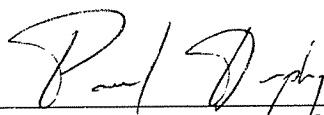




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Halifax Regional Council
February 13, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: January 18, 2007

SUBJECT: Permits and Planning Application Processing Times

INFORMATION REPORT

ORIGIN

The information contained in this report on permit and 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.

BACKGROUND

HRM's regional economic strategy identifies, as a priority action, to benchmark tax levels and permit and approval times to comparable and competing jurisdictions and to undertake actions to streamline processes where appropriate. The Halifax Chamber of Commerce will be holding 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. Therefore the Chamber, has requested information on Planning permit and approval process times in order to evaluate these against the Economic Strategy. HRM staff will review the statistics presented here on a regular basis as part of its ongoing Business Plan process and will also provide updates to Regional Council.

DISCUSSION

The Permitting Process:

HRM processes permits for various types of activities including new construction and renovations for single unit dwellings, residential accessory buildings as well as multiple unit residential, commercial, industrial and institutional buildings. These permitting processes apply where the land use activity meets the requirements of the Municipal Planning Strategy, Land Use By-law and Subdivision By-law. Permits are issued following a staff review and there is no decision required of HRM Council.

The Planning Approval Process

HRM also processes applications for change in the land use regulations applying to properties. The decision as to whether a change will be adopted rests with Regional Council or Community Council according to its authority under the Province of Nova Scotia Municipal Government Act (MGA). The Act legislates steps which must be followed prior to a change being considered by Council.

The type of applications typically processed are, Regional and Municipal Plan Amendments, Land Use By-law Amendments and Rezoning, and Development Agreements. 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.

In 1997, Regional Council adopted a public participation program to deal with plan amendments. This includes holding a public meeting. In 1996/97, Planning Services expanded the requirement to hold a Public Information Meeting (PIM) to all areas of HRM for all other types of planning applications. Previously, PIMs were held in the former City of Dartmouth and the former Town of Bedford.

The following is an overview of each application type and a general overview of the standard requirements for each:

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:

1. compliance with the Public Participation Program as approved by Council in February 1997;
2. review by applicable internal and external agencies;
3. review and recommendation by applicable Boards and Committees (i.e. Water and Heritage Advisory Boards and Planning Advisory Committees);
4. review and recommendation by applicable Community Council; and
5. 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:

6. a Public Information Meeting;
7. review by applicable internal and external agencies;
8. preparation of a staff report;
9. review and recommendation by applicable Boards and Committees (i.e. Water and Heritage Advisory Boards and Planning Advisory Committees); and
10. 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:

11. a Public Information Meeting;
12. review by applicable internal and external agencies;
13. negotiation of the development agreement and preparation of a staff report;
14. review and recommendation by applicable Boards and Committees (i.e. Water and Heritage Advisory Boards and Planning Advisory Committees); and
15. 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.

Permitting Times

Over the past several years, HRM has made great strides in improving the response times to as-of-right development applications. Initially the focus was on the highest volume of activity, Low Density Residential construction. In partnership with industry and other approval agencies (the Development Liaison Group) new processes and application requirements were established, reducing processing times from as high as three weeks to a maximum of five days. This success

was accomplished by the implementation of new software to support the permitting process. The new software further streamlined internal processes and communication as well as provided better mechanisms to measure processing times.

Most recently (2003) the Complete Application Package for larger more complex projects was implemented. These projects include commercial, industrial, institutional and apartment buildings. This process includes the opportunity for “pre-application” meetings where approval’s staff meet with the developer and their consultants at the early stages of design. The inclusion of approval authorities at this early stage of design drastically reduces the need for re-iteration of costly design changes and re-submission for review and approval. HRM has made a commitment of ten day response to those who utilize this Complete Application Package Process. Not all developers choose to use this process, however those that do are very satisfied with the results.

The following statistics from 2006 represent the average time it took for HRM to respond to Permit Applications for the various construction types listed. This includes all “as-of-right” activities as well as those that had previously gone through a Planning Approval Process, prior to making a Permit Application.

