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Item No. 11.1.2

Halifax Regional Council
February 12, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Dan English".

Dan English, Chief Administrative Officer

A handwritten signature in black ink, appearing to read "Wayne Anstey".

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: February 1, 2008

SUBJECT: Planning Application Processing Times

ORIGIN

The information contained in this report on planning process times is required for HRM's Business Planning purposes and the annual review of HRM's Economic Strategy. Also, Council has expressed interest in this matter.

Council adopted revised Economic Strategy benchmarking criteria including five Canadian cities for comparisons on January 8, 2008.

RECOMMENDATION

It is recommended that Regional Council direct staff to investigate opportunities to further reduce processing timelines for planning applications. This review will include the roles and timeliness of Committees' and Council's review.

EXECUTIVE SUMMARY

A review of HRM processing times for applications for change in land use regulations, combined with surveys and interviews with staff in other Canadian municipalities indicate HRM can, and should, decrease processing times for applications by approximately 30 percent. This would reduce the average number of months required for a plan amendment to about 9 months and the time required for a rezoning to about 6 months and for a development agreement to 8 months. To achieve the targets, staff have outlined a number of actions including administrative, policy, and political.

The data collected from other Canadian cities focussed on their processing targets not actual processing times as this information was not readily available.

The proposed processing targets for HRM can be achieved substantially through revisions to regulations adding greater clarity, especially in downtown Halifax, imposing information requirements on applicants more strictly, and ongoing staff development.

The Committee and Council review process takes a minimum of 3-5 months. This is in addition to staff's review process which varies depending on the complexity of the application. Adding special meetings of Community Councils to deal with applications may also be required. Council should also consider, further to a subsequent staff report, the nature and number of applications forwarded to standing committees.

BACKGROUND

HRM's regional Economic Strategy identifies, as a priority, benchmarking approval times to five benchmarked cities and to reduce approval times where possible. Each year Halifax Chamber of Commerce holds a "State of the Economy" event in February to report on progress made in meeting the priority actions and other aspects of the Economic Strategy.

To assist the Chamber in preparing its 2006 "State of the Economy" report, Community Development produced an information report (dated January 18, 2007) on Planning approval process times in order to evaluate these against the Economic Strategy. Since last year's report, HRM staff have been reviewing the key planning process statistics on a regular basis as part of its ongoing Business Plan process and began benchmarking our processes to other cities across Canada. Staff have also collected and updated planning processing data in order to determine the impact of recent improvements within Planning Services.

The Planning Approval Process

HRM processes various types of planning applications such as Regional and Municipal Plan Amendments, Land Use By-law Amendments and Rezoning, and Development Agreements.

Attachment A contains an overview of each application type and a general overview of the standard requirements for each.

Each type of application ranges in complexity, legislative requirements, as well as the scope of public participation. Applications are generated by several different sources, such as an applicant (a developer), directive of Council, or an initiation by staff. The decision as to whether an application is approved or not rests with Regional Council or Community Council according to its authority under the Province of Nova Scotia Municipal Government Act (MGA).

DISCUSSION

In the January 18, 2007 Information Report, staff presented planning application processing data for the time period between July 2003 and August 2006. This information is referred to as the “Base Processing Data” and will be used to evaluate future processing time frames.

HRM Processing Timelines/Targets:

Staff have collected and reviewed planning application processing data for the time period between September 2006 to August 2007. The table below compares the new data to the base processing data which indicates that processing times are improving for all types of applications.

HRM Processing Times

	HRM Base Processing Data (July 2003 to August 2006)	September 1, 2006 to August 31, 2007
Type of Application	Avg # of Months to Process Applications	Avg # of Months to Process Applications
Municipal Planning Strategy (MPS) Amendment	15	9
Site Specific MPS Amendment & Development Agreement	14	10.5
Development Agreement	10	8
Rezoning	8.5	7
Zone Amendments	8	5.5

NOTE: **ALL** data includes planning applications still in progress during the specified time period

In last year's report, staff proposed timeline targets for processing planning applications in response to changes being made within Planning Services. The data indicates that staff are making positive strides towards HRM's proposed timeline targets.

