



Planning Report

To: Council of the Municipality of Kincardine

From: Jack Van Dorp, Director, Planning and Development

Date: December 2, 2024

Re: Planning Services Agreement

Recommendation:

That the Municipality of Kincardine approve the attached Planning Services Agreement and authorize the Mayor and Clerk to sign on behalf of the Municipality.

Summary:

Bruce County provides Planning Services to local municipalities within the County based on agreements that were entered into shortly after amalgamation in the late 1990s.

These agreements were focused on application review, with participation in local special projects to be arranged separately from the agreement.

The proposed new agreement reflects the evolution of planning services between the County and local municipalities.

It provides for application review as at present, annual consolidations, time allotments for policy and project support, addresses potential for delegation of authority, and addresses changes to provincial direction and other emerging issues which are discussed further below.

Background

Need for New Agreement

Need for new planning services agreements was identified to address the evolution of planning services and opportunities for enhanced staff capacity to support local municipalities.

Bruce County secured Municipal Modernization Funding in 2020 and engaged Strategy Corp for service improvement initiatives including preparation of a new agreement.

A proposed new agreement was presented to local Councils in November 2020 and to County Council in December 2020, however it was deferred at that time to address interest among some municipalities in the delegation of land division responsibilities.

Since 2020 staff undertook further research regarding delegation and while balancing other priorities including application volume, Official Plan Review, provincial change, and staff capacity.

The proposed agreement was reviewed with local CAOs and the County's solicitor and endorsed by Bruce County Council on November 21, 2024.

Potential for Land Division Delegation

The province has delegated the authority for Land Division (consents, subdivisions, condominiums, etc.) in Bruce County to Bruce County Council, and the province provides that it may be further delegated.

Bruce County Council has delegated to staff the authority to approve land division applications that are uncontested, which means the application:

- Is recommended for approval by staff;
- Has written verification from staff 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 any specified person or public body as defined in the Planning Act.

Kincardine did not express an interest in having land division responsibilities delegated.

Municipalities interested in land division were not interested in taking on the processing of land division applications, or in deciding uncontested applications, but rather in deciding the "contested" applications, with the County continuing to administer the process and approve uncontested applications.

The proposed agreement does not delegate responsibilities but recognizes that the County may delegate responsibilities to interested local municipalities and may continue to provide services where responsibilities have been delegated.

Services Provided by the County in the new Agreement

The new agreement provides for County Staff provision of:

- Presubmission consultation
- Application processing - OPA, ZBA, Minor Variance, Land Division, Holding removals
- Independent expert advice consistent with county and OPPI code of conduct
- A formal record of submission, materials, correspondence, notices
- Assistance with preparing appeal records to Ontario Land Tribunal
- Planner attendance at Ontario Land Tribunal and associated preparations where requested by the municipality
- Annual consolidations of site-specific amendments into Local Official Plans and By-laws
- Annual report and mid-year application reports to local municipalities
- Regular check-in meetings and/or office hours with local municipalities

- 105 staff hours each year for policy/project development (unrelated to applications). This provision reflects a commitment on the part of the County to support each Municipality with projects like housekeeping amendments or policy updates that are a priority for the municipality while also managing staff capacity.

Local municipal responsibilities under the agreement include:

- Administration and leading of meetings
- Secretary-Treasurer of Committee of Adjustment
- Current Contact information (the 'Assessment Roll') for notice purposes
- Zoning By-law administration and Interpretation (County can assist)
- Submit appeal records for local decisions
- Defense of appeals of decisions related to local official plan, zoning, committee of adjustment, site plan approval, Community Planning Permit System (CPPS) (if enacted), land division (if delegated to municipality),

Other Services

The Agreement provides that other services may be provided through separate agreements. For example, these could include:

- Administration of CPPS
- Administration of [delegated] holding removals
- Administration of Site Plan Control
- Larger Projects anticipated to require more time than available within the annual 105h/yr -would be on a cost-recovery basis, and subject to staff capacity.

Prioritization

The agreement sets out a hierarchy of priorities for planning services:

1. Applications - based on tight legislated timelines
2. Legislative Changes (new) these are highlighted as having potential to impact applications, and to require changes to plans and by-laws
3. Plan and By-law Updates
4. Special Projects

Other Matters

The new agreement also addresses records management, insurance, and indemnification.