

Development Approvals Process Review

Town of Newmarket
Committee of the Whole
June 19, 2023

Sajecki →
Planning

Purpose

To review the Town of Newmarket's Development Approval Process and Fees to identify opportunities to improve efficiency and effectiveness in development review, respond to Bill 109 changes, and ensure the Town is charging appropriate application fees.

Note: Although this project includes a fee review, the current report outlines approach and recommendations coming out of Phase 1, focusing on development approval processes and workflows. Recommendations on Phase 2, focusing on fees associated with development approval, will be the subject of a separate report and presentation.

Legislative Context (“the Challenge”)

- 1. Bill 108 reduced review timelines beyond which an applicant can appeal a non-decision on an application.

Application Type	Pre-Bill 139	Bill 139	Bill 108	Bill 109
Official Plan Amendment	180 days	210 days	120 days	120 days
Zoning By-law Amendment	120 days	150 days	90 days	90 days
Plan of Subdivision	180 days	180 days	120 days	120 days
Site Plan Application	30 days	30 days	30 days	60 days

Legislative Context (“the Challenge”)

- 2. Bill 109 introduced a refunding mechanism whereby a municipality is required to return all or part of paid application fees if it is unable to make a decision (or approve in the specific case of site plan control applications) within the legislated timelines.

Application Type	No Refund	50% Refund	75% Refund	100% Refund
Official Plan Amendment	Decision made within 120 days	Decision made within 121 and 179 days	Decision made within 180 and 239 days	Decision made 240 days or later
Zoning By-law Amendment	Decision made within 90 days	Decision made within 91 and 149 days	Decision made within 150 and 209 days	Decision made 210 days or later
Site Plan Application	Approval granted within 60 days	Approval granted within 61 and 89 days	Approval granted within 90 and 119 days	Approval granted 120 days or later

Legislative Context (“the Challenge”)

3. Bill 23 downloaded review responsibilities to local municipalities by changing the jurisdiction of Regional municipalities (including York Region) and conservation authorities (include Lake Simcoe Conservation Authority).

Legislative Context (“the Challenge”)

- 4. York Region has developed the Collaborative Application Preparation process to standardize elements of the Development Approval Process across its 9 local municipalities.



Source: Data Standardization within York Region - Collaborative Strategies for Modernizing Local Municipality Development Application Processing (McCauley & Moyle | January 2023)

