND THAT Council endorses Option XX regarding the Committee of Adjustment acting as the Property Standards Committee.

AND THAT Council endorses Option XX regarding the size and composition of the Committee of Adjustment for the Town of The Blue Mountains and directs staff to consider same in the proposed Budget 2021;

AND THAT any changes to the size and composition of the Committee of Adjustment shall be implemented following approval of Budget 2021;

AND THAT staff be directed to create and/or draft amendments to the necessary bylaws to implement the Options selected by Council.

B. Overview

This report provides review and recommendations regarding increasing the number of members of the Development Review Committee and the Committee of Adjustment to include members of Council in response to Council resolution of May 19, 2020 and June 15, 2020, respectively. It also considers assigning the role of the Property Standards Committee to the Committee of Adjustment.
C. Executive Summary

The Council of the Town of The Blue Mountains by resolution dated May 19, 2020, directed Staff to review and provide recommendations on including members of Council on the Town’s Development Review Committee.

The Council of the Town of The Blue Mountains by resolution dated June 15, 2020, directed Staff, in part, to review and provide recommendations on increasing the number of Committee of Adjustment to five (5), including one member of Council. Recent discussions at Council have also suggested that Staff consider whether the Committee of Adjustment could be assigned the additional role to sit as the Property Standards Committee.

D. Background

The Town’s Development Review Committee (DRC) are staff members (but includes associates representing outside agencies and bodies) that provide comments related to certain land-use planning applications submitted to the Town. The Development Review Committee is a descendant of what was once called the Technical Review Committee.

The Committee of Adjustment was created by the Council of the Town of The Blue Mountains through the enactment of By-law 2004-67 in August 2004. Since its creation, the Committee of Adjustment has been granted delegated authority to make the decisions on the following matters:

- Applications for minor variances and legal non-conforming uses under Section 45(1) and 45(2) of the Planning Act, RSO 1990, c P.13, as amended;
- Applications for Consent under Section 53 of the Planning Act, RSO 1990, c P.13, as amended;
- Variance to Municipal Sign By-law 2016-71, as amended; and
- Variance to Municipal Fence By-law 2003-14, as amended.

As outlined in By-law 2004-67, the Committee of Adjustment is to be comprised of three (3) members, as appointed by Council. By Resolution dated June 15, 2020, Council directed staff to review the potential to increase the number of Committee of Adjustment members from three (3) to five (5), including the ability to include a member of Council as a sitting member of the Committee of Adjustment.

The Property Standards Committee meets if a property owner disagrees with a Property Standards Order that is issued on a property. The Committee’s current composition is three members of Council and is comprise of the following:

- Deputy Mayor Rob Potter
- Councillor Jim Uram
- Councillor Paula Hope (Mayor Alar Soever, alternate)
The Property Standards Committee is resourced by Town Bylaw staff. It is important to note that the roles and responsibilities of the Town’s Sign Bylaw Review Committee (also supported by Town Bylaw staff) has been already assigned to the current Committee of Adjustment.

E. Analysis

Development Review Committee

Unlike a “Committee of Adjustment” or a “Land Division Committee” which are defined by the Planning Act and are constituted and derive authority by provincial statute, the Development Review Committee is not a legislative body. Likewise, the Development Review Committee (DRC) is not a “standing committee” requiring an appointment from Council.

The purpose of the DRC is to undertake staff-level technical review of certain land-use planning applications submitted to the Town. Specifically, the DRC reviews development related matters including the following: 1) Pre-Consultation applications, 2) Site Plan Approval applications or 3) Draft Plan of Subdivision applications. Given the nature of the applications involved general oversight of the DRC rests with the Planning & Development Services (PDS) department and is coordinated by Planning Services staff.

DRC is an administrative group consisting mainly of Town staff members. Each staff member are experts in their field and represent a specific municipal department or division. The DRC has “associate” members who are circulated applications. Examples of such associate members include the County of Grey Planning Division and other outside agencies/bodies (ex. Conservation Authority, Niagara Escarpment Commission) and utility companies (ex. Enbridge Gas).

