

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

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

DATE 12 January 1999

TO/DEST. Co-ordinator
 Planning and Environment Committee

FROM/EXP. Commissioner
 Planning and Development Approvals Department

SUBJECT/OBJET **RURAL TOWNSHIPS PROPOSAL - CREATION OF LAND
 DIVISION COMMITTEE TO BE RESPONSIBLE FOR THE
 GRANTING OF SEVERANCES**

DEPARTMENTAL RECOMMENDATION

That Planning and Environment Committee recommend to Council that:

- 1) Authority to grant severances be delegated by by-law to the Townships of Goulbourn, Osgoode, Rideau and West Carleton after the Region has received resolutions from these municipalities that they support the Region exercising its authority under the Planning Act to bring their Official Plans into conformity with the Regional Official Plan should they not have done so by 31 March 2001.**
- 2) Once the resolutions are received staff be directed to bring forward for Council approval the necessary by-laws.**

BACKGROUND

On 27 May 1998 Council adopted a 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”.

This recommendation followed from earlier discussions at the Corporate Services and Economic Development Committee when re-appointments to the Regional Land Division Committee were being considered and when that Committee had referred to the Planning and Environment Committee a motion that the Region disband the Land Division Committee and its authority be

delegated to the municipalities comprising the Rural Alliance (Goulbourn, Osgoode, Rideau and West Carleton).

The staff report to Planning and Environment Committee which contained the recommendation adopted by Council on 27 May 1998 noted: "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". (ANNEX 1).

Subsequent to Council's decision to retain the Land Division, the Region has received requests from the four rural municipalities to jointly operate the severance granting authority (all four municipalities have adopted identical resolutions and an example of one is attached as (ANNEX 2)).

When Council delegated severance granting authority to Rockcliffe Park (22 April 1998) the staff report made a clear distinction between the Region's interest in severances in Rockcliffe Park as opposed to severances in the rural area. The report stated:

"Severances are not a major activity in Rockcliffe Park - there were only 10 applications in the 10 years from 1988-1997 and two applications to date in 1998.

It is most unlikely that a severance application in Rockcliffe Park would raise an issue of Regional concern and, as such, the situation is quite different from the rural area where severance activity is a much greater Regional interest, not just in terms of the number of severances granted (4,000 between 1975 and 1996, or one-third of the total number of rural lots created), but, also, because of the potential impacts on resources of Regional significance (e.g., agriculture, minerals, wetland). In the rural area there is, therefore, much more at stake for the Region, and it is of benefit if the rural municipalities are served by a single Land Division Committee to help bring a consistent approach to lot creation. Another advantage is that it is easier for the Region to monitor the decision of one committee than of several committees of adjustment with regard to the need to determine where appeals to the OMB may be necessary in order to protect the Region's interests.

In summary, as the nature and quantity of severance applications in Rockcliffe Park are unlikely to affect the Region's interest, there is no special advantage to the Region in having the Village remain a member of the Land Division Committee".

Another important consideration is the direction to the CAO by Council to investigate a single unified official plan (6 July 96) and the "Replan it" report that concluded there were administrative efficiencies to be had by moving to having one official plan.

DISCUSSION

Recognizing the previous positions of Council as noted above and the fact:

- the governance issue is not yet resolved
- the Region's budgetary situation demands a review of just how services are delivered with a view to a reduction in costs

staff proposed, to the staff of area municipalities, that the whole planning process could be simplified and streamlined if the responsibility for all official plans was to be transferred to the Region, and severances transferred to the area municipalities. Regional staff would then initiate the necessary official plan amendments to bring them into conformity, and integrate them into the Regional Official Plan thus creating a one-tier official plan in the rural area. This was not acceptable to the staff of the area municipalities. However, subsequent discussion resulted in the following agreement at the staff level:

- the area municipalities will, by resolution, indicate they will not object to the Region exercising its authority under Subsection 27(1) of The Planning Act to amend their Official Plans in reasonable time,
- since some matters are still before the OMB, "reasonable time" was agreed to be 18 months after a Board order dealing with the matters relevant to the rural area, and in any event not before 31 March 2001,
- concurrently the area municipalities will bring their zoning by-laws into conformity with the Region's Official Plan,
- regional staff would recommend to Council that the authority to grant severances be delegated to the Councils of the four municipalities conditional on the resolutions being passed.

Subsection 54(1) of The Planning Act provides that Council may delegate its authority for severance approvals to the Council of an area municipality, which is what is recommended in this report. However, it is understood that four municipalities wish to establish a joint arrangement under the concept being proposed as the "Rural Alliance".

As staff understand the concept, the four municipalities will establish a committee empowered to grant severances. The municipalities jointly will then retain a firm, or individuals, to provide administrative services for the committee.

These new arrangements will then raise other questions around administration which need to be resolved, so that the public can continue to receive the good service to which they are accustomed namely:

- the legality of the committee to grant severances
- transfer of files (active and dead) from the Region
- whether and where to hold public meetings
- the location (if any) of offices for the committee and its contracted staff
- the committee's need for legal advice and services

It is important for Council to realize that in delegating the responsibility to the area municipal councils, it is delegating the administrative function. Council's policy towards development, as expressed by the Official Plan, remains in place. Staff will continue to review applications just as they do now. They will have occasion to attend the Committee from time to time and they will appeal, on Council's behalf, decisions of the Committee that are contrary to the policies in the Region's Official Plan.

CONCLUSION

On balance given the Region's need to reduce its budget, and the area municipalities' request, staff recommend the responsibility be delegated to the area municipalities, provided resolutions are received from the area Municipal Councils that they will support the Region exercising its authority under Subsection 27(1) of The Planning Act to bring their Official Plans into conformity with the Regional Official Plan should they not have done so by 31 March 2001.

FINANCIAL IMPLICATIONS

Since the rural municipalities are targeting 1 April 1999 for their start up, approximately 75% of the \$125,000 budget in "PDA" will be saved in 1999. In subsequent years, the PDA budget can be reduced by the full amount.

However, two staff will be severed unless other positions are found for them in the Corporation under the priority placement plan. Funds for their severances will come from a corporate reserve fund.

Furthermore, since the Committee is likely to hold hearings in the four municipalities, the Region may have to provide for increased car mileage claims to attend hearings.

CONSULTATION

Since this is an administrative matter, no public consultation has been undertaken. Discussions with the staff of the four area municipalities and their legal counsel have taken place.

*Approved by
N. Tunnacliffe, MCIP, RPP*

Attachs (2)

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

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).