



Regular Council Meeting

To:	Mayor and Council
Date:	September 20, 2022
From:	John F. Connolly, Executive Director, Planning & Development
Report Number:	Planning 2022-46
Subject:	Delegation of Authority – Official Plan Amendments & Plans of Subdivision

Recommendations:

1. That Council receive Report Planning 2022-46 Delegation of Authority – Official Plan Amendments & Plans of Subdivision for information; and
2. That Staff report back to Council at a later time on the discussions with the County of Peterborough Planning Staff.

Overview

At its Regular Council Meeting of February 7, 2022, adopted the following resolution:

R-2022-062

Moved by: McFadden

Seconded by: Belch

That Council direct staff to investigate the advantages and disadvantages for creating a Delegated Authority By-law, which delegates the authority from the County of Peterborough to The Township of Cavan Monaghan when it applies to Official Plan Amendments and Subdivisions.

Carried

In passing this motion, Council directed Staff to examine the possibility of requesting delegation of authority from the County to the Township on what Council considers the “bigger items”. Namely the approval of Official Plan Amendments (OPAs) and Plans of Subdivision.

Council also commented at that time, that given its experience on numerous OPAs and Subdivisions, it is of the opinion that there is enough duplicity in the planning process that such delegation would work to streamline these processes (OPAs, Subdivisions) if delegated from the County to the Township.

Background

Under Ontario's Planning System, there are a number of provincial statutes and policies that govern land use decision-making in Ontario. Attachment No. 1 to this report, identifies the various acts and policies that impact upper- and lower- tier municipalities when considering and applying the provisions of the Planning Act and land use controls.

Council is familiar with many of these land use controls whereby certain approvals rest with Cavan Monaghan Council (i.e., zoning by-law amendments) or have been delegated to Township Staff (i.e., "straight forward" Site Plan Control) while other approvals still rest with Peterborough County Council.

Currently, Peterborough County makes final decisions on:

- Plans of Subdivision;
- Plans of Condominium;
- Official Plan Amendments;
- Severances; and
- Removal of Part Lot Control.

While all of these applications (above) are reviewed by local Council for consideration and supported with a recommendation, the ultimate decision remains with another governing body – the County of Peterborough.

Focusing on Council's February 7, 2002 resolution, the County of Peterborough has been assigned the responsibility by the Province of Ontario under the Planning Act to process, review and approve certain development applications including OPAs and Plans of Subdivision. That said, the Planning Act does allow this approval authority to be delegated to the local municipality through the appropriate mechanism.

It is important to keep in mind that whether approval authority is delegated to the Township or not, the County remains responsible and accountable to ensure that the provisions of the Planning Act and other related legislation are addressed in development applications and decisions. This means that the County will remain involved in monitoring and ensuring development approvals are in line with Provincial and County policies and plans.

Discussion

Over the past two (2) years, Township Staff have identified opportunities to streamline the planning process in a number of areas initially focusing on the internal planning processes within its control. For example, on October 4, 2021, Council approved the Delegation of Authority for Site Plan Control/Approvals for "straight forward" applications and commenting on certain planning applications of a time sensitive nature. In these instances, Staff are implementing Council's direction and are achieving efficiencies in decision-making. However, this is delegated authority from Council to Staff rather than focus on opportunities for upper- to lower- tier delegation of authority from Council to Council.

While Township Staff have raised this topic with County Planning Staff, to date, there has not been any meaningful discussions between Staff on what, if any, those opportunities for delegation may be. Township Staff have focused its discussions with County Planning Staff on completing the new County Official Plan and finalizing the update to the Growth Management Strategy (GMS), which were approved on June 29, 2022 and August 2, 2022 respectively.

With these foundational planning documents in place, Township Staff is now in the position to prioritize examining opportunities for delegation of authority with the County.

In a recent discussion with County Staff, Township Staff discussed having a meeting to discuss the delegation of authority process. As a result, according to County Staff, they have not done any background work or considered the process or appropriate terms and conditions associated with responding to such a request. That said, County Staff indicated to Township Staff that they are open to having discussions to “explore the process” of possible delegation of authority.

Based on the results of these discussions, County Staff would then seek direction from County Council once there is a better understanding of what may be involved and possible next steps, as would Township Staff.

Considerations

Once the Province approves the recently adopted County Official Plan, this document will not only serve as the Official Plan for the County but also the Official Plan for seven of its local municipalities (all but Cavan Monaghan). As such, any request to consider delegation of authority is only ever likely to come from the Township of Cavan Monaghan. Given this, any discussions (and possible negotiations) between Township and County Planning Staff will focus solely on what is the legal basis, requirements and possible criteria (terms and conditions) that need to be in place in order for such a delegation to take place.

Based on Staff's review of best practices and delegation of authority in other jurisdictions, with the right safeguards and agreements (MOU) in place, there may be many benefits to the planning process through improvements and the appropriate delegation(s). These benefits could include:

- Avoiding any unnecessary delays on applications that implement approved policies and regulations (i.e., Official Plan, Plans of Subdivision).
- Allowing for more timely and predictable decisions on planning applications that implement plans and policies;
- Allowing Council to prioritize decisions on development and growth in the municipality;
- Working towards meeting Planning Act timelines; and
- Achieving a more efficient municipal planning approval process that better serves the public and applicants.

Township Staff will work with County Planning Staff over the next couple of months to set up a series of discussions on delegation of authority and report back to Council on the progress and possible next steps.

Financial Impact:

None at this time.

Attachment:

Attachment No. 1 – Ontario's Planning System.

Respectfully Submitted by,

Reviewed by,

John F. Connolly
Executive Director, Planning & Development

Yvette Hurley
Chief Administrative Officer

Attachment No. 1



Ontario's Planning System

