



By-law Number 2020-064

A by-law to delegate certain matters related to Consents, Part Lot Control By-laws passed by Local Municipalities, Validation Certificates and Local Official Plans and Local Official Plan Amendments

The Council of the County of Bruce deems it expedient and in the public interest to delegate certain authority assigned or delegated to it, subject to certain conditions provided in this By-law.

Subsection 17.1 of the Planning Act, RSO 1990: provides for the delegation of approval authority for local official plans and local official plan amendments to a committee of council or an appointed officer identified in the by-law by name or position; and states that a delegation of authority made by a council may be subject to such conditions as the council by by-law provides.

Section 54 of the Planning Act, RSO 1990: provides for the delegation of consent granting authority, including the authority to set and/or modify the conditions of consent, the authority to provide validation certificates and the authority to approve local part lot control by-laws to an appointed officer identified in the by-law by name or position; and states that a delegation of authority made by a council may be subject to such conditions as the council by by-law provides.

The Council for the Corporation of the County of Bruce enacts By-law 2020-064 as follows:

1. Definitions

In this By-law.

- a) **“Local Municipality”** shall mean: the Municipalities of Arran-Elderslie, Brockton, Kincardine, Northern Bruce Peninsula, and South Bruce; the Towns of Saugeen Shores and South Bruce Peninsula; and the Township of Huron-Kinloss;
- b) **“Local Official Plan”** shall mean a land use plan adopted through By-law under the Planning Act by a lower tier municipality;
- c) **“Secretary-Treasurer”** shall mean the Secretary-Treasurer of the Bruce County Land Division Committee and shall be deemed to include the Deputy Secretary-Treasurer of the Bruce County Land Division Committee;
- d) **“Council”** shall mean the Council of the County of Bruce;
- e) **“Planning Act”** shall mean the Planning Act, R.S.O. 1990, c.P.13, as amended;
- f) **“County”** shall mean the County of Bruce;

2. Approval Authority - Local Official Plans and Local Official Plan Amendments

- 2.1 The authority of Council that is assigned or delegated to Council under the Planning Act to approve, approve with modifications or refuse to approve local official plans, and local official plan amendments, is hereby delegated from Council to the Bruce County Planning and Development Committee.
- 2.2 The authority of the Bruce County Planning and Development Committee to approve local official plan amendments is hereby further delegated to the Director of Planning and Development or, in their absence, the Manager of Land Use Planning, where the approval is for an undisputed local official plan amendment.
- 2.3 An “undisputed local official plan amendment” is an official plan amendment that:
- Is recommended for approval by staff;
 - Has been adopted by by-law by the local municipality; and
 - Has no unresolved objections/concerns raised during the commenting period from agencies and /or the public.
- 2.4 When the Director of Planning and Development or, in their absence, the Manager of Land Use Planning, has determined that approval cannot be given in accordance with Section 2.3 of this By-law, the matter shall be referred to Bruce County Planning and Development Committee, and the delegated authority under Section 2.2 of this By-law does not apply with respect to such matter.
- 2.5 Notwithstanding the delegated authority under Section 2.2 of this By-law, if the Director of Planning and Development or, in their absence, the Manager of Land Use Planning, is of the opinion that a review by the Bruce County Planning and Development Committee is warranted in the circumstances, the matter may be referred to Bruce County Planning and Development Committee and the authority delegated under this By-law Section 2.2 does not apply with respect to such a matter.

3. Approval Authority - Consent to Sever Land, Approval of Part Lot Control By-laws by the Upper Tier and granting Validation Certificates

- 3.1 The consent granting authority of the Bruce County Land Division Committee, including powers to grant consents, place conditions on the approval, and modify such conditions of approval, is hereby delegated to the Secretary-Treasurer of the Land Division Committee, where the approval is for an undisputed consent.
- 3.2 An “undisputed consent” is a consent that:
- Is recommended for approval by staff;
 - Has written verification from the Clerk of the local municipality in which the proposed approval is located that the municipality has no objections to the granting of approval and the conditions of approval; and
 - Has no unresolved objections/concerns raised during the commenting period from agencies and / or the public.

- 3.3 The County approval of part lot control by-laws that have been adopted by local municipalities is hereby delegated from the Bruce County Land Division Committee to the Secretary-Treasurer of the Land Division Committee.
- 3.4 The authority to provide a validation certificate is hereby delegated from the Bruce County Land Division Committee to the Secretary-Treasurer of the Bruce County Land Division Committee.
- 3.5 When the Secretary-Treasurer has determined that approval cannot be given in accordance with Section 3.2 of this By-law, the matter shall be referred to the Bruce County Land Division Committee, and the delegated authority under Section 3.1 of this By-law does not apply with respect to such matter.
- 3.6 Notwithstanding the delegated authority under Section 3.1 of this By-law, if the Secretary-Treasurer is of the opinion that a review by the Bruce County Land Division Committee is warranted in the circumstances, the matter may be referred to Bruce County Land Division Committee and the authority delegated under Section 3.1 this By-law does not apply with respect to such a matter.

4. Repealed

By-law 2020-031 is hereby repealed.

5. Effective Date

This By-law shall come into force and effect on the date of passage. Upon date of passage, the delegation powers as described herein shall apply in a retroactive fashion to all applications currently in process in the Bruce County Planning and Development Department, but shall not include applications that have been deferred by a previous decision of the Bruce County Planning and Development Committee or the Bruce County Land Division Committee.

Passed this 1st day of October, 2020

Mitch Twolan
Warden

Donna Van Wyck
Clerk