



Bruce County Land Use Services

Memorandum of Agreement

Final report to Council

December 17, 2020



Contents

1. Project Introduction	3
1.1 Project Context.....	3
1.2 Project Background	3
The Stantec Report: key findings	4
1.3 Geography and Planning Services	5
Geography of Bruce.....	5
1.4 Methodology	6
2. Current Roles and Responsibilities.....	7
Required Planning Services.....	7
Voluntary Planning Services.....	8
3. Stakeholder feedback.....	9
3.1 Interviews with Local Municipalities	9
3.2 Emerging Themes	9
3.3 County Planning Workshop	10
3.4 Council and Staff Feedback.....	13
3.5 Comparators provided through Stantec Report (for information)	17
4. Appendices.....	20
4.1 Related or Referenced Reports and Studies	20
4.2 Final Recommended Memorandum of Agreement	21

1. Project Introduction

1.1 Project Context

In 2020, Bruce County received funding from the Provincial government for the modernization of its planning services. A portion of this funding was used to analyze and provide recommendations regarding three parallel projects, intended to update and find efficiencies within the Bruce County planning system. These projects include:

1. Official Plan Service Delivery and Best Practices Review,
2. Land Development Fees Review, and
3. Memorandum of Agreement (MOA) with Local Municipalities concerning the Delivery of Planning Services.

This report will detail the process and outcomes as it relates to the final project, the Memorandum of Agreement with Local Municipalities Review (the “project”). Given all three projects are interrelated in their recommendations, relevant outcomes and recommendations from the other two reports are included for context. Also of note, this project captures relevant findings from the other two projects in the draft Agreement itself. A final recommended Memorandum of Agreement (MOA) is attached to this report.

1.2 Project Background

Bruce County has individual memoranda of understanding (MOU) with many of its local municipalities, and has agreed to provide both County and local land use planning services to all eight:

- Town of Saugeen Shores
- Municipality of Kincardine
- Municipality of Brockton
- Town of South Bruce Peninsula
- Municipality of Arran–Elderslie
- Township of Huron-Kinloss
- Municipality of South Bruce
- Municipality of Northern Bruce Peninsula

It may be that some of these agreements are documented, while others were made verbally between the County and the municipalities. The written MOUs we were able to locate were for a one-year term and were put in place in 1994 or in 1999. They do not reflect current practice or current needs.

Over the last two decades, the population of Bruce County has grown significantly, and this

development and has resulted in increased pressures on County planning services, for several reasons:

- An increase in the quantity and complexity of planning applications
- An Increase in special planning projects and studies to support communities, and
- Increasing resource requirements to update municipal and County planning frameworks to conform to Provincial regulations.

As demand has increased on County Planning, paired with an evolving policy landscape since the MOUs were first drafted, there is a need to update the existing memorandums of agreement to ensure that it accurately reflects the expectations of both the County and local municipalities. The Stantec report, *Review of Bruce County Land Use Planning Division: Structure, Service Delivery Model, Roles and Responsibilities*, (Stantec Report) is dated June 30, 2020 and was presented to Council shortly thereafter.

The Stantec Report: key findings

The Stantec Report makes recommendations about service delivery and divisional structure in key areas:

- Development planning services can be streamlined with clear roles and expectations identified, standardized terms of reference and forms, and the County providing greater assistance to local municipalities regarding some functions
- Long range/policy planning importance and profile needs to be raised and communications around planning policies clarified
- The planner roles and functions need to be reassessed to provide stronger support to the public, land local municipalities
- Existing memorandum of service agreements need to be reviewed
- Service delivery costs should be updated and the costs of providing planning services to local municipalities refined
- Knowledge gaps need to be addressed

The Stantec report recommendation that the County undertake a review of existing Memorandum of Service Agreements with the objectives of clarifying respective roles and responsibilities, understanding the addressing of long-range policy and other similar planning initiatives (e.g. local Official Plans, Community Improvement Plans, etc.) and the financial basis on which such service model is delivered, led to this project being undertaken.

This report does not repeat the work that was undertaken by Stantec, but it builds on it.

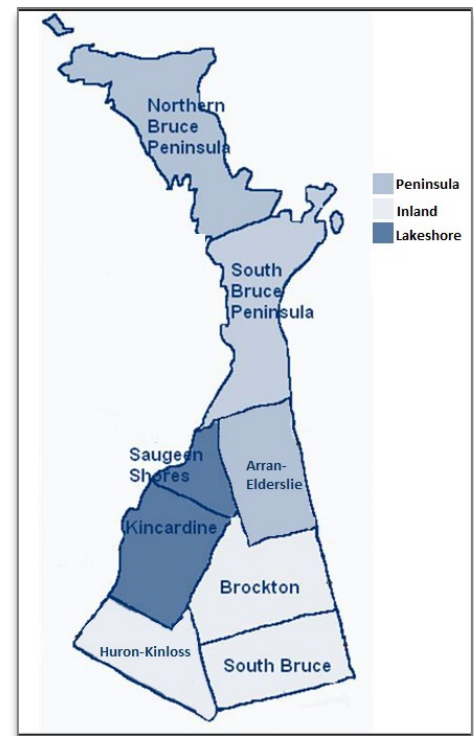
1.3 Geography and Planning Services

Geography of Bruce

Bruce County is a large geographic area, with a high variability across the County which presents its own unique set of challenges and opportunities. The County is experiencing a steady increase in its residential and employment growth. This growth is not uniform across the County, and different areas are experiencing different levels of growth. Historically, the energy sector has been a key employer for the area and continues to be. Other key employment sectors include the tourism sector, and agriculture. The planning staff at the local and County level all have a unique role to play in managing and addressing the varying growth demands across the County.

