

**STAFF REPORT: PLANNING & BUILDING SERVICES**



**REPORT TO:** Planning & Building Committee  
**MEETING DATE:** September 7, 2011  
**REPORT NO.:** PL.11.101  
**SUBJECT:** Planning & Building Service Delivery Review Summary Report  
**PREPARED BY:** David Finbow, Director Planning & Building Services

**A. Recommendations**

THAT the Planning & Building Committee receive Staff Report PL.11.101, "Planning & Building Service Delivery Summary Report" for information purpose.

**B. Background**

Purpose of Report:

The purpose of this Report is to summarize the actions taken by the Planning & Building Committee (Committee) with respect to their review of level of service of the Planning & Building Services Department.

Service Level Review Mandate:

Council at its meeting of March 30, 2011 adopted the following resolution:

Moved by: Duncan McKinlay      Seconded by: R. J. Gamble

THAT each standing Committee in charge of departmental functions proceed with a comprehensive review of level of service and report back to Council by August 1, 2011, Carried.

Service Level Review Template – Planning & Building Services Department

With respect to the Committee's comprehensive review of level of service, the Committee on July 4, 2011 adopted a Service Delivery Review Template for the Planning Services Division and By-law Services Division and acknowledged that the Operational Review of the Town's Ontario Building Code Program considered by the Committee on May 4, 2011 addressed Council's request for a comprehensive review of the level of service of said program.

This Service Level Review Template was loosely based upon a document entitled "*Making Choices: A Guide to Service Delivery Review for Municipal Councillors and Senior Staff*" prepared by the Ministry of Municipal Affairs & Housing in consultation with its partners the Association of Municipal Managers,

Clerks and Treasurers of Ontario, the Municipal Finance Officers Association and the Ontario Municipal Administrators Association.

A copy of the minutes and related resolution from the Committee's consideration of this matter are attached as Addendum "A".

### Service Level Review – Planning & Building Services Department

The Planning & Building Department is comprised of two divisions, Planning Services and Building & By-law Services. The Organizational Structure of the Department reflects two Managers, Manager, Planning Services (currently vacant) and Manager, Building & By-law Services (Greg Miller) reporting to the Director (David Finbow).

The Planning Services Division is responsible for Policy and Development Planning and the Committee of Adjustment. The Building & By-law Services Division is responsible for Building Code Act/Code and By-law (including Parking and Animal Control) enforcement.

The service level review of the Department proceeded on the basis of the three principal programs (Planning, Building and By-law Services).

#### Planning Services

The service level review of the Planning Services Division occurred at the Committee's meeting of August 3, 2011. The minutes and related resolution flowing from this review is attached as Addendum "B".

#### Building Services

As noted previously, the Committee at its meeting of July 4, 2011 acknowledged that the Operational Review of the Town's Ontario Building Code Program considered by the Committee on May 4, 2011 addressed Council's request for a comprehensive review of the level of service of said program. The minutes and related resolution flowing from this review is attached as Addendum "C".

#### By-law Services

The service level review of the By-law Services Division occurred at the Committee's meeting of August 3, 2011. The minutes and related resolution flowing from this review is attached as Addendum "D".

### **C. The Blue Mountains' Strategic Plan**

*"Providing a strong, well managed municipal government."*

### **D. Financial Impact**

N/A

## **E. Addendums**

- A. Planning & Building Committee Minutes/Resolution of July 4, 2011 - Planning & Building Services Department Service Level Review
- B. Planning & Building Committee Minutes/Resolution of August 3, 2011 - Planning Services Division
- C. Planning & Building Committee Minutes/Resolution of May 4, 2011 - Ontario Building Code Program
- D. Planning & Building Committee Minutes/Resolution of August 3, 2011 - By-law Services Division

Respectfully submitted,

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David Finbow  
Director, Planning & Building Services





# Town of The Blue Mountains

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July 11, 2011

Moved by: D.R McKinlay

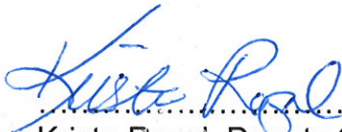
Seconded by: John McKean

THAT the Planning & Building Committee receive Staff Report PL.11.67;

THAT the Planning & Building Committee acknowledge that the Operational Review of the Town's Ontario Building Code Program addresses Council's request for a comprehensive review of level of service for said program; and,

THAT the Planning & Building Committee adopt the Service Delivery Review Template as set out in this Report with respect to Planning Services & By-law Services, **CARRIED**.

