



Committee Report

To: Warden Janice Jackson
Members of the Planning and Development Committee

From: Mark Paoli
Director of Planning and Development

Date: March 18, 2021

Re: Delegation of Lot Creation Responsibilities to Local Councils

Staff Recommendation:

That the Report “Delegation of Lot Creation Responsibilities to Local Councils” be received; and,

That County staff be directed to canvass Local Municipalities to determine if they have an interest in accepting lot creation responsibilities and, if interested, identify local implementation matters to be considered.

Background:

Pursuant to a staff report and legal opinion about County Council Planning Approval Authorities at its December 2020 meeting, Planning and Development Committee passed the following Recommendation:

That staff be directed to provide a report to Planning and Development Committee setting out the process to establish and implement a delegation of consent, subdivision, condominium and part lot control responsibilities to local councils.

This report is provided in accordance with the above Recommendation.

Technically, some of the approvals noted in the above Recommendation create lots (consent, subdivision), while others create blocks (subdivision) or units (condominium); for simplicity, these are collectively referred to in this report as ‘lot creation’ as they are in the same family of planning approvals.

Current Situation:

As a two-tier County with an approved County Official Plan, the Planning Act and its Regulations have assigned responsibility for lot creation decisions to Bruce County Council. This framework was established in most Ontario Counties in the mid-late 1990s, and there have been changes in some Counties since then. Bruce County Council, as provided for in the Planning Act, has delegated responsibility to approve undisputed lot creation applications to staff, while retaining the responsibility for disputed applications, which includes refusal decisions. Staff approvals represent approximately 90 percent of the lot creation decisions.

Process to Delegate Lot Creation to Local Councils:

County Council has discretion to decide to delegate any of its lot creation responsibilities (consent, subdivision, condominium, part-lot control) to one or more Local Councils.

Partial delegation - where disputed applications would be delegated to a Local Council while undisputed applications would continue to be delegated to County staff (County Planning Director or Land Use Planning Manager/Secretary-Treasurer of Land Division Committee) - is not possible under the Planning Act.

Accordingly, a Local Council would need to put decision-making processes in place for all applications for which it accepts responsibility. To this end, Local Councils can choose whether to: make the decisions at Council; constitute a Committee of Council; and/or delegate certain decisions to an appointed officer.

The generic process for delegating lot creation approval responsibilities is described in the steps below - it is acknowledged that not all of the steps are prescribed by legislation and some are based on practices observed in other Counties:

1. Local Council passes a Resolution requesting County Council to delegate one or more of its lot creation responsibilities. It is a best practice to have the process start here to ensure that the Local Council's interest in the approval authority is clear and to avoid County Council imposing delegation on an unwilling Local Council. An example is a request from Town of the Blue Mountains to Grey County, attached.
2. County and Local staff discuss and put in place administrative processes and arrangements to prepare for and support transition to Local Council responsibility.
3. For Subdivision delegation, County Council is required to give at least 14 days' Notice of its intent to pass a delegation By-Law to: the Clerk of the Local Municipality; and, to the Ministry of Municipal Affairs (note: further research has determined that provincial approval is not required). The Notice is to include the authority to be delegated and the date when the delegation would come into force.
4. County Council passes a By-Law delegating one or more of its lot creation responsibilities to one or more Local Councils. The Resolution can include conditions for County Council to satisfy itself that the Local Council has capacity in place to undertake the responsibility being delegated and/or to require reporting.
5. While not required by the Planning Act, examples in other Counties included a step in which the County and Local Municipality established an agreement on implementation (Simcoe County By-Law and agreement with Springwater Township is attached).

Conclusion:

The foregoing sections set out: County Council direction to prepare this report; and, the delegation process based on the planning legislation and past practices in other Counties.

Financial/Staffing/Legal/IT Considerations:

There could be financial, staffing, legal or IT considerations associated with delegation of County planning authorities discussed in this report.

Interdepartmental Consultation:

None.

Link to Strategic Goals and Elements:

None.

Approved for Submission:

Sandra Datars Bere
Chief Administrative Officer