The Bruce County Planning department has categorized local municipalities into three distinct hubs:

- Lakeshore
- Peninsula
- Inland



The Peninsula is the most northern portion of Bruce County and composes the Town of South Bruce Peninsula, Municipality of Northern Bruce Peninsula, and Municipality of Arran-Elderslie. This area is particularly known for its rich Natural Heritage, and experiences heavy tourism as a result.

The Lakeshores comprise of the Town of Saugeen Shores and the Municipality of Kincardine, the most populous of the municipalities within Bruce County and they continue to grow faster than the rest of the County. These two municipalities also contain the largest settlement areas and generate a large percentage of the planning applications within the County, at approximately 41% of the total application (See Table 1).

The Inlands are the Eastern most portions of County and comprise of Township of Huron-Kinloss Municipality of Brockton, and Municipality of South Bruce which have a higher proportion of rural area.

Table 1. Planning Applications and Population by Hub

Hub	Municipality	2016 Population	5 year average of planning applications, 2015-2019
Lakeshore	Town of Saugeen Shores	13,715	69
	Municipality of Kincardine	11,389	43

Peninsula	Town of South Bruce Peninsula	8,416	29
	Municipality of Northern Bruce Peninsula	3,999	22
	Municipality of Arran-Elderslie	6,803	22
Inland	Township of Huron-Kinloss	7,069	28
	Municipality of Brockton	9,461	32
	Municipality of South Bruce	5,639	28

1.4 Methodology

The work undertaken to complete this review took place over an approximately 10-week period, from September 18th, to December 2, 2020. This included:

1. A review of past MOU agreements made between the local municipalities
2. A review of the relevant background reports and work being carried out by StrategyCorp on related projects
3. A review of relevant County documents submitted by the County
4. Detailed interviews with each of the local municipalities individually, including key staff members (CAO, Clerk, CBO, planning staff)
5. A whiteboarding workshop with the County Planning team to brainstorm solution opportunities. This included the Director of Planning and Development Department, Manager of Land Use Planning Division, Corporate Strategic Initiatives Specialist
6. Preparation of a draft MOA, that was circulated to the County and local municipalities
7. Presentation of the MOA at a CAO meeting to solicit feedback on the draft MOA
8. Circulated a revised the draft MOA based on feedback
9. Presented draft MOA for feedback, at County Council on November 5, 2020
10. Presented draft MOA for feedback, to all Local Councils, between November 7-24, 2020
11. Further revisions to take into account feedback received
12. Final presentation at the CAO meeting on December 2, to review proposed changes based on feedback received
13. Presentation of the proposed final MOA to County Council on December 17, 2020 for

adoption, and then to be submitted to local municipalities for adoption in January, 2021

Given the subject matter of the MOA, it was important to allow the Land Use Service Delivery Review and the Fees Review to move forward ahead of the MOA discussion for several reasons. We did not want to duplicate efforts and overwhelm participants with requests to discuss, and we needed to capture the findings from those projects.

2. Current Roles and Responsibilities

Bruce County is a two-tier government system, with each level of government, the local municipality, and the County, having unique responsibilities as set out in legislation, and in respect of planning some of those have been delegated to the County level for many years. The responsibility and authority for undertaking planning and providing planning services rests with both the County and the local municipalities under the Planning Act.

The County is responsible for applying provincial policy, and must reflect on and apply a County-wide vision, and related objectives through the County Official Plan. The County Official Plan must implement provincial policy direction and provide input and local municipal Official Plans and Zoning By-laws are to conform to the County Plan.

The Bruce County Land Use Planning Division provides a planning role directly to and for County Council and in addition, provides planning services to the eight (8) local municipalities. The provision of planning services to the local municipalities is based in part on service delivery agreements enabled under the Planning Act that have existed since the 1990s.

The Planning Department has undertaken or supported special projects (e.g., comprehensive zoning by-law reviews, community improvement plans, issue-specific studies and report, and comprehensive official plan updates, etc.) on behalf of the local municipal government when resources allow it. The involvement of the department has decreased over time due to resource restraints at the County, and there is a need for clarification on the roles and expectations of the County in supporting special projects.

There is consensus that the current delegation works well, which the Stantec report also supports, but that due to limited resources and current request for service pressures, service levels are not being met. This will be discussed further later in this report.

The role of the planner is distinct from the role of the local plans examiner. The planner drafts the zoning by-law but the plans' examiner in each local municipality is responsible for interpreting the zoning by-law and his or her interpretation is final. In other words, if the plans examiner does not see the need for a minor variance or rezoning at the time an application is submitted, then the Chief Building Official in the local municipality can be satisfied that there are no zoning concerns that would prevent issuing a building permit.

The activities of the Planning Department can be summarized into four broad categories:

Required Planning Services

- County level long-range policy planning (e.g., County Official Plan)

- County level development applications (e.g., County Official Plan Amendments, Severances, Plans of Subdivision/Condominium)

Voluntary Planning Services

- Local Planning Development Applications-Processing and Review (site specific Official Plan and/or Zoning By-law Amendments to permit development)
- Some long-range policy planning projects on a one-by-one agreement basis (e.g. Official Plan updates, 5-year reviews. Community Improvement Plans, etc.)

