

# Staff Report to Council

**Title:** Memorandum of Understanding for Planning Services with Bruce County

**Report Number:** Development Services-2025-02

**Director:** Infrastructure & Development

**Manager:** Development Services

**Meeting Date:**  
Wednesday, January 22, 2025

**Date to be considered by Council:**  
Wednesday, January 22, 2025

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## Recommendation:

That the Council of the Municipality of Kincardine repeal By-law 1999-32 and pass a By-law to enter into an Agreement for Planning Services (Memorandum of Understanding) between the Municipality of Kincardine and The County of Bruce.

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## Executive Summary:

The purpose of this Agreement is to outline the framework for the provision of planning services by the County and to establish an updated Agreement. It is the role of the Planners to consult with appropriate staff, community and Municipal Council, develop plans and related By-laws regarding land use matters within the 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.

## Strategic Priorities:

D.14-Ensure the organization has the optimal number of engaged human resources to support municipal operations and deliver excellent services

## Financial Considerations:

Fees for Planning applications are set as per the Municipal Rates and Fees By-law and the County Rates and Fees By-law.

## **Context and Background Information:**

The purpose of this Agreement is to outline the framework for the provision of planning services by the County and to establish an updated Agreement that will:

- i. eliminate unnecessary duplication;
- ii. clarify roles and responsibilities;
- iii. increase accessibility for applicants;
- iv. create efficiencies and otherwise maximize benefits; and
- v. replace all prior Memorandums of Understanding for planning services.

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The Township of Kincardine - Bruce - Tiverton had passed By-law 1999-32 to enter into an agreement with the Corporation of the County of Bruce to provide Planning Services pursuant to Section 15 of the Planning Act. A review of this agreement has prompted changes to the servicing model and as a result an updated Agreement has been developed. The Municipality of Kincardine and the County of Bruce share administrative duties in the administration of planning applications through the Planning Act. Through the Memorandum of Understanding, certain administrative functions related to specific planning applications are undertaken at the County level. These include processing applications and providing planning reports to Council for County Official Plan Amendments, Local Official Plans and Amendments, Plans of Subdivision, Plans of Condominium, Consents and severances, Part lot control By-laws and Validations of Title. County Planning Service responsibilities for consideration by the Council of the Municipality also include third party applications in respect of Zoning By-law amendments under section 34 of the Planning Act, Applications to the Committee of Adjustment (Minor Variances) under s. 44 and 45 of the Planning Act that are related to a Zoning By-law and at least annual consolidations of local Official Plan and Zoning.

These functions are also vetted through Kincardine staff for comment and input during the planning process and ultimately, any planning approvals and decisions of Council form part of the Municipal record as related to the property from these planning applications. Within these administrative functions, the Planning Act assigns the Municipality as the approval authority for Zoning By-laws and amendments, Minor variances and other applications to Committees of Adjustment, Site plan approvals, Local Community Improvement Plans, Community planning permit systems, where enacted; and any other By-laws or actions authorized under the Planning Act.

## **Consultation Overview:**

The Memorandum of Understanding has been developed and reviewed in consultation with Bruce County Planning and the Municipality of Kincardine.

## **Origin:**

Initiated through consultation with Bruce County Planning and Municipality of Kincardine

## **Implementation Considerations:**

Professional Planners from the County will afford staff a level of consistency and reassurance that planning procedures are aligned with the Planning Act, PPS, County Plans/By-laws, and Local Zoning By-laws. Interpretation and administrative functions provided under this Agreement will effectively improve communications between both the Upper and Lower Tiers and promote efficiencies that can be realized throughout the planning process.

## **Risk Analysis:**

The Memorandum of Understanding affords the Municipality with Planners that will provide independent professional advice in accordance with both the County's code of conduct, and the codes of conduct and ethics of any professional planning associations (including, but not limited to, the Ontario Professional Planning Institute) of which they hold membership. Administration and support functions related to the Planning Act and Provincial Planning Statement can be relied upon through the engagement of Professional Planners which hold a recognized pedigree in their field of knowledge.

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**Attachments:** Memorandum of Understanding – Bruce County and Municipal Planning Services Agreement

**Prepared by:** Dwayne McNab – Chief Building Official/ Development Services Manager

**Submitted by:** Dwayne McNab – Chief Building Official/ Development Services Manager