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.....  
Krista Royai, Deputy Clerk

Chair Duncan McKinlay asked what the design of works for construction means.

David advised that Intrawest will have to pave the parking lot of the discovery centre and noted there will be a pathway, permanent building and amenities. The storm water site works still need to be done.

Councillor Gail Ardiel questioned the proximity of the building to the road and asked if this was a Site Plan concern.

David confirmed that this project went through the Development Review process and there were no issues raised.

Moved by: Ellen Anderson                      Seconded by: Gail Ardiel  
 THAT Council receive Staff Report PL.11.80, Discovery Centre Site Plan Approval, and that Council conditionally grant site plan approval pursuant to Section 41 of the Planning Act subject to the Town's Engineering & Public Works Department accepting the proposed design of the works for construction and upon the proponent executing an amending Site Plan Agreement in a form acceptable to the Town's Director of Planning & Building Services and the Town's solicitor; and,

THAT Council authorize the Mayor and Clerk to execute an amending Site Plan Agreement with respect to the Discovery Centre located at 218 Jozo Weider Boulevard, **Unanimously, CARRIED**

#### **D.8 Planning Services Service Delivery Review**

David Finbow, Director Planning & Building Services provided an overview of the Planning Services Service Delivery Review for the Committee. David advised that Planning works within the Provincial Policy Statement, County Official Plan document, Town Official Plan document and Town Zoning By-law document.

David indicated that the Planning Department is at a bare bone minimum for progressive planning and noted that a lot of older developments (ie: Georgian Woodlands) are now coming back to the table.

Mayor Ellen Anderson questioned David when he talks about bare bone functions and wondered if we are falling behind due to lack of capacity.

David advised there is ample opportunity to provide training and development. David noted the need to talk to other municipalities to see what they are doing and why and this is what we are not fully exploring with our current capacity. David advised that the Community Design Guidelines is a great function which is part of the Community Improvement Plan and we moved forward with this.

Councillor Bob Gamble felt that applications would be decreasing over next 3 to 5 years.

David advised that we have been constant in receiving approximately 20 to 25 applications.

Councillor Michael Martin confirmed that prior applications will not count on this report and this report includes new applications only.

David confirmed this that the questioned raised by Michael Martin is true. Another example of an old application coming to the table again is the Hillside development which was a 1990 application and received Draft Plan Approval from the Ministry of Municipal Affairs & Housing.

David confirmed that the new Fees & Charges By-law is not yet at cost recovery but noted we are in a much better position than in previous years.

David advised that the Manager position needs to be filled through the 2012 budget process and advised that he is overwhelmed with the work load. David noted that he is acting as a Planner.

Councillor Michael Martin congratulated staff on the format used for this review.

David noted that he has presented on how our workgroup operates and noted that Council has choices to make.

Michael Martin noted revenue for 2010 was \$194,000 against a budget of \$213,000.00. Michael feels that the development industry is dead in its tracks at the moment but this report gives Council something to look at for the budget process.

Councillor Bob Gamble noted there is a lot of activity in the Zoning By-law and Official Plan 5 Year Review and questioned if we see any of those projects going beyond mid 2012.

David advised that there could be appeals with respect to the Zoning By-law and confirmed that this work could go into 2012. If appeals are received there will be negotiation and minutes of settlement issues to resolve. The Official Plan Five Year Review is planned to be completed by mid 2012.

Moved by: Ellen Anderson      Seconded by: Michael Martin  
THAT Council receive Staff Report PL.11.77 respecting Service Delivery Review – Planning Services, **Unanimously CARRIED.**



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August 8, 2011

Moved by: Duncan R. McKinlay      Seconded by: Gail Ardiel

THAT Council receive Staff Report PL.11.77 respecting Service Delivery Review – Planning Services, **CARRIED.**

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A handwritten signature in cursive script, appearing to read "Corrina Giles", is written over a horizontal dotted line.

Corrina Giles, Town Clerk

C.

Chair McKinlay then thanked Don for his presentation.

Moved by: R.J. Gamble                      Seconded by:                      Michael Martin

THAT the request of the Blue Mountain Watershed Trust regarding Peer Review of Environmental Studies be referred to Staff for consultation with the County of Grey; and

THAT Staff report back to the Planning and Building Committee following consultation with the County, Carried.