Table 2. Planning Applications by approval authority

Type of Planning Application	Approval Authority
Minor Variances	Local Municipalities
Site Plan Approval	Local Municipalities - (Saugeen Shores, Kincardine) County
Zoning By-laws	Local Municipalities
Draft Approval Plan of Subdivision	County
Change Conditions Plan of Subdivision	County
Final Approval Plan of Subdivision	County
Plan of Condominium	County
Condominium Exemption	County
Consent	County
Part Lot Control	County
Validation certificates	County
Local OPA	Local municipalities draft local OP, County approves OP
County OPA	County
Representation at LPAT	Local municipalities are expected to represent themselves at LPAT hearings, with the County supporting their planning justification reports

3. Stakeholder feedback

3.1 Interviews with Local Municipalities

StrategyCorp engaged key staff in each of the eight municipalities individually over a two-week period between September 28th to October 6th to understand the current existing relationship between each of the local municipalities and the County Planning services. We asked standard questions with the objective of determining what was working well and also what could be improved in the delivery of planning services by the County. Attendees within the interview included the Chief Administrator Officer (CAO), the municipal clerk and if relevant, the Chief Building Official (CBO) and planning staff.

3.2 Emerging Themes

Each of the eight local municipalities had varying concerns in relation to their existing level of planning services. There was consensus around what a new planning services agreement should look like, including:

1. The need for clarity and flexibility in future agreements

The local municipalities commented that there is a need to clarify the roles, responsibilities, and expectations of planning services for the local municipalities. They know resources are stretched and would like the County to provide greater clarity around how priorities are set, and around how the County decides which policy projects will be accepted and when/why the County will recommend the municipality to retain an external consultant.

2. County leadership on special projects and changing policy

The local municipalities commented that they often look to the County to provide information reports on changing policies and regulations proposed by the Province. They have commented that greater information sharing is needed, as there is limited capacity for the local municipalities to keep up. The potential for County planning to provide similar updates to members of council was raised as another service that would be well received.

3. Communications and updates

All the local municipalities commented that they would like to see an increase in the level of coordination and communications between the County and the local municipalities, with some suggesting more regular meetings as being beneficial. It was also commented that sharing technological improvements, such as an electronic permitting system could help the local municipalities understand the status of applications and who is doing what, so they can be more responsive to local councillors and to the public. A chance for local municipalities to comment before policy reports are finalized was noted as a change some would like to see.

4. Local Nuances

Municipalities commented that there is a need for flexibility and recognition in future agreements that local needs and local nuances be reflected in reports on planning matters prepared by the County.

5. Cost of service and enhancements

There was acknowledgement that increased service comes at an increased cost. There were many comments received about the need for additional County support, and it is hoped that the terms of the proposed MOA will provide sufficient certainty for the County to consider this. Mention of an increased County levy to pay for this was made, and some staff commented that there could be a way where they would pay for increased service, if it were clearly outlined what the expectations would be.

While these recommendations are intended to help in providing clarity around roles and expectations, and in establishing priorities and communications about planning matters, they do not address one of the fundamental changes that is needed for success, and that relates to the need to consider expanding the size of the County's planning staff. This is out of scope for this project.

3.3 County Planning Workshop

On October 5th, 2020, the StrategyCorp met with the County working group including the Director of Planning and Development Department, Manager of Land Use Planning Division, and the Corporate Strategic Initiatives Specialist to discuss the status of the project thus far, the emerging themes and to explore outstanding questions that had been identified by the consultant team. Outstanding questions were further explored through a whiteboarding sessions and were grouped into three key categories:

1. How to agree (e.g., short document; flexible provisions; roles and responsibilities)

A. Prioritization of work

- County staff acknowledge that development applications are prioritized over other work, due to timelines in the Planning Act. This can lead to County and local municipal policy planning work taking a backseat

B. Guidelines around mandatory v. discretionary

- The County acknowledges that historically that it was more involved in providing planning services related to special projects, but as the amount and complexity of work related to planning applications and policy reviews has increased, and due to short notice of timelines for these projects, the County is often not able to assist.
- There is a need for clarity on what services are expected from the county; and the ability for the County to refuse request for work if it is discretionary in nature and the County does not have the resources to carry it out.
- Clear terms of reference are needed for discretionary planning work, that includes the nature and expectations of the work
- There is a great administrative burden attached to providing planning services (e.g., photocopying of notices) that are requiring a considerable amount of planner time to complete. Clear expectations around who will perform administrative functions needs

to be clarified.

2. How to collaborate (e.g., inform and report on provincial initiatives; regular visits + engagement)

- There needs to be a better understanding between the County and local municipalities on the strategic direction of planning services at both tiers, including an improved flow of information to the County ie. two-way communication. It was commented council sets strategic direction for major planning initiatives and that future recommendation could include:
 - The County council sets strategic direction for major planning initiatives, including Develop a strategic plan for land use planning, and looks to lay out the workplan for the next 5 years. This needs to be communicated to the local municipalities.
 - Consideration be given to enacting a similar working group model for planning, (like what is used to promote County Economic Development) to increase communications and collaboration.
 - That municipalities provide their yearly workplan items that impact planning matters to the County Planning Department as early as possible, so the County can better organize its own workplan and prioritize local municipal objectives much better.

