



COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT

Monday, May 03, 2021

Subject: Requirements to Implement Pre-Application Public Meetings

Recommendation:

BE IT RESOLVED THAT Council receive Report #2021-0081 Requirements to Implement Pre-Application Public Meetings for information;

AND THAT Council direct staff to undertake the process for the preparation, review and adoption of an Official Plan Amendment to require pre-application public meetings;

AND That Council support the referral of hiring one full or part-time Planner (subject to further analysis) for inclusion in the 2022 budget to support the additional after hours work.

Background:

On February 1st, 2021 Council received Report 2021-0027 that provided an overview of the City of Burlington's pre-application public consultation process. Following that, on February 16th, 2020, Council passed a further motion directing Staff continue to analyze implementing a similar protocol as the City of Burlington's public participation process for development applications and report back to Council before the end of May 2021. As indicated in Report 2021-0027, implementing a Pre-Application Community Meeting Protocol similar to the City of Burlington, will require staff resources, venues (such as Council Chambers, library, MCC, etc), a policy amendment to the Town Official Plan given that the pre-application public meeting has no legislative authority. Furthermore, Town Staff currently participate in a number of evening meetings, therefore the introduction of new processes and meetings which will also be after-hours will have significant implications on workload and staff resources.

Analysis:

Currently, the Town of Pelham does not have a formal process for a pre-application public meeting, although Town staff do encourage proponents to meet with and

discuss their proposals with neighbours and the surrounding community prior to submitting an application. Some proponents have done this in the past including the developer of the former Fonthill lumber yard, the developer for the proposed apartment building on Pancake Lane and the developer proposing consents on 3 Hurricane Road. In order to implement a formal requirement for a pre-application public meeting, the Town will need an Official Plan Amendment to develop a policy basis to require pre-application public meeting since there is no statutory authority or basis for requiring such under the *Planning Act*.

The requirement of holding a pre-application public meeting could thereafter be noted during pre-consultation meetings which are held for certain types of development applications under the *Planning Act*. Pre-consultation meetings with proponents are held with Town and agency staff to inform proponents of the information and studies that are required to be submitted with an application in order for an application to be considered complete. It would then be noted that a pre-application public meeting is required prior to submission of an application and included in the submission the proponent is required to describe how they addressed the public input received.

Similar to the City of Burlington model, it is suggested that the pre-application public meeting would apply to significant development projects that require Official Plan amendment applications, Zoning By-law amendment applications, Plan of Subdivision applications, and for consent applications for infill development in established residential neighbourhoods. The requirement for a pre-application public meeting would not apply to minor variance applications, site plan applications or minor zoning by-law amendment application or consents that do not impact on established neighbourhoods.

The pre-application public meeting is to be held at the applicant's expense including costs of display materials, handouts, mailing and venue rental if required. The Town will provide the applicant with names/addresses of property owners within the prescribed distance of the subject lands depending on the application type.

In conjunction with the expenses, the applicant's responsibilities include:

In-person Meetings

- Locating and securing a venue.
- Prepare a formal presentation.
- Provide audio visual equipment for the formal presentation.
- Prepare and print copies of drawings, charts illustrating proposed changes, renderings, air photos and other display materials useful to illustrate the proposed development.
- Comment sheets and contact information.

Zoom Meetings

- Applicant to acquire a zoom account and be responsible for the set up and management of the Zoom meetings.
- Prepare a formal presentation.

Council is advised that the requirements for the pre-application public meeting may have implications on smaller individual development proposals that are not necessarily proposed by a corporate developer or builder, but rather are proposed by an individual property owner. The Town does receive a number of applications for development undertaken by property owner themselves, for example, the rezoning of 1084 Quaker Road. There may be a financial burden on the applicant to secure the venue or alternatively acquire audio/visual devices and technology for virtual meetings, and prepare all of the materials for the meeting.

Town Staff Responsibilities

The Town will create the list of mailing addresses for property owners and residents in the notification area, based on the regulatory circulation distance for the type of application.

Town staff will attend the pre-application public meeting to provide background information on the application process, identify opportunities for public input, and provide a general description of the existing policies and zoning regulations of the site and a high-level description of the amendments that may be required. This will require that staff prepare a specific presentation for each meeting in accordance with the proposed development. Staff will be required to attend these meetings to aid in facilitating any questions that pertain specifically to the Town's policies and regulations. These meetings are expected to run anywhere from 1 to 2 hours in the evening and it is anticipated that Staff would be expected to attend at least 12 of these meetings yearly (with this number steadily increasing over the years).

Town Staff currently participate in a number of after hour meetings, therefore the introduction of new processes and meetings will have implications on work load and staff resources. It is noted that Council does not budget resources for staff overtime, so when staff participate in meetings after hours or do work after hours to keep up with the workload, staff either flex their time or take time off in lieu of being paid overtime to a maximum of 70 hours (2 weeks). This results in staff being physically less available during working hours and this in turn has further implications on work programs and staff's ability to do their work in a timely manner and meet statutory deadlines. The reality is that staff often do not record the overtime work they perform, because there just is not flexibility to flex time or take time off in lieu and still get the work done and the amount of overtime frankly exceeds 70 hours. This is a serious workload issue for the Town.

If Council intends that Town staff should be responsible to mail out the notices of pre-application public meeting as per the City of Burlington model, then this will require some additional staff resources associated with preparing the mail out material. Further, if Council intends that proponents would be able to utilize the Town Zoom account as per the City of Burlington model, then additional IT and staff resources would also be required to manage the Zoom meetings.

Alternatives:

The alternative is to maintain the status quo and staff continue to encourage proponents of development proposals to consult with the public in advance of submission of an application to obtain feedback and input on the proposal.

Conclusion:

Should Council choose to move forward with implementing a pre-application public meeting process, staff will need to prepare an Official Plan amendment and go through the process of seeking input on the proposed amendment by circulating it to agencies and stakeholders, holding a statutory public meeting and receiving public input on the proposal followed by a recommendation report to Council. This process will take approximately 4-5 months to complete.

With regards to staffing resources, Planning staff are currently working to maximum capacity and currently are challenged with meeting timelines for review and processing of development applications. The volume of development applications has increased over the past number of years and applications have become much more complex requiring more time to undertake fulsome reviews and reports. While the Department has added a Policy Planner to the staffing complement to undertake the much needed policy work of the Town, there has been no increase in staff resources devoted to doing development planning review. Adding additional responsibilities will impact on staff resources and given the work that staff currently is unable to undertake during normal business hours, there simply is not staff capacity available to take on additional work at this time. Therefore, if Council is to proceed with implementing the introduction of a pre-application public meeting process it is recommended that Council also endorse the creation of one additional employee (staff will provide future analysis to address the question of full-time versus part-time status) to not only address the additional work associated with the introduction of this new process, but to also alleviate the existing work pressures that current Planning staff have in meeting their work obligations. This additional staff complement would be included in the 2022 budget.

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