

Decentralized Administrations and Decision-making & Effective Policy
Implementation:

A Study of Agricultural Severances in Southwestern Ontario 2001 to 2007

MPA Research Report

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Paul Hicks

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Executive Summary

Since the introduction of the first Planning Act in 1946 control of planning authority in Ontario rested primarily with the provincial government, however beginning in the mid-1990s the Province began a process of decentralizing the planning approvals system. This new “policy-led” system focused the province’s efforts on establishing a broad policy framework in which local municipalities are required to make decisions that are “consistent” with provincial policy. The day-to-day review of local planning applications (i.e. rezonings, minor variances and severance applications) was stopped, and the protection of matters of “provincial interest” was delegated to the planning administrations of upper tier municipalities. Without review / enforcement mechanisms questions arise of how consistent local decisions are with provincial policy.

This paper examines agricultural severance activity, specifically lot creation in agriculturally designated land, in Southwestern Ontario between 2001 and 2007. Fifteen rural municipalities located in Southwestern Ontario within Statistics Canada designated Census Metropolitan Areas (CMA) were contacted for the study and ten responded. The researcher collected data from local municipalities on the number of lots created in agriculturally-designated areas and placed that data against information received about the planning and decision-making structures of these municipalities. The subject municipalities

were scored relating to how decentralized the their planning administrations and decision-making bodies were, relative to the other municipalities studied.

Within the ten municipalities studied, 277 new lots were created in agriculturally designated areas between January 1, 2001 and December 31, 2007. The typical municipality was one that employed an on-staff planning who made recommendations to a local committee charged with land division, based on policies that met the minimum requirements of the Provincial Policy Statement.

The highest rates of severances were found in the Town of Lakeshore in Essex County which granted seventy-eight severances during that period and the lowest rate of severance granting was found in the Township of Woolwich in the Region of Waterloo which granted only four. Of the municipalities studied, there were a wide variation between the municipalities as illustrated by Lakeshore and Woolwich.

Overall the results of the research indicates that there is a relationship between decentralized administrative and decision-making bodies and the granting of agricultural severances. Of the municipalities studied, those that employed consultants or left decision-making to a lower-tier committee were more likely to grant severances than those who employed an on-staff planner or whose decision-making bodies were councils or upper-tier municipalities.

The research also revealed that official plan policies at the local level play an important role in determining whether or not a decision-making body will grant an agricultural severance. As could be expected, those municipalities who met

the minimum policy requirements or were more stringent, were more likely to grant fewer agricultural severances than those municipalities whose policies were outdated.

1 Introduction

This research paper will focus on how the distribution of administrative and decision making authority impacts policies outcomes. More particularly it will be focused on the distribution of administrative and decision-making authority in local municipalities in Southwestern Ontario and its impact on the implementation of provincial planning policy as it relates to the preservation of agricultural land. It will examine whether or not centralized or decentralized decision-making has an impact on the Province's ability to effectively implement its policy strategy to protect agricultural land in Ontario from non-farm related development in the form of the creation of a new lot. This paper will examine how differences in planning administration between, upper and lower tier, impacts how effectively and consistently provincial agricultural preservation policies (more specifically agricultural severance policies) are administered in Ontario and whether one type of administration is more effective at implementing these policies over the other. Additionally it will attempt to draw inferences from the data analysis in order to better understand the cause and effect of the data as well as summarize potential policy implications from the data analysis.

2 Background

Since the introduction of provincial planning controls in Ontario, in the form of the Planning Act in 1946, the authority to make decision regarding land use

and land division has rested, to a large extent, with the Province as decision-maker. Local official plans, “a formal set of principles and policies concerning the nature, pattern, extent, and scheduling of future growth and change within the municipality for a specified period of time, typically about 20 years (Estrin & Swaigen, 142)” being the basis of the policy-led planning system, were approved by civil servants on behalf of the government in Toronto and not in the local municipality in which they were to be applied. The approval of plans of subdivision and condominium under the Planning Act (basically large scale land division) also rested with civil servants in Toronto and not with local authorities who may have been hundreds of kilometres away. Even local planning applications (i.e. rezoning and consent to sever applications) were reviewed and monitored by the Province of Ontario in order to ensure that municipalities made decisions that were consistent with provincial legislation and policy directives.