3. How to best work together (e.g., special projects; big planning exercises like PPS conformity; identifying priorities)

- Ideally the County would prefer to be responsible for conducting the work to make housekeeping amendments local official plans and zoning by-laws as the County is familiar with the changes that need to be processed.
- On larger Official Plan and zoning by-law reviews, the County will be a commenting agency and is interested in a leading role in long term policy development in these areas, which would create efficiencies.
- The County also acknowledged that this work may need to carry out on a cost recovery basis if there is not sufficient staff capacity.
- The County agrees that there is a need to ensure that consultants can continue to bid on local municipal work and recognizes comments made by local municipalities that sometimes a distinct perspective is needed, but that there needs to a clearer understanding of the consultant's role and consider whether that includes the County acting as agent through the RFP process. A clear understanding of roles needed in the event of an appeal as well.
- All municipalities believe there is room to improve communication and collaboration and look forward to working together with clear roles and responsibilities.

Figure 2: Whiteboard brainstorming exercise: Before and After

Before:

	County agrees/does	Local agrees/does
How to agree (e.g., short document; flexible provisions; roles and responsibilities)	<div>Clear prioritization of work</div> <div>How do we do flexible with short?</div>	<div>Clear rules around mandatory v. discretionary</div>
How to collaborate (e.g., inform and report on provincial initiatives; regular visits + engagement;	<div>Local muni notification on Cty. Action re: prov. planning policy</div> <div>Standing COA bi-weekly agenda item?</div>	<div>What if the province only gives us 10 days to respond?</div> <div>Muni shares workplan / wishlist</div>
How to best work together (e.g., special projects; big planning exercises like PPS conformity; identifying priorities)	<div>Rules for how locals can initiate a special project</div> <div>County shares workplan / prioritization with munis</div> <div>Charge back versus included services?</div>	<div>Who pays? How do we figure out cost?</div> <div>County gets first "job" offer?</div> <div>What about local inter-municipal collaboration?</div>

After:

	County agrees/does	How to determine fees for services?	How do we do "flexible with short?"	Local agrees/does	Strategic plan for Planning Department move some locals to scheds.	Bringing in to adminis can back staffing get who need to done, d
How to agree (e.g., short document; flexible provisions; roles and responsibilities)	<div>Clear prioritization</div> <div>Incentive to collaborate among local munis on requirements from County</div>	<div>Clarity on what services are expected from the county; ability for cty. to say "no"</div>	<div>Firefighting: always managing development applications, little chance to be strategic</div>	<div>Clear rules around mandatory v. discretionary</div> <div>County covers overhead through levy?</div> <div>Leave room for local nuances for what they want from County.</div>	<div>Administrative work that supports applications / decisions / initiatives</div>	<div>Our staff resources are being dedicated though we're not paying for it</div>
How to collaborate (e.g., inform and report on provincial initiatives; regular visits + engagement;	<div>Local muni notification on Cty. Action re: prov. planning policy</div> <div>Standing COA bi-weekly agenda item?</div> <div>Standardized processes for administering planning services to local.</div>	<div>Put onus on muni to take our reports through local process</div> <div>Cannabis was handled well (get together and talk)</div>	<div>Reg. Ec. Dev group model may work for planning?</div> <div>What if the province only gives us 10 days to respond?</div> <div>At the end of the day we're the experts on their pl</div>	<div>Relationship can be one-directional – planning and ec dev. Just gets told what to do.</div> <div>Muni shares workplan / wishlist</div>	<div>County planner often acting as sec.t. COA.</div>	
How to best work together (e.g., special projects; big planning exercises like PPS conformity; identifying pri	<div>We want to say yes – it's practical and there's a satisfaction to doing it.</div> <div>Human resources are a challenge because we're in reactionary mode</div> <div>Same level of service but contracted out</div>	<div>Charge back versus included services?</div> <div>South Bruce: performed the consulting role under TOR (no competition)</div> <div>If we were the ones to contract the service would that close the loop?</div>	<div>County council sets strategic direction for major planning initiatives</div> <div>Communication needs to go both ways</div> <div>Who pays? How do we figure out cost?</div>	<div>County gets first "job" offer?</div> <div>Some may not be able to pay</div> <div>What about local inter-municipal collaboration?</div>		

3.4 Council and Staff Feedback

On November 7th, StrategyCorp presented a draft Memorandum of Agreement (MOA) to County Council for information and comments. Following that submission, StrategyCorp made the same presentation to the Councils of all eight local municipalities, again for their input and comments. Many good questions and comments came out of these discussions, that were then captured in the final draft of the MOA. The chart below captures these comments, and how they have been addressed.

Comments	How were they Addressed
Generally, want the County to lead updates on changes and to also account for local nuances.	The MOA addresses this under Communications, providing that the County will share information that it receives on change, and two-way communication will ensure local context. Flexibility allows the County and Municipality to best determine the needs of both and allows for joint education sessions as well as reports.
Request to re-establish semi-monthly meetings.	The MOA Communications section provides for this for Municipalities that want it.
If we take back local planning functions do, we get part of the County levy?	Out of scope for this project, but municipalities decide how to fund the programs they operate, through a tax levy, fees or other. A municipality opting into or out of the MOA would not affect the County's overall expenses for the Planning and Development Department.
Typically, no conversations about what other local municipalities are doing and would see a benefit if there was a platform to discuss.	The MOA Communications encourages planning discussions to be brought to the CAO table, so that issues and ideas can be shared better. Two-way communication is promoted and the sharing of workplans that have an impact, so that the County can work to accommodate local projects, and vice versa.
Local municipalities are responsible for part of the work on planning applications, but the MOA only talks about County fees.	Local municipalities have the same authority to set fees and charges for the work undertaken by their staff, as provided for in the Municipal Act, 2001. The MOA is one of three projects undertaken and focuses on the County fees as a review of the local services and fees is out of scope.
Local councils will not agree on development charges and have raised concerns about County DCs.	The MOA does not require or direct the passing of development charges by-laws.