Study Objectives



Document As-Is Processes



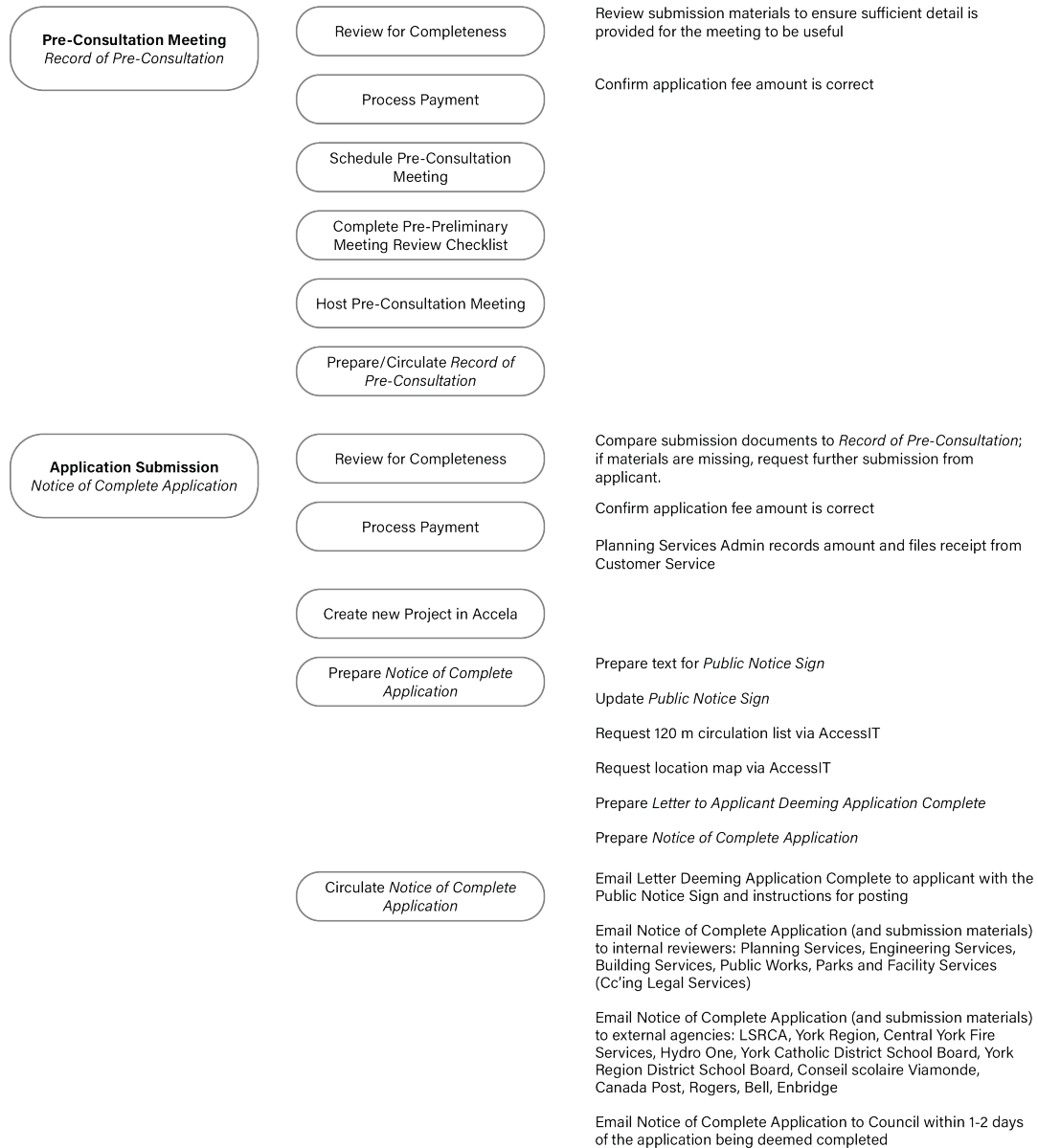
Identify As-Should-Be Processes



Develop Recommendations

“As-Is” Process

Process flowcharts for official plan amendment, zoning by-law amendment, plan of subdivision, plan of condominium, site plan, consent, and minor variance applications



“As-Should-Be” Process

- Interviews with internal staff and external agencies
- Written survey of one-time and repeat applicants from the last 5 years
- In-person workshop and follow-up meetings with senior management staff
- Jurisdictional scan including interviews with Cities of Mississauga and Guelph and Town of Milton staff

Approach

- Interviews with internal staff and external agencies
- Written survey of one-time and repeat applicants from the last 5 years
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- Jurisdictional scan including interviews with Cities of Mississauga and Guelph and Town of Milton staff

- 14 interviews with 27 internal staff across 10 departments
- 4 interviews with external agencies
- Questions relating to,
 - Approval timelines;
 - General experience of the development approval process;
 - Timeliness of review by staff/Council/external agencies;
 - Appropriateness of public consultation (where required);
 - Working relationship with staff/external agencies;
 - Sources of delay; and
 - Suggested improvements to the existing process.

Approach

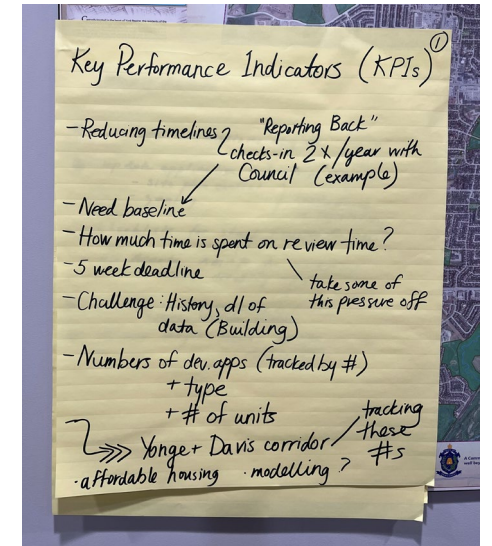
- Interviews with internal staff and external agencies
- **Written survey of one-time and repeat applicants from the last 5 years**
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- **2 one-time applicants**
 - 1 Zoning by-law amendment
 - 1 Detailed design review for a previously received draft subdivision approval
- **7 repeat applicants**
 - 2 Official plan amendment
 - 4 Zoning by-law amendment
 - 6 Site plan approval
 - 3 Plan of subdivision
- **Questions relating to,**
 - Approval timelines;
 - General experience of the development approval process;
 - Timeliness of review by staff/Council/external agencies;
 - Appropriateness of public consultation (where required);
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Approach