Benchmarking:

To determine how HRM compares to other cities, Planning Services attempted to benchmark planning approval processing timelines to comparable jurisdictions across Canada. The cities used for comparison were adopted by Council on January 8, 2008 and are St. John's; Quebec City, London, Regina, and Victoria. Due to the lack of readily available data on actual processing timelines in the benchmarked cities, staff were only able to collect information on processing targets. Therefore, Council needs to understand that the benchmarking presented in this report does not represent a direct comparison but still represents a reasonable guide for comparison. The results indicate that HRM processing times, on average, are longer than the processing targets reported by other cities.

The processing targets for the benchmarked cities cannot be easily compared to HRM's standards due to planning processes varying from city to city. To truly compare HRM's processing times to other cities two important factors must be kept in mind. The first is the complexity of the application which includes the size or impact a development may have on a community and some applications spark unusually high levels of controversy. As a result, complex applications within other Canadian cities do not always achieve their desired processing targets, including those cities with legislative time frames.

The approval processes used by other municipalities varies across Canada thus making it difficult to compare HRM's processes with others. Some key differences are:

- i) Public Consultation: Most cities have some form of public consultation. However, the degree of consultation varies significantly from city to city. In no case did staff find that another city conducted more broad based public consultation than HRM which has a public information meeting for all planning applications. It should be noted that not all pre-amalgamation municipalities followed this practice but it has become HRM's standard since amalgamation.
- ii) Development Agreements: HRM uses the development agreement process more than most cities across Canada which requires more consultation and negotiation time than other processes. In Ontario and Western Canada development agreements are utilized very little or not at all. In one eastern city, development agreements are prepared after Council approves the use and this additional negotiation period is not included within their processing times.
- iii) Meetings: Within the benchmarked cities the number and frequency of meetings (such as meetings of Standing Committees or Council) are important factors in whether or not the cities meet their processing targets. In some cities, the number of meetings, i.e., Councils and

Committees, required to review an application are less than in HRM. In others, the number of required meetings is similar or higher but the frequency of scheduled meetings is greater allowing for more timely review. In HRM, Community Councils which review the majority of development applications meet once a month and the majority of Committees also only meet once a month.

- vi) Transparency of the Application Process: All planning applications within HRM are subject to some form of public consultation as required under provincial legislation (Municipal Government Act). However, in other provinces public consultation is not required for all planning applications. In one Canadian city, plan amendment applications are first discussed only between staff and the applicant. When staff are able to support the application, it proceeds to Council for public hearing without any previous public input.

Benchmark Results:

Of the various types of planning application processes used in other Canadian cities, two processes (Plan Amendments and Rezoning) were used for comparison purposes. Table 1 contained within Attachment B shows that the target timeframes used in the five benchmarking cities are considerably shorter than those used in HRM. However, for complex cases the actual timeframes are substantially longer than their average as shown on Table 2 in Attachment B.

Plan Amendments

The information obtained by HRM through surveys and interviews with the benchmark communities and other Canadian cities, indicate that the average time frame for a plan amendment is in the 4 to 6 month range although complex cases may take up to 12 months in certain cities. In HRM, between July 2003 and August 2006, the average timeframe for a plan amendment was 15 months but that figure dropped to approximately 11 months for the time period between September 2006 to August 2007. Staff believe a reasonable target for 2008 would be about 10 months with further reductions in subsequent years.

Zoning Changes

For rezonings, the benchmark cities indicate their average timeframes are 4-6 months, but again, these can be considerable longer for complex cases. In HRM, the average timeframe for a rezoning was 8.5 months between 2003 and 2006 but was reduced to 7 months between September 2006 and August 2007. Staff believe a reasonable target for a rezoning should be approximately 6 months.

Actions for Reducing Processing Timelines:

Staff recognize that processing times for planning applications need to improve. In order to reduce

processing timelines, changes need to occur at both the administrative, policy, and political levels.