Would be helpful to have feedback from County on patterns about applications received where there are patterns to the type of amendment needed, with a recommendation to amend the by-law.	The County is working with a new software platform that will support this type of analysis.
Need to support councillors better so they are not the last to know about controversial planning applications.	The County agrees there is a need to improve proactive communications with local councillors about development. New monthly status reports to municipal planning committees will ensure councils are aware of the applications under review within their borders at any given time and when files are closed. Councillors can then follow up with planning staff if they have questions about a particular matter.
Very few building lots left in some areas, and don't feel local voice is being heard.	Growth planning requires a coordinated approach, and this will be an important part of the conversation as the County begins its Official Plan update.
Is the planner providing advice based on County or local municipal vision? County doesn't always hear local municipal comments.	Sometimes it may appear as if a local Municipal vision is not supported to the extent desired, but professional staff must provide independent expert advice. In this case planners must also consider provincial policies and the County OP. The MOA sets out the role of the planner for this reason.
Why can't a County planner attend at the LPAT and support a local Municipal decision, regardless of what the report says.	Professional opinions must be respected as such. It is also important to remember that witnesses get cross-examined at LPAT, and statements made by any professional witness in reports will be used to challenge evidence given.
Like the idea of two-way communication and listening to local perspectives.	All parties support better communication, and the MOA embodies this commitment.
The Stantec report raised concerns but nothing that can't be overcome.	All parties support this, and the MOA provides tools and flexibility to achieve this and build stronger relationships.
Ability to opt out and hire a planner at the local level.	The MOA has addressed this and provided notice provisions that allow for a successful transition. otherwise, this is out of scope.

There is real confusion among members of council about how planning works, and we need more training.	This was an important take-away, and the MOA provides under Shared Responsibilities, for a planner to answer questions and for training by County staff. There is a preference to do so working together with local municipal staff.
Some discomfort around having planning at the County. Want to look at Grey County model and delegation of consents to local staff.	The purpose of the MOA is to clarify roles and responsibilities for the County service that is provided on planning applications that are a local responsibility under the Planning Act. This project flowed out of the Role and Structure Review in which Stantec did not recommend a structural change to the County and Local responsibilities. Changing the authority delegated is out of scope of this project.
Don't need the same for all municipalities.	The MOA sets broad roles and responsibilities but has room for a lot of flexibility to meet the needs of individual municipalities for policy development and special projects. The administrative details are left for staff and council to determine what works best at any given time.
We have an old OP and Council's goals may be different from what is in the local planning documents.	Planning staff interpret the planning documents that exist, so if they are not aligned with what Council wants, the municipality should be carrying out a comprehensive review.
Things seem to be working fine.	The project triggered some very good debate about the administration of planning services and provided an opportunity to improve to capitalize on municipal strengths.
We are all working from bare bones staffing levels and cannot take on more.	Clarifying roles and responsibilities may open the door for a discussion on staffing, but that is out of scope for this project.
Need consistency and an established relationship with County planners.	The MOA provides flexibility to establish the relationship desired between the County planners and staff in each local municipality.
Do not understand County's position on rural consents. The OP allows a severance and still they say no.	The issue of OP consent policies is out of scope for this project. The comment has been noted for input to the County Official Plan update project. It should be noted that in one instance the local OP is more restrictive than the County OP.

Town may want to do a policy review in-house or hire its own consultant.	The MOA provides for this. In many cases the County will be a commenting agency so sharing information about timing is important so that both levels of government have the right resources to provide input at the right time.
One counter approach or separate local and County applications?	Presently local municipalities receive applications for building permits that can trigger a minor variance or rezoning application, and other submit directly to the County. The MOA has flexibility to change the administrative approach.
Problems encountered getting a report on local agendas due to rules limiting delegations.	The MOA provides flexibility for administrative and procedural matters to be adapted to meet the needs of all. In this case, staff agreed to look at adding non-Public Meeting County planning reports on local municipal agendas as staff reports, so planners can speak to them with-out unnecessary delay and without time limits that apply to deputations.
Need to clarify building department vs. Planning roles, so applicants don't get sent back and forth.	A clause was added to the MOA to address this. The local building official / plans examiner is the authority on interpreting the zoning by-law and official plans. The planner is the authority on language to address amendments.
If we disagree with the interpretation of how planning policy is applied, can we seek another opinion within the department?	No. This is a matter to be raised with the planner for a fulsome discussion. Planners provide professional advice and that must be respected. It is possible however, that an amendment may be needed to the applicable policy to achieve the desired local result.
Grey County does things different. Why can't we look at that?	The Stantec report looked at options for service delivery and makes comparisons to several models used in other counties. This is out of scope for this project, but because the topic was raised the chart in the Stantec report is included.
Can the County delegate planning responsibility?	This is a question that the County Council has asked its solicitor to report on.
What's next?	Once County Council authorizes the MOA, then it will be forwarded for final review by local municipal councils for approval.