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- Half-day workshop with management staff from Planning Services, Building Services, and Legal Services
- Discussed and identified priorities within preliminary recommendations



Approach

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- **Jurisdictional scan including interviews with Cities of Mississauga and Guelph and Town of Milton staff**

- Two municipalities similar in size; one larger municipality for comparison/context for future growth
- Of note, the Town of Milton was identified by the Building Industry and Land Development Association (BILD) as having the shortest approval timelines in its 2022 Municipal Benchmarking Study



Short-Term Goals (<6 months)	<i>Recommendation C.1: Formally document and review roles and responsibilities to ensure work is completed by staff most appropriate for the task.*</i>	<i>Recommendation A.2: Align engineering reviewers geographically, mirroring the NW/SE division for Planning Services.</i>	<i>Recommendation D.1: Follow through with implementation of Accela with eventual online application submission and tracking.*</i>	<i>Recommendation C.3: Explore opportunities to relegate requirements to conditions of approval.</i>	<i>Recommendation D.3: Identify and purchase software that supports the technical review of application submission materials.†</i>	<i>Recommendation E.3: Update agreement templates.†</i>	<i>Recommendation A.7: Continue to foster a 'yes' attitude when working with applicants.*</i>	<i>Recommendation E.4: Develop key performance indicators and an annual DAP performance scorecard.*</i>
Medium-Term Goals (6-12 months)	<i>Recommendation B.1: Conduct a cost-benefit analysis on hiring additional staff compared to retaining external consultants.*</i> (<6 months)	<i>Recommendation B.2: Consider creating new positions to meet identified gaps in review responsibilities.</i>	<i>Recommendation B.3: Consider hiring additional staff where roles are filled by a single individual to prevent bottlenecking during peak times and during absences. †</i>	<i>Recommendation C.4: Establish a regular timing and schedule for internal and external meetings, particularly around key application milestones.†</i>	<i>Recommendation A.3: Expand delegation of approval authority to include minor zoning by-law amendments, including temporary use by-laws and the removal of holding symbols.</i>	<i>Recommendation A.4: Exempt the creation or expansion of parking lots from site plan review and have their engineering reviewed under the Site Alteration By-law.</i>	<i>Recommendation A.5: Define streams of site plan review with limited circulation for less complex or controversial applications.</i>	
Long-Term Goals (>12 months)	<i>Recommendation A.1: Consider a departmental restructuring locating Engineering and Planning under the same Commissioner OR a committee to oversee complex Site Plan Review.</i>	<i>Recommendation A.6: Explore the possibility of eliminating site plan agreements, at least for express site plan applications.</i>	<i>Recommendation E.1: Develop standard operating procedures, including vacation and transition protocols.‡</i>	<i>Recommendation E.2: Prepare public-facing flowcharts and guides for the public's reference.‡</i>				



Thank you

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**Sajecki→
Planning**

The CAP Mantra

**Investing time up front with collaborative engagement
including clear and concise direction**

= Quality Submissions

= Faster Processing Times

OPA & ZBA

"Old" Approach



The "CAP" Approach



Target Timeframes are intended to be negotiated (TBN) with the Applicant on a case by case basis.
Timeframes identified are aspirational and very much depend on the "minor" or "major" nature of the project.