Administrative Actions:

Staff have already taken actions to reduce processing times and these include:

- Hiring five additional professional planners to reduce average case load;
- Hired on-site supervisors to facilitate decision making, particularly with more complex cases;
- Established a pre-application process to educate applicants on information requirements;
- Initiated series of in-house staff development training sessions; and
- Initiated ongoing discussions with development industry representatives.

In addition to the above action, Planning Services have begun two important administrative changes:

i) Complete Applications:

Interviews conducted with staff in various Canadian municipalities, including the benchmarked cities, lead staff to conclude that other jurisdictions impose information requirements on applicants significantly more strictly than HRM. Our staff have assisted developers by analysing partial submissions while waiting for additional information. To streamline the process for those applicants who do provide all required information with their application, HRM staff will now advise applicants with incomplete information that their application cannot be processed. If the applicant insists on proceeding then a recommendation to reject the application will be forwarded promptly to the appropriate Council committee. Discussions with the Halifax area Urban Development Institute and the local Development Liaison group indicate that the local development industry would agree that HRM should require more strict compliance with information requirements also.

The importance of complete applications was evident when HRM changed its as-of-right permit and subdivisions requirements. If either application was incomplete, the application was sent back to the applicant and the case was not opened or processed until the application was complete. As a result, processing times for both permits and subdivisions dropped significantly (eg. processing of single unit dwelling permits was reduced from 3 weeks to to a consistent turn around time of less than 5 business days).

ii) Backlog of Planning Cases:

Due to the lack of planners in recent years, applications have not been processed in a reasonable amount of time which has resulted in a backlog of planning cases. With the addition of five new planners assigned to planning applications, staff has focused on processing the backlog of outstanding applications. Upon eliminating the backlog of cases, the workload of each planner will be reduced and

we expect that processing times will also be reduced.

Policy Actions:

Regional Council has initiated two major policy actions which staff are actively working on:

i) HRM by Design:

Without doubt, the most significant step we can take, and the one which appears to be most eagerly anticipated by the development industry and the public is to establish new rules for development in the Halifax Central Business District. The “HRM by Design” project will provide greater clarity in policy on developments in the Halifax Central Business District and also propose a revised regulatory framework. Staff will have the HRM by Design project to Council in the summer of 2008.

ii) Community Visioning and Master Plans:

Community Visioning and Master Plans exercises are underway and those of the future will result in greater clarity in land use policy and regulation in the growth centres identified in the Regional Plan. As with the “HRM by Design” project, this may also result in fewer projects requiring Council’s approval prior to proceeding. In the immediate future, staff resources will need to be allocated to the new visioning exercises this year plus staff are also working on the implementation of the existing action plans generated by the original visioning exercises.

Political Actions:

To reduce processing timelines, political action is required and can occur in three ways:

i) Committee/Council Schedules

The degree of impact administrative actions can have on processing timelines is limited as staff are unable to streamline processes without direction from Council to review the amount of time required for Committee and Council processing. HRM’s current planning process consists of a number of steps an application must follow such as public information meetings, standing committees (such as Planning Advisory Committees, Watershed Advisory Boards, and Heritage Advisory Boards) and Council (either Community and/or Regional Council). Staff recommend that Council review its planning processes in order to streamline the processes with the goal to reduce timelines.

For example the Committee and Council process takes approximately 3 to 5 months depending on the process. The amount of time is in addition to any time required for staff review and processing. Therefore, without changes to the political and committee processes, HRM target timelines will be generally longer than those in the benchmarked cities. Changes to these processes require approval by Council.

ii) New Planning Tools

The Provincial government has a role in improving processing timelines. HRM has requested changes to the Municipal Government Act such as a revised site plan approval process which will, if approved, provide a new planning tool and regulatory process that can be used to streamline HRM's processes.

iii) Appeal Process

The length of time added to planning approval processes by appeals to the Nova Scotia Utility and Review Board is an area of concern. Although appeals of Council decisions represent a relatively minor number (5%) relative to the total number of all cases considered, they tend to be high profile cases and are very time consuming and affect overall workloads and the ability to move forward with other applications.

