Minute No. 219
Report – Executive Policy Committee – February 16, 2022

Item No. 8 Delegation of Authority for the consideration of 'C' Conditional Use and Variance Applications

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee, as amended, and adopted the following:

1. That the Development Procedures By-law No. 104/2020 be amended to allow for the temporary delegated authority to the Director of Planning, Property and Development to consider and make decisions on 'C' conditional use and 'C' variance development applications, by resolution of Council.

2. That upon the approval of the amendment to the Development Procedures By-law No. 104/2020, the Director of Planning, Property and Development be delegated the authority to consider and make decisions on 'C' conditional use and 'C' variance development applications until December 31, 2022.

3. That the Director of Planning, Property and Development be directed to notify the area Councillor when an application is received and when decision is made under the above noted delegation of authority, so that they are aware of the decision and the relevant appeal timelines.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – February 16, 2022

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,
That the recommendation of the Executive Policy Committee be adopted.

In amendment,
Moved by Councillor Mayes,
Seconded by Councillor Orlikow,

BE IT RESOLVED that Recommendation 3 of Item 8 of the Report of the Executive Policy Committee be deleted and replaced with the following:

3. That the Director of Planning, Property and Development be directed to notify the area Councillor when an application is received and when decision is made under the above noted delegation of authority, so that they are aware of the decision and the relevant appeal timelines.

The motion for the adoption of the amendment was put and declared carried.

The motion for the adoption of the item, as amended, was put and declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 2022, the Executive Policy Committee passed the following motion:

WHEREAS in April 2020 City Council delegated the authority to the Director of Planning, Property and Development to consider and make decisions on "C" conditional use and variance applications which would otherwise be considered by the Board of Adjustment;

AND WHEREAS the delegation of authority was made in response to the COVID-19 pandemic in order to limit the number of meetings which have to occur in the Council Chamber;

AND WHEREAS on October 28, 2021, City Council changed that delegation of authority from the Director to the relevant community committee;

AND WHEREAS the Planning, Property and Development Department has advised that applications referred to community committee take approximately 60-90 days for consideration as opposed to an average of 34 days when considered by the Director;

Report – Executive Policy Committee – February 16, 2022

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

AND WHEREAS it is estimated that the delegation of authority to community committees will result in an average of 5 additional public hearings per committee, per month, adding more time to what are already lengthy meetings;

AND WHEREAS continuing the delegation of authority to the Director of Planning, Property and Development to consider and approve "C" conditional use and variance applications will lead to faster decision-making while maintaining the right for applicants or residents to appeal these decisions to the Appeals Committee;

AND WHEREAS the Appeals Committee is comprised of elected City Councillors who hear appeals on a rotational basis.

THEREFORE BE IT RESOLVED:

1. That the Development Procedures By-law No. 104/2020 be amended to allow for the temporary delegated authority to the Director of Planning, Property and Development to consider and make decisions on 'C' conditional use and 'C' variance development applications, by resolution of Council.

2. That upon the approval of the amendment to the Development Procedures By-law No. 104/2020, the Director of Planning, Property and Development be delegated the authority to consider and make decisions on 'C' conditional use and 'C' variance development applications until December 31, 2022.

3. That the Director of Planning, Property and Development be directed to notify the area Councillor at the time a decision is made under the above noted delegation of authority, so that they are aware of the decision and the relevant appeal timelines.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

and submitted the matter to Council.