

Recommendation:

That the Planning-2023-06 report, dated January 17, 2023, regarding Delegation of Authority By-law be received; and

That Council authorize Delegated Authority to the Planner as it relates to making recommendations to the Peterborough County Land Division about whether or not the Township supports the severance application and any conditions to be imposed; and

That the By-law be approved at the appropriate point in the meeting.

Overview:

The Planning Act, R.S.O. 1990, as amended, is provincial legislation that sets out the ground rules for land use planning in Ontario. Under the Planning Act, municipalities can put approval processes in place that help make planning work clearer and faster, where it is possible and appropriate ([Citizen's guide to land use planning, the Planning Act](#)).

The Planning Act also allows municipal councils to delegate certain decisions such as minor zoning by-law amendments, site plan approval and building permits, to a committee or staff. Delegated Authority is provided through a municipal delegation by-law, which stipulates the parameters needed to maintain trust between council and their delegate.

Section 23.1(1) of the Municipal Act, 2001, as amended, provides the general power to authorize a municipality to delegate its powers and duties to a person or body subject to the restrictions set out in the Act.

With the specific criteria in place, there are benefits to the process through appropriate delegation. Some of these benefits include:

- Freeing municipal staff time and resources by avoiding the need to prepare Council reports on what could be considered "rubber stamp" matters;
- Freeing up Council time to focus on other more important/priority matters;
- Working towards meeting Planning Act timelines; and
- Avoiding unnecessary delays on applications that implement approved policies and regulations (i.e. streamlining).

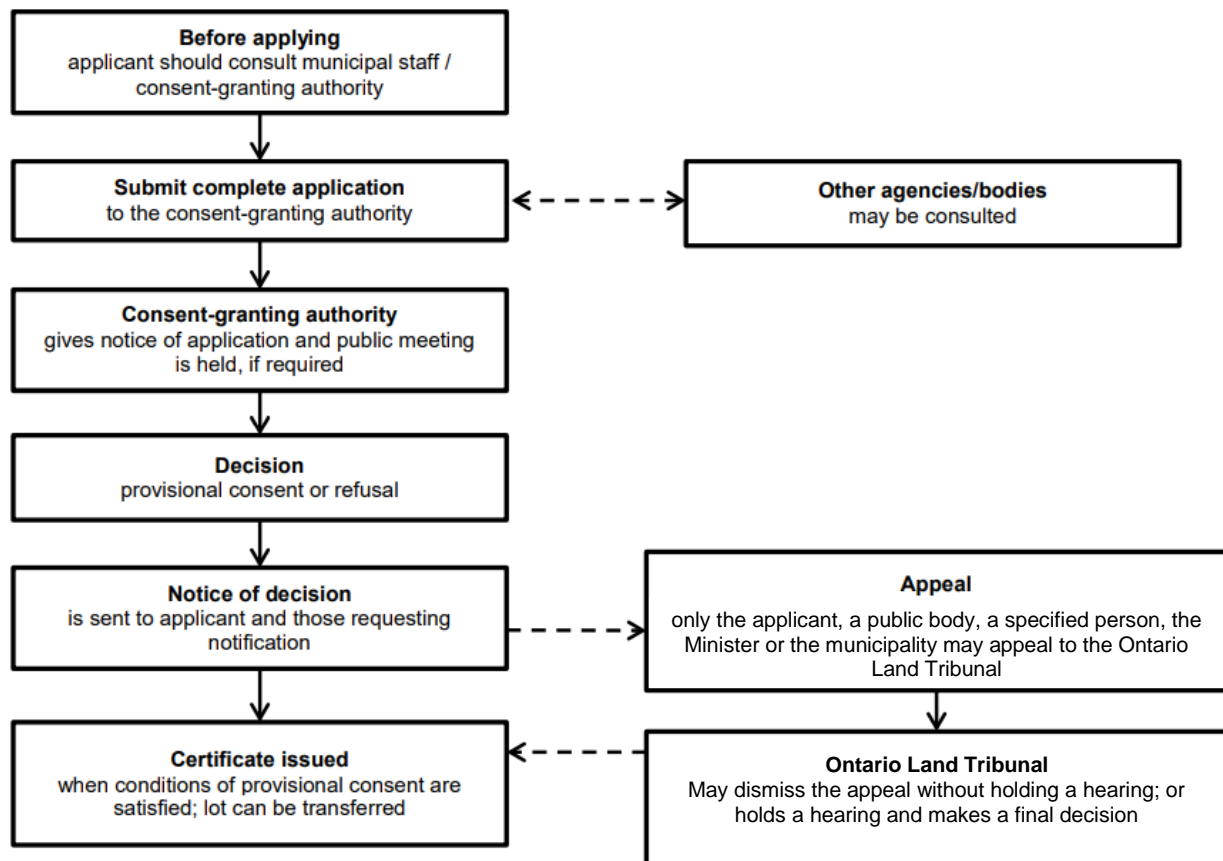
Peterborough County is the Approval Authority for severances and the Township is a commenting agency providing recommendations for the County's consideration.