The DRC meetings are regularly scheduled (once per month). The schedule is posted online and intake period deadlines are also known to the public. This ensures predictability for both staff schedules and for applicants to be assured that their matter will be reviewed in a timely manner if information is provided. The Development Review Committee meetings are not “Public Meetings“ within the meaning of the Planning Act. At a DRC meeting the applicant (and their representatives) are given the opportunity to review and discuss comments received from the Town’s circulation of their application. It is a meeting meant to encourage discussion, problem solving and consensus building. The meeting is casual and is chaired by the Manager of Community Planning and/or the Director.

Should Council choose to assign member(s) of Council to be attend the Town’s DRC the following principals ought to be considered;

1. DRC staff members and associates are providing comments as technical experts in their field. While Council representation on the DRC is a good opportunity for member(s) of Council to become more involved and aware of the technical review process, the DRC meetings are run in an efficient manner. Councilors attending DRC are not be expected to provide comments, nor should they provide comment (written or verbal) contrary to expert opinion. If the attending Council representative has any questions or follow-up
comments before or after a DRC item is considered, these should be directed to the Director of Planning & Development Services outside of the meeting so such they can be addressed in the appropriate manner and by the correct professionals.

2. Councillors attending DRC are doing so in the capacity of “observers” for Council. They do not speak on the behalf of Council or Council direction.

3. The Councillors appointed to DRC, the number of Councillors and their term will need to be determined by the Council. Staff recommend that the Chair of the Planning & Development Services section of Committee of the Whole could be a logical Council appointment to the Development Review Committee, with the Mayor or another Councillor appointed at the alternate.

4. Councillors are to report back to Council as a whole regarding DRC meetings in a frequency and manner as deemed appropriate by Council.

OPTIONS for Consideration

Option A1 – Assign one member of Council to sit on the Development Review Committee as the Council Observer. While it may assign any member of Council, selection of the Chair of the Planning & Development Services Section of Committee of the Whole may assist in ensuring the Chair is more integrated into the Town’s review of development applications.

Option A2 – Assign two members of Council to sit on the Development Review Committee as the Council Observers. Council may assign any members of Council.

Option A3 – Maintain Development Review Committee composition as status quo, being comprised of Town technical staff and other staff from “associate” entities. Direct staff to prepare regular monthly updates on the applications received by Town, the status of the applications, and any approvals granted under delegated authority. Should any member of Council have any questions regarding any of the information circulated, each individual staff member may reach out to the Planning & Development Services department to obtain the information or clarification that is required.

Property Standards Committee

The Property Standards Committee convenes when a property owner disagrees with a Property Standards Order issued under the Town’s Property Standards Bylaw. It is currently comprised of three (3) Council members. It is supported by Bylaw staff from the Legal Services Department. If Council opts to transfer the roles and responsibilities of the Property Standards Committee to the members of the Committee of Adjustment, Bylaw staff would continue to support the committee. However, it is important to note that with an expanded role, the Committee of Adjustment’s workload could increase, depending on the number of matters it hears sitting as the Committee of Adjustment (under the Planning Act), the Sign Bylaw Review Committee (under the Municipal Act) or the Property Standards Committee.

Members of the current Committee of Adjustment have previously inquired about an increase in committee member remuneration. Through its June 15, 2020 resolution, Council directed staff to consider the request through the Budget 2021 process. The added workload and an
increase in committee of adjustment membership from three members to five members (As discussed below) will require additional budget funds to cover operating expenses. As directed previously, these details will be provided through the Budget 2021 process after Council has given direction on the size and scope of roles/responsibilities of the Committee of Adjustment.

OPTIONS for Consideration

Option B1 – Retain status quo. Property Standards Committee maintains it’s current membership and structure.

Option B2 – Assign the roles and responsibilities of the Property Standards Committee to the Committee of Adjustment.