**D. Staff Reports as circulated**

**D.1 Building Permit Statistics – March 2011 – B.11.21**

Councillor Gamble spoke questioning why the revenue is less than last year's revenue at this time, Director of Planning and Building replying that the fees are based on the area of the building not the value.

Moved by: R.J. Gamble                      Seconded by:                      Michael Martin

THAT Council receive Staff Report B.11.21 "Permit Statistics – March 2011" for information purposes, Carried.

**D.2 Operational Review of the Building Services Division – B.11.15  
(This report was tabled at the meeting of April 4, 2011)**

Director of Planning and Building David Finbow reviewed the Report and the history of the Town's Ontario Building Code Program Review noting Tunnock Consulting was retained to carry out the review.

David then reviewed the Building Permit fee review and the four recommendations made by Tunnock Consulting, including eliminating flat fees, increase partial payment from \$1,000 to \$2,000, and hourly fees charged to reflect actual costs.

David then reviewed the Operational Reviews and noted 16 recommendations were made by Tunnock Consulting, including training and development, job description modifications, staffing levels, modifications to code of conduct, operational policy modifications, prescribed forms, electronic applications, customer/counter coverage, succession planning, budget preparation and annual report. David noted all recommendations are subject to necessary budget approval.

David then reviewed the current staffing levels noting there are currently 3¼ positions in the Building and By-Law work group. David noted matters will come forward as needed, such as fees or matters subject to budget approval.

Councillor Gamble then spoke noting the report includes a lot of detail and dwells on the historical data, not the current trends, further noting we need to continue to review costs.

Bob then noted it is difficult to tell if building will improve in the near future, further noting there will not likely be any large development in the near future. Bob noted Council and Staff need to recognize costs and noted we need to see an increase in building activity.

Councillor Martin then spoke noting when fees increase, the expectations to review documents quicker increases, David replying the legislated timeframe to review applications is within 10 days.

Michael then questioned if the size of a house increases the time to review the application, David replying that the on-site time would increase to review the framing.

Chair McKinlay then questioned the amount in the rate stabilization fund, David replying the fund is in a deficit of approximately \$800,000.

Michael then spoke referencing the deficit and noted it deserves watching in the future, and further noted he believes building is slowing.

Moved by: Michael Martin                      Seconded by: R.J. Gamble

THAT Council does hereby receive Building Staff Report B.11.15 "Final Report - Operational Review of the Town's Ontario Building Code Program";

THAT the "Building Services Division Operational Review" Report dated December 2010 prepared by Tunnock Consulting Ltd., be received;

THAT the "Building Permit Fee Review" Report dated December 2010 prepared by Tunnock Consulting Ltd., be received;

THAT Staff be directed to proceed with the implementation of the recommendations as outlined in the Reports subject to the necessary budget and/or administrative processes and/or approvals required;

THAT Recommendations No. 6 and 13 proposing that the staff complement for building inspectors be adjusted to five (5) full time equivalents comprising 4 qualified building officials and 1 Permit & Inspections Assistant be referred to the Director, Planning & Building for review and implementation as appropriate subject to the necessary budget and/or administrative processes and/or approvals required;

THAT Recommendation Nos. 10 and 14 to further electronically streamline Building Services with a review of the technology support required to fully optimize the City View and GIS property database by the Financial and Information Services Department for consideration on annual basis be endorsed by Council subject to the necessary budget approvals;

THAT Council direct the Town Clerk to provide notice of a public meeting in accordance with Subsection 7.-(6) of the Building Code Act, to receive input on the proposed changes to the draft by-law, permit fees and adjustments as set out in the Draft Building Permits Fee By-law (Appendix C); and

THAT Town Staff report back to Council following the public meeting respecting the Draft Building Permits Fee By-law.

David then noted he will bring further information back to the Committee on the budget implications to proceed with any of the recommendations, Councillor Gamble replying we need to have an understanding to watch future costs on the activity in various areas.

The Committee then voted on the Recommendation, Carried.