3.5 Comparators provided through Stantec Report (for information)

Due to questions being raised about how other counties share responsibilities to planning services, we have included the Stantec information in this regard.

Bruce County	
Local Development Application Services	Intake of local planning applications are done by County planning staff at “Hub” offices. County planning staff prepare and present reports to Committees of Adjustment or local Councils, as required.
Local Policy/Long-Range Planning Services	Through special agreements, County planning staff have been able to manage local 5-year Official Plan reviews, but recently County staff lack capacity to meet the desired long-range projects of local municipalities. Some local municipalities have decided to contract out their long-range planning projects. Un-disputed or housekeeping local Official Plan and zoning by-law amendments are delegated to County planning staff.
County Development Application Services	County staff receive, write reports for, and present recommendations on consent applications to Land Division Committee. Subdivision/Condominium applications are received, processed, and presented to Councils by County planning staff
County Policy/Long-range Planning Services	County-wide longer-range Policy Planning and Special Projects services are provided by the County Planning Department however, these services cannot always be prioritized due to the need to focus on development review. This is due to increasing application volumes, and limitations due to workload and staff capacity.

Huron County	
Local Development Application Services	Intake of minor variances and zone changes occur at the local level, with County planning staff preparing and presenting reports to Committees of Adjustment or local Councils. Site plan control is carried out by the local municipality. Often when they are combined with other applications, the County planners are more involved. They write reports on site plans, if requested, based on a fee for service
Local Policy/Long-Range Planning Services	All Local Official Plan reviews and Municipal Zoning By-law updates are done in-house, by County planning staff. The

	department generally sticks to a schedule of doing two OP reviews and two ZB updates each year, to fit into the 5-year cycle. County planning staff are also responsible for local CIP updating. Un-disputed local OPA have been delegated to County planning staff.
County Development Application Services	County staff accept, write reports for, and present on consent applications to Land Division Committee, un-disputed consents have been delegated to County planning staff. Subdivision/Condominium applications are accepted, processed and presented to Councils by County planning staff.
County Policy/Long-range Planning Services	Few updates to County-wide Official Plan are necessary due to the high-level nature of the County OP; their 5-year review and County-wide planning projects are completed largely in-house (e.g. cycling strategy, residential intensification strategy)

Grey County	
Local Development Application Services	Local-level planning applications are reviewed by the County, with most of the responsibility for application processing being managed at the local level. Regarding Site Plan Control, this is a local municipal process, and these applications are not always circulated to County planners.
Local Policy/Long-Range Planning Services	Local-level policy is managed at the local municipal level, with some local municipalities completing policy in-house and others hiring consultants, when a full-time or part-time planner is not on staff. County is circulated for commenting.
County Development Application Services	Subdivision/Condominium applications are received, processed and presented to Councils by County planning staff for all local municipalities except Owen Sound.
County Policy/Long-range Planning Services	County-wide policies are primarily monitored and reviewed in-house. If no in-house expertise, background studies have been contracted out, but the development of County policies are mostly done by County staff.

Wellington County	
Local Development Application Services	There are some Local Development Applications that County planning staff provide assistance with. In these cases, the County directly invoices the applicable local municipalities.

	Many applications are provided to the County through their statutory circulation of applications, which are not invoiced for.
Local Policy/Long-Range Planning Services	Local municipalities are not obligated to have OPs, so many lower-tier municipalities are covered through County OP. Within the local municipalities, the Town of Erin has a complete Official Plan and the urban centres of Fergus, Elora and Salem have OPs (in Centre Wellington).
County Development Application Services	County Staff accept, process, and present on all County-level development applications to Planning Committee..
County Policy/Long-range Planning Services	County-wide policies are primarily completed in-house by dedicated policy staff (only about 30% of County policy work is contracted out). For instance, a recent Climate Change Action Plan was done internally while an attainable housing plan, a strategic plan, and a Municipal Comprehensive Review were run by consultants.

Oxford County

Local Development Application Services	County staff can accept applications for zone changes and prepare and present reports to local Councils. Minor variances are processed by the local municipality, with the County planners preparing and presenting reports to local Committees of Adjustment. Site plan control is largely administered by local municipal staff.
Local Policy/Long-Range Planning Services	Local municipalities do not have their own Official Plans; County may partially fund and/or provide planning guidance on long-range projects (secondary plans, servicing studies); Municipal Zoning By-laws are updated by County planning staff.
County Development Application Services	County staff accept, write reports for, and present on consent applications to Land Division Committee; County staff also process all County Official Plan Amendments, and present to County Council and applicable local Council. Subdivision/Condominium applications are accepted, processed and presented to Councils by County planning staff.
County Policy/Long-range Planning Services	County-wide policies are primarily monitored and reviewed in-house. If no in-house expertise, background studies have been contracted out (e.g. population projections).