With most of HRM's appeals occurring with development proposed within the Regional Centre, the "HRM by Design" project should reduce the number of appeals in this area. The project is attempting to provide greater clarity by removing ambiguous policy for developments and introducing a revised regulatory framework.

New Planning Processing Targets

Staff believe reduced processing times can be achieved over the next 2 years. The following targets are proposed:

Type of Application	HRM Planning Processing Targets (Months)	Avg. Of Benchmarked Cities
Development Agreements	8	4-6
Municipal Planning Strategy Amendments	10	4-6
MPS Amendment plus Development Agreement	11	n/a
Rezoning	6	4-6
Land Use By-law Amendments	6	n/a

Note: HRM processing targets are based solely upon initiating the Administrative actions outlined in this report. If Council wishes to establish processing targets closer to the benchmarked cities, Council approval would be required to initiate policy and political changes as indicated in this report.

BUDGET IMPLICATIONS

There are no budget implications associated with this report. All items listed under future directions requiring new staff have been previously budgeted.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN


This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

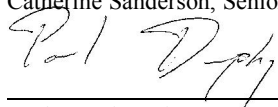
ATTACHMENTS

Attachment A: Types of Planning Applications
Attachment B: Benchmarking - Other Canadian Cities

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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**Attachment A
Types of Planning Applications**

Plan Amendments:

Amendments to the Municipal or Secondary Planning Strategies are not routine undertakings and Council is under no obligation to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change in circumstances since the MPS was adopted or where circumstances are significantly different from the situations that the Plan anticipated. Site specific MPS amendments and policy reviews should generally only be considered where circumstances related to policies of an MPS have changed significantly. The MPS amendments, along with the by-law amendments necessary to implement the MPS amendments, are under the jurisdiction of Regional Council.

The standard requirements for Plan Amendments are:

- C compliance with the Public Participation Program as approved by Council in February 1997;
- C review by applicable internal and external agencies;
- C review and recommendation by applicable Boards and Committees (i.e. Water and Heritage Advisory Boards and Planning Advisory Committees);
- C review and recommendation by applicable Community Council; and
- C Public Hearing by Regional Council.

Land Use By-law Amendments & Rezoning:

Land Use By-law Amendments & Rezoning are applications which may be considered by Council where enabling policy exists within the applicable Municipal or Secondary Planning Strategy. The standard requirements for Land Use By-law Amendments & Rezoning are:

- C a Public Information Meeting;
- C review by applicable internal and external agencies;
- C preparation of a staff report;
- C review and recommendation by applicable Boards and Committees (i.e. Water and Heritage Advisory Boards and Planning Advisory Committees); and
- C Public Hearing by Community Council.

Development Agreements:

Development Agreements are applications which may be considered by Council where specific enabling policy exists within the applicable Municipal or Secondary Planning Strategy.

The standard requirements for Development Agreements are:

- C a Public Information Meeting;
- C review by applicable internal and external agencies;
- C negotiation of the development agreement and preparation of a staff report;
- C review and recommendation by applicable Boards and Committees (i.e. Water and

C Heritage Advisory Boards and Planning Advisory Committees); and
Public Hearing by Community Council.

There are a range of Development Agreement applications. Several development agreement which have been processed in the past four years are agreements for large tracts of land known as Comprehensive Development Districts. In several of these instances, the establishment of a Public Participation Committee is required and a considerable amount of time can be dedicated to the Committee reviewing the proposed application.

Attachment B
Benchmarking - Other Canadian Cities

Table 1: Target Time Frames

Type of Application	Victoria	Regina	London	Quebec City	St. John's	Average
Municipal Planning Strategy Amendments	6 - 8	6	4	4 - 6	4	4 - 6
Rezoning	6 - 8	4 - 6	4	6	4	4 - 6
Development Agreements (DA)	not used	not used	4 *	6	7	4 - 6

NOTE: All figures are in months

* London uses another type of discretionary approval