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May 9, 2011

Moved by: R.J. Gamble                      Seconded by:                      John McKean

THAT Council does hereby receive Building Staff Report B.11.15 "Final Report - Operational Review of the Town's Ontario Building Code Program";

THAT the "Building Services Division Operational Review" Report dated December 2010 prepared by Tunnock Consulting Ltd. be received;

THAT the "Building Permit Fee Review" Report dated December 2010 prepared by Tunnock Consulting Ltd., be received;

THAT Staff be directed to proceed with the implementation of the recommendations as outlined in the Reports subject to the necessary budget and/or administrative processes and/or approvals required;

THAT Recommendations No. 6 and 13 proposing that the staff complement for building inspectors be adjusted to five (5) full time equivalents comprising 4 qualified building officials and 1 Permit & Inspections Assistant be referred to the Director, Planning & Building for review and implementation as appropriate subject to the necessary budget and/or administrative processes and/or approvals required;

THAT Recommendation Nos. 10 and 14 to further electronically streamline Building Services with a review of the technology support required to fully optimize the City View and GIS property database by the Financial and Information Services Department for consideration on annual basis be endorsed by Council subject to the necessary budget approvals;

THAT Council direct the Town Clerk to provide notice of a public meeting in accordance with Subsection 7.-(6) of the Building Code Act, to receive input on the proposed changes to the draft by-law, permit fees and adjustments as set out in the Draft Building Permits Fee By-law (Appendix C); and

THAT Town Staff report back to Council following the public meeting respecting the Draft Building Permits Fee By-law, **CARRIED.**

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.....  
Krista Royal, Deputy Clerk

*The Blue Mountains will be a progressive four season community, building on its agricultural and recreational features, offering a healthy and supportive lifestyle to a diverse range of residents, businesses and visitors.*

D.

**D. Staff Reports as circulated**

**D.1 Service Delivery Review - By-law Services – B.11.27**

David Finbow, Director Planning & Building Services spoke with respect to this matter in the absence of Greg Miller. David noted this report deals with the Service Delivery Review of the By-law Services workgroup.

David advised that in July there was a resolution setting out the format on how we would proceed with this Service Delivery Review. David provided an overview and mandate of By-law Services.

David outlined the work completed by the By-law Services workgroup as follows:

**Noise By-law Enforcement** – public disturbance and loud parties are dealt with by the OPP. Staff deal with construction noise concerns.

**Property Standards By-law** – this includes curb appeal items only and does not include the interior of the premises. Interior items are dealt with by Provincial Legislation. There is not a lot of workload with respect to the interior of a premise.

**Prosecutions** – David advised that Wayne DeWitt is doing our prosecutions and we are moving forward to take over fire department prosecutions also.

**Parking Control** – there has been a shift from Town Staff to Condo Corp. security personnel. We currently have 22 MLEO's who are not town employees. David noted that concerns and complaints are far less than he anticipated.

**Security Alarm By-law** – this continues to be an effective program. Concerns were raised when this by-law was originally brought forward. This program has been successful in the past 4 years with fewer security alarm call outs received by the OPP. Revenue also continues to increase. The By-law workgroup has worked in the past 4 to 5 months without the services of the Security Alarm Co-ordinator which had a staffing level of 2.5 days per week.

**On-Line Service** - Greg moved forward with on-line service available through the Website which has created an efficiency within the work group.

**Mandatory vs Discretionary Services** – continually receive demands from the public to have by-laws in place & ensure they are being enforced. Some are mandatory services and the service could be provided by an outsider in the community or the Weed Control Officer with the County of Grey.

**Service Level Matrix** – this matrix is brought forward every year through the budget process.

**Fortification By-law** – this by-law deals with illegal operations and the police could pursue this on our behalf.

**Total number of complaints** – complaints with respect to Short Term Accommodation has been on the increase.

**Provincial Offences Act** – there are issues on collecting fines that we get through the Court system.

Chair McKinlay asked if this was with respect to parking tickets or other Provincial Offences Act fines.

Mayor Ellen Anderson noted that one positive issue that the Province has is with respect to renewing your licence. It cannot be renewed if you have an outstanding parking infraction.

**Livestock Program** - has changed in July 1, 2011. New legislation provides the municipality an administration fee per application received.

**Needs Analysis** – Short Term Accommodation is in need for further support within the work group if we are to continue.

**Initial Analysis** – David gave an example of dogs at large. We could contract out this service and utilize licensing revenue to offset these costs.

