

**THE CORPORATION OF THE UNITED COUNTIES
OF PRESCOTT AND RUSSELL
BY-LAW NUMBER 2019-26**

A BY-LAW TO DELEGATE COUNCIL APPROVAL AUTHORITY WITH RESPECT TO LOCAL OFFICIAL PLANS AND AMENDMENTS PURSUANT TO THE *PLANNING ACT*, R.S.O. 1990, c. P.13, AS AMENDED.

REF: Local Official Plan Amendment Approval Authority By-Law

WHEREAS *Ontario Regulation 543/00* made under the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*"), assigned to the Council of the Corporation of the United Counties of Prescott and Russell all authority of the Minister with respect to the approval of official plans and amendments to official plans for the local municipalities as set out in said Regulation;

AND WHEREAS the Council of the Corporation of the United Counties of Prescott and Russell being an upper-tier municipality with an approved official plan is the approval authority for the purposes of section 17 of the *Planning Act*;

AND WHEREAS it is the intent of the Council to streamline the approval process for Local Official Plans and Amendments;

AND WHEREAS subsection 17.1(1) of the *Planning Act* allows Council to delegate by by-law all or any of the authority to approve Official Plans and Amendments to a committee of council or to an appointed officer identified in the by-law by name or position occupied;

AND WHEREAS subsection 17.1(2) of the *Planning Act* provides that a delegation of authority made by a council under subsection (1) may be subject to such conditions as the council by by-law provides;

AND WHEREAS Council deems it appropriate to delegate approval authority for "undisputed" Local Official Plans and Amendments to the Director of Planning and Forestry;

AND WHEREAS Council deems it appropriate to delegate approval authority for "disputed" Local Official Plans and Amendments to the United Counties of Prescott and Russell Planning and Forestry Committee.

NOW THEREFORE the Council of the Corporation of the United Counties of Prescott and Russell enacts as follows:

Part 1

LOCAL OFFICIAL PLANS AND AMENDMENTS APPROVAL AUTHORITY

1.1 Delegated Authority – Director of Planning and Forestry – General Powers

The Director of Planning and Forestry has in lieu of Council, all powers and rights in respect of the authority delegated by this By-law, and the Director of Planning and Forestry shall be responsible for all matters pertaining thereto, subject always to the terms and limitations of this By-law and in exercising such authority may affix his signature as required to all documents and Plans arising from or connected with the operation of this By-law.

1.2 Delegated Authority – "Undisputed" Local Official Plans and Amendments

All authority of Council under section 17 of the *Planning Act* for "undisputed" Local Official Plans and Amendments is hereby delegated to the Director of Planning and Forestry.

For purposes of determining what shall be considered an "undisputed" Local Official Plans and Amendments, the related file shall satisfy all of the following requirements:

- (i) Is consistent with the Provincial Policy Statement;

- (ii) Conforms with the County Official Plan;
- (iii) Conforms with the local municipal Official Plan, if any;
- (iv) Has no unresolved concerns/objections from a Member of the Public or a Public Body/Agency; and
- (v) Is recommended for approval by the local municipality.

1.3 Delegated Authority – “Disputed” Local Official Plans and Amendments

All authority of Council under section 17 of the *Planning Act* for “disputed” Local Official Plans and Amendments is hereby delegated to the Director of Planning and Forestry save and except for:

- (a) the authority to approve, modify and approve as modified or refuse to approve a plan or parts of the plan pursuant to subsection 17(34) of the Act; and
- (b) the authority to use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute when a notice of appeal is filed pursuant to subsection 17(37.2) of the Act.

The authority of Council under subsections 17(34) and 17(37.2) of the *Planning Act* for “disputed” Local Official Plans and Amendments is hereby delegated to the United Counties of Prescott and Russell Planning and Forestry Committee.

“Disputed” Local Official Plans and Amendments shall be those that do not satisfy all of the requirements stated in Part 1.2 of this By-law.

Part 2 REPEAL - ENACTMENT

2.1 By-law - previous

By-law 2006-53 and By-law 2010-55 and all of their amendments are hereby repealed.

2.2 Effective date

This By-law shall come into force and take effect on the day of its passing.

DONE AND PASSED in open Council this 24th day of April, 2019.

Robert Kirby, Warden

Mélissa Cadieux, Clerk