4. Appendices

4.1 Related or Referenced Reports and Studies

1. StrategyCorp Reports:
 - Land Use Planning Review: Official Plan Update (October 2020)
 - Planning Department Services Fees Review (November 2020)
2. Review of Bruce County Land Use Planning Division: Structure, Service Delivery Model, Roles and Responsibilities. Final Report dated June 30, 2020 (Stantec Report)
3. County of Bruce Planning and Economic Development Department report to the Chairman and Members of Agricultural, Tourism and Planning Committee dated January 13, 2007 regarding Response to Warden's Report: Local Planning Service Improvement Initiative

4.2 Final Recommended Memorandum of Agreement

Bruce County and Municipal Planning Services Agreement

BETWEEN:

Municipality of Arran-Elderslie
Municipality of Northern Bruce Peninsula
Town of South Bruce Peninsula
Municipality of Brockton
Municipality of Kincardine
Municipality of South Bruce
Town of Saugeen Shores
Township of Huron-Kinloss
(the "Municipality" or "Municipalities")

And

Bruce County
(the "County")

Whereas the Planning Act requires the County to enact and maintain an Official Plan and to approve any Official Plan or Official Plan Amendment adopted by a local Municipality, and makes the County the approval authority for Plans of Subdivision, Plans of Condominium, Consents to sever land and part lot control by-laws; and

Whereas section 15 of the Planning Act authorizes the County to assume responsibility for planning matters on behalf of the Municipalities and to provide general planning advice to the Municipalities, and the County has done so under Memorandum's of Understanding since as early as 1994;

Now therefore the County and the Municipalities agree as follows:

1. Purpose

- a) The purpose of this Agreement is to outline the framework for an updated planning partnership that will:
 - Eliminate unnecessary duplication;
 - Clarify roles and responsibilities;
 - Increase accessibility for applicants; and,
 - Create efficiencies and otherwise maximize benefits.
- b) All parties recognize that:
 - Each municipality has in place codes of conduct and policies that apply to staff relationships and staff-councillor relationships to promote core responsibilities about performing duties with integrity and respect, and that maintain public confidence in respect of all persons, whether elected officials, professional or administrative support. These apply to the responsibilities set out in this Agreement.
 - Planners, like other professional staff are responsible for providing independent expert advice to each municipality, including the County.

2. Planning Authority and Responsibilities

It is the role of the planner to consult with appropriate staff, community and Council, develop plans and related by-laws regarding land use matters within a Municipality that take into account the requirements of provincial legislation and policy direction, community objectives, land features, environmental features and constraints and public input, and then to apply the by-laws and plans approved by Council to development-related applications that are submitted by third parties. These same considerations apply to the planner's role in developing policy and addressing special projects.

- a) **County Responsibilities** -- The County is required under the Planning Act to prepare adopt and maintain an Official Plan for the County that aligns with Provincial interests as defined in legislation and Provincial Policies. The County is also the approval authority with respect to:
 - County Official Plan Amendments
 - Local Official Plans and Amendments
 - Plans of Subdivision
 - Plans of Condominium
 - Consents / severances
 - Part lot control Bylaws.

- b) **Lower-Tier Municipal Responsibilities**--The Municipalities are the approval authority for the following under the Planning Act:
- Zoning by-laws
 - Minor variances
 - Site plan approvals
 - Local Community Improvement Plans
 - Any other by-laws or actions authorized under the Act.
- c) **County Planning Service Responsibilities** --The Municipalities hereby contract with the County, and delegate responsibility to receive and process for consideration by the Council of the applicable Municipality, third party applications in respect of the following development matters:
- i) Local Official Plan amendments under s. 17 of the Planning Act;
 - ii) Zoning By-law amendments under s. 34 of the Planning Act;
 - iii) Minor Variance applications under s. 44 and 45 of the Planning Act; and the County accepts this responsibility.
- d) **Policy and Project Development** -The County has a role as commenting agency and may also be retained by a Municipality to carry out a special project or policy update. Examples of projects that this section applies to include an Official Plan update, zoning by-law review, community improvement plan and other such projects.

The following steps will be taken in respect of policy and program development projects:

- i) The Municipality will provide the County with as much advance notice regarding timing of a major policy or special project and at a minimum, will advise the County when a report to obtain authority is in the early stages of preparation.
- ii) Where it is the intention of the Municipality to request the County carry out this work on its behalf, the Municipality will advise the County, and the County will advise within 30 days if it can accept the project, taking into account the priorities defined in s.3.
- iii) Where the parties agree, that the County will undertake the project, the County will provide the Municipality with a proposed timeline to complete the project, and will advise the Municipality if it does not have the resources to meet the Municipality's requirements, in which case the parties will discuss best options to proceed, including one or both party adjusting priorities or the Municipality retaining a consultant to do all or part of the work;
- iv) The County will work with the Municipality to carry out such work in a way that reflects local context in the exercise of professional judgement, in addition to aligning with the Local and County Official Plans.

3. **Prioritization of Planning Matters-** Planning matters will be reviewed on the following order of priority:
- a) Development applications -the Parties agree that the timelines set out in the Planning Act require that development applications be treated as first priority, and the County will dedicate sufficient resources to processing these applications within the timelines set out in the Planning Act.
 - b) Local Official Plan and Zoning By-Law comprehensive reviews - there is a benefit to updating local Official Plans soon after the County Official Plan has been updated, and the Municipalities will work with the County to schedule and prioritize these updates, recognizing that the County will have a role as commenting agency in situations where the Municipality chooses to use an external consultant to carry out the work.
 - c) Special Projects - from time to time the County is requested to carry out policy and special projects on behalf of a Municipality, and section 2d) applies.
 - d) Where multiple projects could present a workload issue with projects or applications already being processed or which the County has committed to undertake, the County will schedule a meeting with representatives from all impacted Municipalities for the purpose of determining priorities, with the objective of meeting the needs of all parties.
- 3.1 Municipalities will treat planning reports from the County regarding application status updates, project updates and policy matters, as a staff agenda item, and the County will be mindful of Municipal agenda submission timelines.