Chair McKinlay asked if staff had the capability to read dogs with microchips at their vehicles. David advised that Brenda Doyle has been looking to do this but we are not at this point yet. David advised that the local vet has a good awareness of dogs and the records on them. Staff co-operate with their office to use the records.

David advised that a dog at large is delivered to the kennel. Tina often knows the dog if it is a local dog. Other options can be explored. Dog tags are issued and kept through the Town.

Duncan asked if we collect a fee for a licence if the dog is microchipped. David confirmed that we do at this time. Duncan questioned if we need to look at an alternate system or do we need to serve this function.

David indicated it was a breakeven scenario and this area did not show a lot of revenue.

Councillor Gail Ardiel noted that things are changing and we should talk to our local vets and see what their ideas are with respect to animal control.

Duncan indicated the need to revisit this as part of the budget process.

David indicated that he was only providing a broad overview of this workgroup.

**Short Term Accommodation** – David advised that he has been the lead and Wayne DeWitt has undertaken the investigation portion of this project.

Councillor Bob Gamble noted that Short Term Accommodation is high on activity showing 21% of the total volume and questioned if it was by patrolling or complaint. David advised that it is solely driven by complaint with 50% of the complaints coming from the Craighleith area.

**Long Grass/Noxious Weeds** – David outlined how this process worked.

Councillor Bob Gamble asked if this was localized to July, August and September and asked if they would be available to work on Short Term Accommodation files.

David noted that we may receive lots of complaints in May or early June. David noted the remainder of year they have enough work to do. David advised that we required expertise to carry out Short Term Accommodation investigations.

Councillor Gail Ardiel asked if there were many frequent offenders.

David advised that if this work is contracted out an administrative surcharge fee is added on and it is a nuisance to a lot of people but our problem goes away.

Duncan questioned if we had looked into a socially acceptable planting process and asked if ground cover could be applied to areas that are not being built on and not being used.

David advised that education is the focus and the nuisance it creates for the neighbours. We do have enforcement options such as we do not have to hire a contractor and we simply could go to court. If they do not pay through the court, there is nothing we can do. We are looking at having the grass cut instead of this. David feels that if we are in this business then this is the best way to do it.

Gail Ardiel asked if there was an updated version of the Municipal Law brochure attached to the staff report. David replied that this document was attached as it best explained the issues.

David advised that it is up to Council to decide what services they want to provide to the community and noted the long grass by-law can be looked at. David noted the by-law is working well noting a complaint is addressed and the grass is cut. David asked if this is a critical service that needs to be provided.

Duncan asked how we get out of the cycle with people.

David noted this is part of the education process. We are often asked do you know anyone in the area to look after my property. David noted that costs associated with this service can only be a cost recovery.

David explained the long grass process and advised that each complaint requires at least 2 or 3 attendances to the property by staff.

Councillor Michael Martin complimented staff for the work on this report and noted this is the model service review report. It covers the areas that you require when you are dealing with budgets, staffing of services, review of expenditures and revenues. It gives the basis for comparison and is broken down between Planning & Building.

Michael questioned the organizational chart and the service level matrix chart. The number in the last column of the service level matrix chart indicates mandated by legislation, a 2 indicates core service and a 3 indicates desirable. Michael indicated that if Council enacted a By-law then we should be able to enforce same.

**Fill & Grading By-law** - David advised that if the officers see a violation while on patrol they will take proactive enforcement of same.

Councillor Michael Martin advised that the Conservation Authority looks after some of these by-law complaints. David confirmed that they look after some of this area but are not proactively enforcing the by-laws. We refer files to the Conservation Authority for them to pursue and they only regulate 70% of the municipality.

Duncan confirmed that this could hold up a developer until they get paperwork in place.

David advised that when swales are filled in it affects surrounding property owners.

Michael confirmed that most of the complaints relate to Building Code Act and Short Term Accommodation files.

David noted that we received a lot of complaints with respect to building without a permit. Building Inspectors inspect construction and by-law enforce building without a permit.

Michael confirmed that people need to understand the process and noted this is an area that we have to support.

David advised the need to proactively enforce construction without a permit and suggested it could get really bad if we do not enforce this.





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August 8, 2011

Moved by: Duncan R. McKinlay

Seconded by: Gail Ardiel

THAT Council receive Staff Report B.11.27 respecting Service Delivery Review - By-law Services, **CARRIED.**

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.....  
Corrina Giles, Town Clerk