Option B3 – Re-establish a new Property Standards Committee with a different and/or expanded structure as determined by Council (i.e. mixed membership of Council and local citizens)

Committee of Adjustment

Section 44 of the Planning Act, RSO 1990, c P.13, as amended, allows a council of a municipality by by-law to constitute and appoint a committee of adjustment. Section 44 allows a municipal council to appoint such persons as council considers advisable. The Planning Act does not impose a maximum number of committee members, however, does require that a Committee of Adjustment be composed of a minimum of three (3) persons.

In accordance with Section 44(3), members of a municipal council may be appointed to the Committee of Adjustment, however, the term of office is limited to a one-year period. Members of the Committee of Adjustment who are members of Council must be appointed on an annual basis. Members of the Committee of Adjustment who are not members of Council shall hold office for the term of the Council that appointed them. In accordance with Section 44(4), members of the Committee of Adjustment may be re-appointed to additional terms of office.

Section 44(5) of the Planning Act, RSO 1990, c P.13, sets out the requirements for quorum. Specifically, where a Committee is comprised of three (3) members a minimum of two members constitute quorum. Where a committee is comprised of more than three (3) members, three members constitute quorum.

In review of the policies of the Planning Act, Council has the authority to appoint a member or members of Council to the Committee of Adjustment and also has the authority to increase the number of members as considered advisable. Should Council deem it appropriate to include a member of Council to the Committee of Adjustment, Council will be required to re-appoint the member on an annual basis.

OPTIONS for Consideration
Option C1 – Increase the size of the Committee of Adjustment to a total of five (5) members, including one Council member and one additional local citizen.

Option C2 – Increase the size of the Committee of Adjustment to a total of five (5) members, including two Council members.

Option C3 – Retain the existing size of the Committee of Adjustment to three (3) members for the current term of Council.

F. The Blue Mountains Strategic Plan

Goal #2: Engage Our Communities & Partners
Objective #1 Improve External Communication with our Constituents

Goal #4: Promote a Culture of Organizational & Operational Excellence
Objective #2 Improve Internal Communications Across our Organization
Objective #3 To Consistently Deliver Excellent Customer Service

G. Environmental Impacts

No direct environmental impacts are anticipated as a result of this report.

H. Financial Impact

The Committee of Adjustment remuneration policy is to be reviewed as a part of the 2021 Municipal Budget as a result of a widened scope of approval authority having been delegated to the Committee by Council. Increasing the number of members and delegating the duties of the Property Standards Committee to the Committee of Adjustment will require an increase in the operating budget.

I. In consultation with

Travis Sandberg, Planner 1 & Secretary/Treasurer Committee of Adjustment

Trevor Houghton, Manager of Community Planning

Will Thomson, Director of Legal Services

Corrina Giles, Town Clerk

J. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Comments regarding this report should be submitted to directorplanningdevelopment@thebluemountains.ca
K. Attached

1. Attachment 1 – Development Review Committee Terms of Reference - DRAFT

Respectfully submitted,

_________________________________________
Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
Nathan Westendorp
directorplanningdevelopment@thebluemountains.ca
519-599-3131 extension 246
TERMS OF REFERENCE
The Town of the Blue Mountains
Development Review Committee

1. Purpose

The DRC reviews development related matters including the following:

1) Pre-Consultation applications
2) Site Plan Approval applications
3) Draft Plan of Subdivision/Condominium applications
4) Zoning Bylaw Amendment applications that require technical comment(s)
5) Official Plan Amendment applications that require technical comment(s)

2. Roles and Responsibilities

The purpose of the Development Review Committee (hereafter DRC) is to undertake staff-level technical review of land-use planning applications submitted to the Town.

The DRC focus is to guide applicants through the Town’s development process culminating with land-use planning applications that achieve the stated goals, objectives and standards of the municipality outlined in the Official Plan as well as other applicable policies, standards and bylaws. Such applications would then be ready for Site Plan Approval (as delegated to the Director of Planning and Development Services), or a staff report to Council recommending Draft Plan Approval (i.e. plan of subdivision).

