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To: Mayor and Council

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RE: Committee of Adjustment & Planning Advisory Committee
Composition

Report No.: PDS 2018-059

AIM

To provide Council with information on possible restructuring of both the Committee of Adjustment and Planning Advisory Committee

BACKGROUND

After amalgamation, Planning Advisory Committees (PAC) across Ontario Towns and Municipalities declined significantly in numbers. Today most Essex County communities do not have PACs. PACs in general were intended to provide a citizen based direction or opinion to Council on significant planning matters. The intended purpose of Kingsville's PAC was to provide a more specific and focused public meeting forum for addressing development proposals which were occupying a significant amount of time at regular Council meetings. This was in turn impacting on the balance of the agenda.

Committees of Adjustments have played a much larger role in the planning process for a much longer time. Their membership composition according to the Planning Act can be made up of 100% Council members or 100% lay people. Typically based on discussion at recent OACA events most Committees in communities similar in size to Kingsville consist of lay people only.

DISCUSSION

Planning Advisory Committee (PAC)

Council has likely noticed that the volume of applications that have been presented to PAC has decreased over the last couple of years. Currently the PAC Terms of Reference

outlines that the use of PAC is up to the discretion of the Manager of Planning Services. The need for an application to be presented to PAC, I believe, is related to how an application is processed. When the Committee was first established applications often moved forward with several requirements outstanding or were made conditions of approval. As local and provincial policy has changed and as the public has looked for greater clarity and certainty prior to a final decision being made, the majority of applications now require a significantly larger percentage of the background work to be completed, reviewed and signed off on. This includes storm water management, traffic impact and improvement, environmental reviews, lighting details, landscaping, odour control, servicing capacity etc. This means that staffs goal for any given application is to provide Council with a much more complete picture prior to the application moving forward for consideration.

In addition applications that have been considered significant in nature have been directed to have an open house prior to any formal meeting with either PAC or Council, This format is intended to provide a more informal, interactive, informative exercise that leads the applicant to develop a much better final product with public ownership. When this process works it produces positive results and provides Council with less negative feedback at the official public meeting. If this process does not work PAC is not the solution, the applicant returning to the drawing board is.

The PAC membership is not at fault for the outcome of a planning application. This is up to individual applicants to provide all of the necessary information and background work to allow Council to make an informed decision without multiple sources of direction.

An additional factor to take into consideration in moving forward is the current membership structure. PAC membership should be limited to lay people only. There is a very strong potential for conflict of interest to occur if Council members continue to serve as PAC members. The principle focus in the terms of reference for PAC outlines that PAC is to provide direction to Council. How does PAC provide unbiased direction to Council if two of its members are Council members? How does the public differentiate between lobbying their Council member(s) and speaking with PAC? Unlike many other committees of Council there must be a clear distinction. At present the optics are blurred. Additional public membership provides a structure that creates a better interaction with ratepayers.

Committee of Adjustment

Similar to PAC there is also potential for conflict of interest with the Committee of Adjustment membership i.e. having two Council members, one of who is the chairperson. This was highlighted with the reconsideration of a consent decision by the Committee in 2015. Council can direct the Committee to reconsider a decision and this again has unclear optics and could put those members in an uncomfortable position.

In May and again in October of 2018 both the Town Planner and Manager of Planning Services attended OACA events. OACA members in attendance were unofficially polled on their Committee membership and most communities of a size similar to Kingsville did not have Council members as part of their Committee of Adjustment.

Similar to PAC the current make-up of the Committee may not have been a concern at the start. However, the importance of a clear separation between Council and other approval authorities has become more critical in order to avoid even the perception of a conflict of interest. Lastly, it has also been observed that ratepayers do not necessarily make the distinction between Council member and Committee member.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

If PAC were discontinued, there would be some limited reduction in the total Committee honorarium required however, there would be need for some additional training for the restructured Committee of Adjustment that would likely offset that initial savings the first year.

CONSULTATIONS

CAO and Director of Corporate Services

RECOMMENDATION

It is recommended that Council:

Discontinue the Planning Advisory Committee for 2019;

Modified the membership of the Committee of Adjustment to include lay people only, and

Consider utilizing any interested PAC members to replace open positions on the Committee of Adjustment.

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