HRM 2006 As-of-Right Application Review Performance Statistics	
Construction Type	Avg. Time to Respond to the Application
Low Density Residential *	2.5 Business Days
New Multi-unit Residential **	9.4 Business Days
New Commercial	9.1 Business Days
New Industrial	8.4 Business Days
New Institutional	4.7 Business Days
Commercial Renovation	9.4 Business Days

* Includes new construction and renovations to Singles, Semis, three, and four unit residential buildings as well as all residential accessory buildings, decks, pools, etc.

** Includes all New Multi-unit Residential buildings of 5 units or more.

Planning Approval Process

Planning Services initiated a case project number system in 1998 for cases involving change to land use regulations and since that time staff have processed approximately 840 cases. The information presented here is based on analysis of approximately 300 planning application cases processed by HRM staff between July 2003 and August 2006.

The chart included as Attachment "A" represents the average processing times for the various types of planning applications calculated from the application date through to the Council decision date.

A summary of time frames is as follows:

Type of Application	Number of Months
Development Agreements	10
Municipal Planning Strategy (MPS) Amendments	15
MPS Amendment and Development Agreement	14
Rezoning	8.5
Land Use By-law Amendments	8

Future Direction

HRM has initiated a number of steps to reduce processing times for planning approvals:

1. Community Development has recently hired new supervisory personnel to ensure timely management direction to Planners handling cases.
2. The Department is in the process of hiring additional Planners. Some Planners currently carry more than 20 active case files and fewer than 10 is considered a more reasonable case load.
3. In 2003, a pre-application process was established to assist applicants understand the information requirements needed for effective application processing. Feedback on this step has been generally quite positive although some pre-applications have taken longer than the 30-day target set by staff. Last fall, the development industry offered constructive feedback on the program and the necessary improvements are in the process of being implemented.
4. Over the next year, a new tracking and processing program will be implemented for planning applications using the Hansen Land Management System. This will automate our legacy manual system and provide a better tool for staff and management to track and adjust workflow as necessary.
5. HRM staff will be more strictly enforcing requirements for submitting a completed application so less staff time is consumed reviewing inadequate information.

With these improvements in place, staff believe that more acceptable time frames for processing planning applications are as follows:

Type of Application	Number of Months
Development Agreements	8
Municipal Planning Strategy Amendments	14
MPS Amendment and Development Agreement	14
Rezoning	6
Land Use By-law Amendments	6

Limiting Factors

Although lengthy time frames may be addressed by streamlining processes and hiring additional staff, there are many factors that may come into play and be beyond the control of the corporation. Some applications spark unusually high levels of controversy and additional public participation is required to determine if reasonable compromise is possible. In many of the cases handled by HRM, applicants submit revised plans during the process which requires reconsideration of the proposed development by various staff and agencies.

One area of concern raised by the development industry is the length of time added to planning approval processes by appeals to the Utility and Review Board. Although appeals of Council decisions represent a relatively minor number relative to the total number of all cases considered, they are very time consuming for HRM staff and affect overall workloads and the ability to move forward with other applications. During the past three years, 16 appeals were filed with the URAB, about 5 percent of 300 the cases completed. Five of these appeals were withdrawn by the appellant, one is deferred at the request of the appellant and one was dismissed by the Board. Council's decision was upheld in two cases and overturned in two cases. The rest of the appeals are still in process.

In addition to the points listed above, other factors should prove beneficial in the longer term:

- The recently adopted Regional Plan provides coordination for Community Planning Policy. It should also be pointed out that the Regional Plan also creates additional case loads by requiring some new processes such as development agreements for large scale rural subdivisions.
- The "HRM by Design" project will provide greater clarity in policy on developments in the Regional Centre and also propose a revised regulatory framework. This may result, for example, in fewer projects requiring a development agreement process and more authority at the staff level in approving projects.
- Community Visioning 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 a development agreement process.

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: Typical Processing Time for Planning Applications July 2003 - August 2006

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.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

Typical Processing Time for Planning Applications
July 2003 - August 2006

Type of Application	Avg # of months to process applications including applications still in progress	# of applications processed including applications still in progress
Development Agreement	10	123
Pre-Application	3	49
Municipal Planning Strategy Amendment	15	19
Municipal Planning Strategy Amendment & Development Agreement	14	18
Telecommunication Equipment	2	6
Rezoning	8.5	42
Land Use By-law Amendments	8	32