The DRC is not a legislative body constituted under the auspices of the Planning Act, nor is it a “standing committee” of the Council. The DRC is an administrative group consisting mainly of Town staff members. It also includes “associate” members and, subject to Council discretion, it may include members of Council acting as “Observers”.

Given the nature of the applications involved, general oversight of the DRC rests with the Planning & Development Services department and will be coordinated by Planning Services staff.

3. Membership

As noted above the DRC shall consist mainly of Town staff members. Each staff member is an expert in their field and represent a specific municipal department or division. Members attend as regularly as possible as needed depending on the nature of applications being considered at each meeting. The Town Departments below have staff who are considered members;

- Planning and Development Services
- Finance and I.T. Services
- Operations
- Community Services
- Fire Services
- Administration
The DRC has “associate” members (or partners) who are also circulated applications. These include the upper-tier municipality (County of Grey, Planning Division) and outside agencies/bodies and utility companies. The “associate” members may be experts in their field and/or represent the specific interest of their agency, body or utility provider at a DRC meeting. These DRC associate members/partners are the following:

- County of Grey (Planning Services)
- Historic Saugeen Métis
- Grey Sauble Conservation Authority
- Nottawasaga Valley Conservation Authority
- Technical Standards and Safety Authority
- Canada Post
- Ontario Ministry of Transportation
- Rogers
- Bell Canada
- Hydro One
- Ontario Power Generation
- Enbridge (formerly Union Gas)
- EPCOR
- Ontario Provincial Police
- Grey Bruce Health Unit
- Bluewater District School Board
- Bruce-Grey Catholic District School Board
- Saint-Dominique-Savio Catholic Elementary School
- Niagara Escarpment Commission
- Department of Fisheries & Oceans (Canada)
- Minister of Environment and Climate Change Canada

Should Council choose to assign a member(s) of Council to the DRC the following principles for a Council “Representative” apply;

- Representatives are not expected to provide comments, nor should they provide comment (written or verbal) contrary to expert opinion offered at DRC meetings. Representatives that have any questions or comments (before or after a DRC item is considered) should direct them to the Director of Planning & Development Services (and outside of the DRC meeting) so they can be addressed in the appropriate manner and by the correct expert.
- Representatives attending DRC meetings do so in the capacity of observers for Council. It is acknowledged that they do not speak on the behalf of Council or give Council direction.
- The Councillors appointed to DRC as Representatives, and the length of their terms, shall be determined by Council.
- Representatives are to report back to Council as a whole regarding DRC meetings in a frequency and manner as deemed appropriate by the Council.
4. Meetings

DRC meetings are regularly scheduled (once per month) or at the special call of the Director of Planning and Development Services. The annual DRC schedule for the following year be created by the Planning & Development Services department management team no later than November 15 of the preceding year and will be posted online for public consumption. The DRC schedule will include intake period deadlines, will take into consideration statutory holidays and will generally be designed to provide enough time for circulated members to submit written comments. Written comments are strongly encouraged over sole verbal comments for accountability purposes. However, written comments may be addressed verbally at a DRC meeting.

A DRC meeting is not a “Public Meeting” within the meaning of the Planning Act. As such those invited to attend a DRC meeting are;

- The municipal staff identified in Section 3 above (and their direct reports/representatives)
- The associate members/partners identified in Section 3 above (and their direct reports/representatives)
- A Council Representative as may be provided for per Section 3 above
- The applicant and their agent/representatives

At a DRC meeting the applicant (and their agent/representatives) shall attend and will be given an opportunity to review and discuss comments received from circulation of their application. DRC meetings will be held at the Town Hall (Council Chambers) or electronically if circumstances dictate so.

A DRC meeting is meant to encourage respectful discussion, problem solving and consensus building. The DRC meeting will be chaired by the Manager of Community Planning and/or the Director of Planning and Development Services.

5. Amendment, Modification or Variation

This Term of Reference may be amended, varied or modified by the Director of Planning & Development Services in consultation and upon mutual agreement with the Chief Administrative Officer and the Mayor.