Historically, the Township of Douro-Dummer has utilized a Planning Committee to make recommendations to Council on severance proposals and consent applications. The Committee consists of one member of Council and four citizen members appointed for a four-year term which runs with Council. The Committee provides recommendations to property owners and the Peterborough County Land Division about whether or not the Township supports the severance application and any conditions to be imposed.

As noted above, Peterborough County is the Consent Granting (Approval) Authority for consent (severance) applications. The County has delegated decision making authority for straight-forward applications (i.e. applications that conform to and do not conflict with policy and where there are no objections) to Staff. Applications which are not straight-forward require a decision to be made by the Peterborough County Land Division Committee.

The general process a formal severance application takes is outlined below:

Flowchart: Land Severance Process



The Township falls under the “Other agencies/bodies” box that may be consulted on the application.

In order for the Township to provide comment to the County, a meeting of the Planning Committee must be scheduled, Staff must prepare a report for the Committee, and an Agenda is prepared. After completion of the Planning Committee Meeting, the Minutes of the meeting are provided to Council. Once the minutes are adopted by Council, the Municipal Appraisal Form (MAF) outlining policy compliance and any conditions of the Township is forwarded to the County.

The current process can cause significant delays. For example, there are presently ten (10) severance applications that are ready for comment, and are waiting to be scheduled for the next Planning Committee meeting. Due to the municipal election, some of these applications have been ready since November 3, 2022, but have not been able to be processed until a new Planning Committee could be established.

It is not possible for all of these applications to be received at the January 13th Planning Committee meeting. For the applications that are heard, typically no more than five, the minutes of the meeting would be placed on the February 7th Council meeting and the MAF would not be forwarded to the County until February 8th. This represents a delay of 3 months for some of the applications.

Once all of the agency comments are received, including the Township MAF, the County Planner prepares a report. As mentioned above, if the application is straight-forward, a decision, on the application, is made by the Director of Planning. If the application is not straight-forward, a decision, on the application, is made by the Land Division Committee.

Often times, the Township Planning Committee decision causes confusion for the Applicant, as they believe they have received approval of their application and that only the conditions of the Township must be fulfilled in order to receive their severance. Township Staff spend time explaining that the Township is only a commenting agency in the process and that the County is the Approval Authority and that updates on the status of their application must be directed toward the County.

There is an opportunity for this process to be less confusing and streamlined to avoid delays in the severance application process if Council authorized delegated authority to the Planner as it relates to making recommendations to the Peterborough County Land Division Committee.

Through delegated authority, the Planner will still circulate the severance application to senior staff for comment, will complete the MAF in a timely manner and provide comments to the County. Staff have canvassed neighbouring municipalities and are aware that both Selwyn and Cavan Monaghan Townships have delegated this process to their planning staff.

Council will still be apprised of the severance applications as Staff are proposing to attach each MAF to the Consent section of the Regular Council Meeting Agenda.

For controversial or applications requiring Council input, Staff propose to bring forward those applications to the next Regular Meeting of Council for direction.

Conclusion:

The Township of Douro-Dummer is committed ensuring and enabling an effective and efficient municipal administration. The Planning Department is committed to enhancing customer service/experience and realizing efficiencies at the local level. Staff are recommending that the measures outlined in this report be approved by Council as a step towards achieving some of these process improvements.

Financial Impact:

While the Committee of Adjustment would still continue, there will be a cost savings to the Township as the Planning Committee would disbanded.

Strategic Plan Applicability:

To ensure and enable an effective and efficient municipal administration.

Sustainability Plan Applicability:

N/A

Report Approval Details

Document Title:	Delegation of Authority Staff Report.docx
Attachments:	
Final Approval Date:	Jan 11, 2023

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs