

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. 07-98-0119
Your File/V/Réf.

DATE 28 April 1998

TO/DEST. Chair and Members of the Planning and Environment Committee

FROM/EXP. Acting Co-ordinator, Planning and Environment Committee

SUBJECT/OBJET **APPOINTMENTS TO THE LAND DIVISION COMMITTEE**

REPORT RECOMMENDATION

That the attached reports be received for Committee consideration.

BACKGROUND

At its meeting of 7 April 1998, the Corporate Services and Economic Development Committee (CSED) approved a Motion referring the matter outlined in the Regional Clerk's report dated 4 Mar 98, attached at Annex A, to the Planning and Environment Committee meeting of 14 Apr 98. The following Motion was also referred to the P&E Committee:

That, as of June 1, 1998, the RMOC disband the Land Division Committee and that the powers exercised by the Land Division Committee be delegated to the municipalities that comprise the Rural Alliance (Goulbourn, West Carleton, Rideau, Osgoode).

At its meeting of 14 April 1998, the Planning and Environment Committee carried the following Motion by Councillor Hume:

That this item be deferred until the next regular meeting of the Planning and Environment Committee to allow comment from the municipalities comprising the Rural Alliance.

An Extract of Draft Minute from the Acting Co-ordinator, CSED, relative to this matter has been included for your reference, and is attached at Annex B. A departmental response to the Motion from CSED, under signature of the Planning and Development Approvals Commissioner, dated 8 Apr 98, is attached at Annex C.

*Approved by
Kim Johnston*

cc: Commissioner, Planning and Development Approvals Department

REGIONAL MUNICIPALITY OF OTTAWA CARLETON
 MUNICIPALITÉ RÉGIONALE D'OTTAWA CARLETON

REPORT
RAPPORT

Our File/N/Réf. **03 07-98-0071**
 Your File/V/Réf.

DATE 4 March 1998

TO/DEST. Acting Co-ordinator
 Corporate Services and Economic Development Committee

FROM/EXP. Regional Clerk

SUBJECT/OBJET **APPOINTMENTS TO THE LAND DIVISION COMMITTEE**

DEPARTMENTAL RECOMMENDATION

That the Corporate Services and Economic Development Committee recommend Council approve the following appointments to the Land Division Committee, for a three year term to expire 31 December 2000:

- **Mr. Don Morwick as the representative from the Township of Cumberland;**
- **Mr. Bill Simpson as the representative from the Township of Goulbourn;**
- **Mr. Preston Ralph as the representative from Rideau Township;**
- **Mr. Jim Waddell as the representative from Osgoode Township;**
- **Mr. Jack Shaw as the representative from the Township of West Carleton.**

BACKGROUND

Under the Provisions of the *Planning Act*, Councillors or public citizens may be appointed to the Land Division Committee. Citizen appointments are for three years concurrent with the term of Council (i.e. 1997 - 2000), while Councillors must be appointed annually. The present members of the Land Division Committee continue to serve until new appointments or re-appointments have been approved.

The Land Division Committee consists of six members, one nominated by each of the member area municipality. There is no restriction on membership under the *Planning Act*, except there shall be no fewer than three members. At present, the Townships of Goulbourn, Rideau, Osgoode, West Carleton and the Village of Rockcliffe Park are entitled to have representatives

appointed to the Region's Land Division Committee. Although the Township of Cumberland was a member when the present Committee was appointed, it was delegated severance approval effective October 1992 and at present has its own Committee of Adjustment. Notwithstanding this, Mr. Don Morwick has expressed his interest in serving on the Region's Land Division Committee for another three year term, which is supported by Mayor Coburn and the Cumberland Council.

The Village of Rockcliffe Park has expressed an interest in assuming the responsibility for severance approvals and therefore, have not forwarded a nomination.

CONSULTATION

In November of 1997, member municipalities were advised to forward the name of a representative on the Land Division Committee for the 1997 - 2000 term. Advertisements are placed in local papers by the member municipalities, seeking interested applicants and responses were then reviewed by area Councils. Therefore, the public appointment process was carried out.

SELECTION PROCESS

The Townships of Goulbourn, Rideau, Osgoode, West Carleton and Cumberland have forwarded their nomination of a representative to serve on the Land Division Committee, which are attached at Annex A.

FINANCIAL IMPLICATIONS

The positions are non-remunerative, however, travel expenses for meetings and site visits are reimbursed.

This recommendation is submitted for the consideration and approval of Corporate Services and Economic Development Committee and Council.

*Approved by
Mary Jo Woollam*

/BC

13. APPOINTMENTS TO THE LAND DIVISION COMMITTEE
- Regional Clerk's report dated 4 Mar 98

Councillor A. Loney asked why there should be continued representation on the Land Division Committee of a municipality with its own Committee of Adjustment. The Regional Clerk, Mary Jo Woollam, clarified that the request made by Mr. Morwick to remain as a representative was endorsed by Mayor Brian Coburn and Cumberland Council. Councillor R. van den Ham said the rationale behind the reappointment was that it was felt it would be beneficial to the entire process to have a neutral participant and the fact that the Village of Rockcliffe Park did not wish to appoint a representative provided an opportunity for Mr. Morwick to be that person.

Councillor P. Hume brought forward a Motion asking that the RMOC get out of the land division "business". He pointed out that what is currently being provided and paid for is a function that serves only the four municipalities that compose the Rural Alliance (Goulbourn, Osgoode, Rideau and West-Carleton) at a net program cost of \$126,000. He noted the Rural Alliance has said it can easily accommodate the Land Division process within their Committees of Adjustment, therefore those responsibilities should be delegated to them.

Responding to a question from Chair R. Chiarelli, the Planning and Development Approvals Commissioner, Nick Tunnacliffe, said Council could delegate the function but the municipalities have to willingly accept. He added that preliminary discussions at the staff level have shown that some municipalities would be unwilling to take it on. Chair Chiarelli proposed the Motion be amended to say that any transfer of responsibility would be subject to approval requirements on the part of local municipalities.

In reply to a question from Councillor R. Cantin about municipalities paying for the service, Commissioner Tunnacliffe indicated that fees are charged, and represent approximately 78% of the \$126,000 cited. This amount represents the cost to the Planning Department because the revenues generated are returned to consolidated revenue funds. Further to a suggestion from Councillor van den Ham that the application fees be increased to make the function revenue-neutral, Mr. Tunnacliffe indicated this option could be discussed during the Planning Department's budget deliberations of 28 April.

Councillor Loney moved that the matter be referred to the Planning Department budget deliberations. He expressed his belief the Region's planning process is very pertinent to the rural municipalities and should not be eliminated at this stage. He added he did not want to engage in a planning argument and if the goal is to achieve revenue neutrality, this matter should be dealt with as part of the budget deliberations

Extract of Draft Minute
Corporate Services and
Economic Development Committee
7 April 1998

Discussion focused on a concern expressed by Chair Chiarelli as to whether deferring this matter would mean having to appoint members for a short-term in order to have a legally-constituted committee. Councillor Hume said he would not support deferral. He pointed out that, if regional planning were so important, every municipality would be part of the Land Division Committee: since many have elected to withdraw and Council has allowed this, the RMOC must now show political intent and indicate its willingness to delegate the function as a way of saving money for the taxpayer.

Councillor Loney clarified the matter was not being deferred but rather referred to the Planning and Environment Committee budget deliberations, since it is both a planning and budgetary item. Councillor M. Meilleur said she could not support this course of action, suggesting that the matter should be referred to the Planning and Legal Departments for a report back on possible courses of action.

Pursuant to these comments and observations, the Committee approved the following:

Moved by A. Loney

That the matter of Appointments to the Land Division Committee be referred to the Planning and Environment Committee meeting of 14 April 1998, along with the following Motion (from Councillor P. Hume):

That, as of June 1, 1998 the RMOC disband the Land Division Committee and that the powers exercised by the Land Division Committee be delegated to the municipalities that comprise the Rural Alliance (Goulbourn, West Carleton, Rideau, Osgoode).

CARRIED

Our File/N/Réf. 23 05-98-0023
 Your File/V/Réf.

DATE 8 April 1998

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **MOTION OF CORPORATE SERVICES AND ECONOMIC
 DEVELOPMENT COMMITTEE CONCERNING THE
 REGIONAL LAND DIVISION COMMITTEE**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee determine the most appropriate means of delivering the severance granting authority in Ottawa-Carleton, once the local government governance issue has been finalized.

INTRODUCTION

At the Corporate Services and Economic Development Committee meeting on 7 Apr 98, the following Motion was adopted:

“That the matter of appointments to the Land Division Committee be referred to the Planning and Environment Committee meeting on 14 Apr 98”, along with the following Motion:

“That as of 1 Jun 98 the Regional Municipality of Ottawa-Carleton disband the Land Division Committee and that the powers exercised by the Land Division Committee be delegated to the municipalities that comprise the Rural Alliance (Goulbourn, West Carleton, Rideau and Osgoode)”.

BACKGROUND

A staff report on options for Regional Council with regard to its authority for granting land severances is on hold pending the outcome of the local government governance issue. When this report was first tabled with Planning and Environment Committee, an option was added which was to delegate severance granting authority to each local municipality. As a necessary ingredient for this report, consultations have been undertaken with the Townships of West Carleton, Rideau,

Osgoode and Goulbourn and all four municipalities advised that they wanted the Regional Land Division Committee retained (see Annex I for their comments).

The Minister of Municipal Affairs and Housing has delegated the severance granting authority in Ottawa-Carleton to Regional Council. Regional Council can delegate this authority to a local municipality but if the municipality did not want to assume this authority such delegation would effectively create a stalemate. As noted in the report to Corporate Services and Economic Development Committee, the municipalities represented on this Land Division Committee have all nominated appointees to this Committee which is consistent with their preference, noted above, for the Land Division Committee to continue in existence.

Once the “model” for local government in Ottawa-Carleton is decided the issue of severance granting authority, like many other issues, can finally be dealt with. It is premature to conclude on this issue at this time.

Approved by
N. Tunnacliffe, MCIP, RPP

NB/kl

Attach. (1)

COMMENTS FROM MEMBER MUNICIPALITIES

TOWNSHIP OF OSGOODE

Three criteria should be applied in considering changes to the Land Division Committee:

- simplification of process
- improving decision making
- reducing costs

Simplification of Process

Making the process for lot creation standard across the Region should assist the public, applicants and agencies in understanding it. The lot creation function should be at the Region to standardize the process. The subdivision process is at the Region and the Commissioner has the authority to approve undisputed subdivisions. If similar authority was delegated for severances, it would reduce the time for approval.

On the other hand, most rural applicants likely understand the current land division process.

Improving Decision Making

The severance granting process should be set up to ensure the best land use planning decisions are made. This could be accomplished by distancing the decision-making process from the political process and by establishing criteria for the selection of Land Division Committee members.

Reduce Costs to Applicants and Taxpayers

If Land Division Committee meetings were not required for undisputed applications, this would save costs.

If approval of severances was delegated to each municipality, this would potentially increase the cost of administration (and hence application fees) due to duplication of services (staffing).

Osgoode concludes with the following recommendations:

1. A Regional Land Division Committee be retained.
2. A senior Regional staff person be delegated to approve undisputed applications.
3. Disputed applications be brought to a Land Division Committee whose members are appointed by the area municipalities.
4. Municipalities appoint members based on established criteria and having advertised for the position and having received letters of interest.

TOWNSHIP OF RIDEAU

It recommends:

1. That the Regional Land Division Committee be composed of members recommended by each participating municipality (one member per municipality) and appointed by Regional Council.
2. In addition, one member of the Regional Planning and Environment Committee be appointed to the Regional Land Division Committee.
3. Municipal Councils have regard to the following principles in selecting their appointee:
 - applications for membership on the Committee should be advertised publicly;
 - members should have an interest in and general awareness of land use planning issues and knowledge of the general planning process; and
 - members should not be engaged in work that could benefit them or a client if a lot were to be created.

TOWNSHIP OF WEST CARLETON

It recommends a modified version of what Regional staff had presented as Option 3; i.e., have a Land Division Committee whose members are chosen according to certain procedures and criteria. The Township's recommendations for selecting a Land Division Committee are:

1. That advertising for applicants be done by each municipality in its local papers as it does now for Land Division and numerous other committees:
2. That applications be received, reviewed and applicants interviewed by the local municipality;
3. That Regional Council would appoint local Council nominees. If Regional Council objected to a particular nominee, that could be discussed with the local Council; and
4. That an appointee should not be engaged in work that would benefit him/her or a client; i.e. real estate agent, lawyer, etc.

West Carleton recommends against a member of the Planning and Environment Committee sitting on the Land Division Committee.

It does not object to the suggestion of limiting the term of an appointee to two successive terms (six years).

TOWNSHIP OF GOULBOURN

It recommends the retention of the Regional Land Division Committee with each member municipality being responsible for the nomination of one member. It supports the appointment of a member at large to the Committee.

It supports the application of the screening criteria identified in the draft report (N.B. these criteria are: applications for appointment be publicly advertised by each local municipality; members should have an interest in and general awareness of planning issues and the planning process; members should not be engaged in work that could benefit them or a client if a severance were approved, a maximum term of office could be considered).