4. **Shared Responsibilities -**

- a) Administrative support for planning matters shall be shared as determined between the parties with the general expectation that the County will provide notices of applications, meetings, and decisions. All other administrative matters related to meetings and hearings will be carried out and resourced by the Municipality, including the position of Secretary-Treasurer of the Committee of Adjustment;
- b) Technical and GIS data sharing -The County GIS data shall form the basis for issuing notices on planning matters, and the Municipalities will work to ensure local information is kept current and shared with the County on a regular basis. The County will work with the Municipalities on system upgrades and all parties will work to ensure electronic data and systems are procured with the expectation that County and Municipal systems will work together.

- c) Planner attendance at Municipal Offices -to the extent possible, the County agrees to make its planners available to meet with staff and members of council, as well as the public, in the Municipalities' offices, to share information and provide service to the public.
 - d) Zoning By-law Interpretation--the Parties acknowledge that the local zoning by-law administrator and the planner both have responsibilities related to the interpretation of the Zoning By-law, and it is the Municipal official's interpretation that governs, and is then the responsibility of the planner to determine language to implement any requested change.
 - e) Appeals to LPAT-
 - i) In the event a decision on a development application as outlined in 2c for which a planning report and recommendation has been prepared by the County for a Municipality is appealed to the LPAT, it shall be the responsibility of the Municipality to procure, instruct and pay for counsel. The County agrees that a planner will attend and provide evidence in respect of the matters at issue as they relate to the evidence in the planning report and related planning matters related to relevant planning documents. In the event the Municipality is called upon to retain external consultants as determined necessary by instructing legal counsel, the Municipality will undertake and pay for such consultants.
 - ii) Where the County is also a party to the appeal, the Municipality and the County may elect to retain counsel and experts jointly and divide costs accordingly.
5. **Communications**-the parties support two-way communication for mutual benefit, and agree as follows:
- a) The County will share with the Municipalities any information it receives from the Province regarding proposed changes to Provincial plans or policy statements, new legislation or regulations including timelines to comment on them, that have the potential to impact planning within the County and the Municipalities.
 - b) Where appropriate to do so and as time allows, the County will provide an opportunity for the Municipalities to provide a local perspective to the impact of such change and /or provide an opportunity to work together on a common approach to reporting such matters to the respective councils.

- c) Where appropriate to do so and as time allows, the Municipalities will likewise bring to the attention of the County and provide an opportunity for the County to provide a perspective to the impact of such change and /or provide an opportunity to work together on a common approach to reporting such matters to the respective councils.
- d) The County and the Municipality agree to share annually and more often if appropriate, workplans for land use planning policy and project development for the upcoming years to ensure that resources are appropriately allocated and to allow the County to be responsive to local needs for special projects and reviews and to ensure the municipalities are aware of any special projects that the County has decided to undertake. Opportunities for joint participations will be explored and encouraged where appropriate.
- e) The County will provide monthly staff status reports to Municipal planning committees advising of all active and newly closed planning applications and will attend to speak to the report if requested.
- f) The Parties will work together to provide each Municipality with an annual report identifying the planning services that have been provided over the previous year.

6. **Costs of County Planning Services-** The parties agree that the County will:

- a) Be solely responsible for determining fees for planning services provided by the County to third parties;
- b) For planning policy and special projects, charge-back to the Municipality a fee of not more than the cost of providing the services requested by the Municipality, including any external costs the County may have to incur in this respect.

7. **Term -**

- a) The term of this Agreement is five years, and after the fourth year the parties will discuss its renewal.

8. Termination or Modification -

- a) In the event one of the parties wishes to terminate this Agreement before its expiry, that Municipality will provide a minimum of one year's notice to the County, and will reimburse the County for all costs related to providing the necessary transfer of data to the Municipality. The County will likewise provide one year's notice and will pay costs associated with its decision if the County determines it appropriate to terminate this Agreement.
- b) A decision not to execute this MOA or the failure of a Municipality to make a decision on or before March 31st, 2021 shall constitute termination of the current planning roles and responsibilities as between the County and the Municipality. County and Municipal staff will develop options to address the handling of open files and determine the date by which the County will cease accepting new applications from third parties that relate to matters. Where agreement cannot be reached, then the County services as set out in s.2 b) and c) will cease as of ninety days of the Municipal Council decision or March 31st, 2021, whichever date is earliest.

9. Notice -

Any notice to be given under this Agreement shall be provided to the municipal clerk in writing, by email or by post, effective the day it is received.

10. Severability-

If the County or any Municipality determines not to become a party to this Agreement or wishes to terminate it early in accordance with section 8 b), or if determined by a Court of law to be invalid or unenforceable, the remainder of this MOA shall remain in full force and effect.

Dated this _____ day of _____, 2020

Bruce County

The Corporation of the Municipality of Arran-Elderslie

Municipality of Northern Bruce Peninsula

Town of South Bruce Peninsula

Municipality of Brockton

Municipality of Kincardine

Municipality of South Bruce

Town of Saugeen Shores

Township of Huron-Kinloss