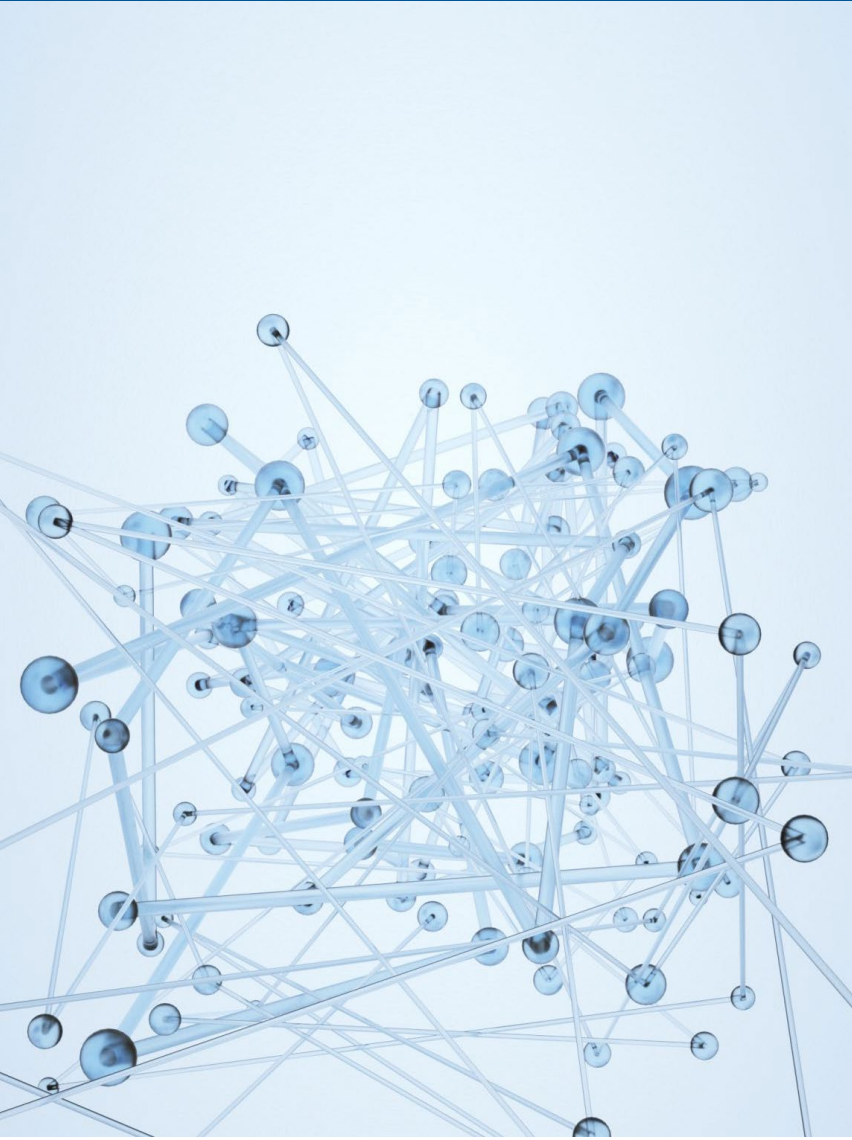
Negotiated Timeframes

Target Timeframes	2 to 3 weeks 3 to 6 weeks	4 to 6 weeks TBN	Up to 1 week Up to 2 weeks	60 Days for Site Plan ZBA - 90 Days, OPA & ZBA/OPA - 120 Days
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Target Timeframes are intended to be negotiated (TBN) with the Applicant on a case by case basis.
Timeframes identified are aspirational and very much depend on the "minor" or "major" nature of the project.

- Setting deadlines and timeframes is an essential part of CAP
- Sets CAP apart from other exercises unfolding across the province
- Will go a long way towards getting your Applicants to collaborate with you
- Timeframes need to be negotiated –your constraints and capacity need to be taken into consideration –tailored for every project
- Workload balancing/Systems to manage and track are required

Assumptions



Assumes success -modelled after positive application process experience

Assumes trust can be established between all parties

Assumes quality submissions

Assumes the emphasis on investing time and effort up front, incorporated within Building Permit process, will work for CAP

The Minimum Viable Product (MVP) concept is built in

Caveats

CAP is the base for each municipality to build on

CAP is not a “silver bullet” –some projects and applicants “wont fit”

CAP is not “tweaking”. CAP is intended to be transformationally different

CAP as it stands is not finalized and needs to be put to the test –including retraining to some extent



What we are asking for today?



1. Council approval for delegation for removal of the Hold and Temporary Use By-laws
2. Council endorsement of CAP and remaining DAP recommendations

Next Steps

1. Bring forward the Pre-Consultation By-law to implement CAP
2. Creation of change management / implementation plan
3. Hemson Report presented in the fall
4. Return for approval of additional resources as needed



Questions/Discussion