

Report to Council

Report Title:	Delegation of Land Division Responsibilities		
Prepared By:	Sonya Watson, Chief Administration Officer		
Department:	Administration		
Date:	June 22, 2021		
Report Number:	CAO2021-10	File Number:	C11AD
Attachments:	Bruce County Committee Report - Delegation of Lot Creation Responsibilities to Local Councils		

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number CAO2021-10 - Delegation of Land Division Authority, prepared by Sonya Watson, Chief Administrative Officer and in so doing provides direction to staff on Council's interest in having staff investigate the transition of authority for consideration of Land Division Responsibilities to be delegated to the Municipality of Brockton Council in either a full or partial manner with consideration of cost effectiveness, process, legal considerations, and local benefits.

Report:

Background:

For the Municipality of Brockton and all municipalities with the County, land division authority rests with the Upper Tier County of Bruce. Under the Planning Act, all lot creation, subdivisions, consents, easements, etc. are the legal responsibility of the County and their Council. The Act allows the land division authority to delegate its powers in a variety of ways and may attach conditions to the delegation.

Bruce County has currently delegated land division authority for undisputed applications to County staff. Applications that are not compliant with the Official Plan policy, where staff do not recommend approval, where local municipalities have identified concerns or where there is a certain amount of community opposition are considered by County Council. *Approximately 90% of all applications are approved by Bruce County staff. Based on County staff review it is estimated that only one or two applications per lower-tier municipality go to County Council on an annual basis.*

In March, Bruce County Planning staff brought forth a report to Bruce County Council which outlines the administration and legal requirements for a further delegation of authority to the local Councils. The report itself is at a high level and many details are unknown at this time. Essentially, there is the opportunity for a municipality to assume the administrative and political responsibility for land division. When considering the responsibilities associated with land division, there is a good possibility of the municipality incurring

potentially significant additional costs, especially on the need for staff resources or planning expertise for the administration and advice on the land division process.

Analysis:

County staff were directed to bring forward this inquiry by members of Bruce County Council and seek input from the lower-tier municipalities. The proposed delegation of authority may result in a local decision-making potential but this will require extensive review to determine any improvements to the development review process, including the coordination of decisions, opportunities for prioritization and streamlining. As noted above out of a total of approx. 100 applications per year received at the County only about 10 actually go to the Committee for consideration and are not just routinely approved by the delegation to staff. The review and implementation of the potential of re-doing this entire process for consideration of potentially two applications per year will take staff time and resources and will require some legal advice. With staff resources already extended due to the Planning and Building flourishing Council should consider the benefits. Council may also wish to consider that Land division can often be controversial when it specifically comes to subdivisions and Council may wish to consider if the one step of separation following their input into zoning is preferred objective step. In most instances if zoning is approved by the lower-tier Council the County staff are able to review and quickly sign off on most consent applications which is a very streamlines approach.

Staff outline the following items for consideration:

- Confirmation of the preferred approach for the Municipality of Brockton. Should Council wish to be a delegated authority, this will need to be conveyed to Bruce County with significant further analysis on a new established process.
- Outline of the specific authorities Council wishes to have delegated. There should be extensive consideration regarding the legal requirements as the variety of available delegated tasks is sizable including:
 - Receiving of applications
 - Reviewing of applications
 - Consideration of applications
 - Circulation of notices
 - Administering the legal process, including:
 - Clearing the conditions
 - Stamping of deeds
 - And other administrative requirements
- Outline of how Brockton's intended decision-making process for land division applications. For instance, provisionally or draft approve all applications or further delegate some approvals, like Bruce County Council has done, to Brockton or County staff or to a consultant we contract with the expertise for approval.
- Clarification of roles of Municipal and County staff within the preferred process. This could mean that County staff will continue to administer the process with Brockton Council approving an application, or Brockton staff or a consultant take on administration of the process as well.
- Consideration of the cost effectiveness and timeliness of this process.

At this time, many details on a revised process are unknown. We seek Council’s interest prior to proceeding with detailed discussions with County staff to analyze considerations for proceeding with assuming either full or partial responsibility. This would require a follow up report and additional consideration for a Delegation By-law or a Memorandum of Understanding, to guide the transition and outline the roles and responsibilities of all the affected parties, would also be included within a more detailed follow -up report with a consideration on staff/consultant requirements.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- Do the recommendations help move the Municipality closer to its Vision? N/A
- Do the recommendations contribute to achieving Cultural Vibrancy? N/A
- Do the recommendations contribute to achieving Economic Prosperity? N/A
- Do the recommendations contribute to Environmental Integrity? N/A
- Do the recommendations contribute to the Social Equity? N/A

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective?
N/A

There are no financial impacts at this time.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:



Sonya Watson, Chief Administrative Officer