Beginning in the early 1990s however, there have been significant changes to the way the Province of Ontario administers planning controls. The province began to examine opportunities to decentralize decision-making authority in a political atmosphere that saw many centralized powers and processes delegated to local government or eliminated altogether under the auspices of “improving local autonomy” (Ministry of Municipal Affairs & Housing, 03/06/17). Provincial planning administration was decentralized from Toronto to five regional offices (Thunder Bay, Sudbury, Kingston, Toronto, and London) and, beginning in 1996 with the passage of Bill 20 (the Land Use Planning and Protection Act), the power to approve local official plans, plans of subdivision and

condominium had begun to be delegated downward further from the regional offices to, counties, regional municipalities, districts and cities. In 1997 a protocol signed between seven provincial ministries involved in planning administration (Ministries of Municipal Affairs, Environment, Transportation, Culture, Agriculture and Food, Natural Resources and Northern Development and Mines) and another signed in 2000 between the Ministry of Natural Resources and Conservation Ontario effectively ended the review and monitoring of local planning applications by provincial ministries. At the same time, provincially-directed municipal restructuring and amalgamations drastically changed the number and size of local municipalities across Ontario.

3 The Current Planning Regime

Currently, the manner in which land use planning is administered in Ontario is drastically different from even fifteen years ago. Policy planning and land division rests solely with local governments with very few exceptions (Elgin and Dufferin Counties being notable). Provincial review of planning and development applications is generally limited to the approval of upper-tier official plans and the review of local official plans, while the responsibility to protect provincial interests as been delegated down to local governments. Since 1996 the policy directives of the provincial government have been summarized in a single, thirty-seven page, document called the Provincial Policy Statement. This document acts as a kind of official plan for the Province of Ontario and sets out, in its own words, “the policy foundation for regulating the development and use of

land” (PPS 1). The Provincial Policy Statement lays out the basic planning direction for the Province and sets the minimum standards for which municipalities (both upper and lower tier) are to develop their own official plans and make land use planning decisions. The Provincial Policy Statement, replaced a myriad of ministry policies and administration procedures, known as the Comprehensive Set of Policy Statements.

Local governments themselves have been simplified into three broad categories: upper tier governments (composed of counties, regional municipalities and districts such as Waterloo Region, County of Middlesex, and County of Huron), lower tier governments (composed of municipalities under the jurisdiction of upper tier governments such as Cambridge, Owen Sound, and a host of smaller towns, villages and townships) and single tier governments (composed of one-level local governments such as the City of London, the Municipality of Chatham-Kent and the County of Brant).

While a study of the planning implications of these drastic changes would perhaps provide interesting and enlightening insights into the impact of decentralized decision-making on policy implementation, such a study would be massive in scope, would need to cover decades of planning decisions of both local and provincial authorities and take into account both changing development patterns in Ontario and the differing policy directives of many different administrations. This history does, however, set the stage for an examination the current planning regime in Ontario and perhaps provide a critique of this regime.

4 Service Provision & Decision-making Structures

Planning services in local municipalities in Ontario are provided in one of three ways. Firstly they may be provided by the upper tier municipality, whereby the upper tier staffs a planning department that provides planning advice and recommendations to lower tier planning authorities (i.e. local councils, planning boards, committees of adjustment and land division committees). These services are centralized in the upper tier's administrative offices; in some cases staff do maintain an office presence at the lower tier. Secondly, planning services may be the responsibility of the lower tier, whereby the lower tier staffs a planning department, which provides planning advice and recommendations to the lower tier planning authority. Thirdly, planning services may be the responsibility of the lower tier, whereby the lower tier contracts-out the planning service to an outside individual or firm who then provides planning recommendations and advice to the lower tier planning authority as needed. In all cases, the upper tier will still staff a planning department that will monitor and review planning / development applications to ensure consistency with provincial and upper tier policy directives. Additionally, the upper tier often retains certain approval authorities such as the approval of a lower tier official plan and the approval of plans of subdivision and condominium.

5 The Issue: Decentralization of Administrative & Decision-making Structures

The issue of administrative decentralization is more fulsomely discussed in the “Theoretical Basis” Section of this paper. However there are specific concerns that may be raised in the context of the Ontario planning regime. When a planning authority has been decentralized downward to a local council, committee or staff level the resultant decisions may be more reflective of regional variations and reflect the political realities of local municipalities (i.e. municipalities that have high growth rates are more likely to take a different view of development than a municipality with a low growth rate). Provincial policy directives are applied across the Province without regard for these realities and the prospect of broad interpretation by local municipalities may increase. Additionally, planning recommendations from planning staff may also be more susceptible to local politics. This may occur to an even greater extent when planning staff are contracted-out as there may be greater pressure to ensure a ‘happy client’ as opposed to towing the policy-line of the government in Toronto.

6 The Issue: Agricultural Preservation

There are two primary reasons for a study that focuses on agricultural preservation policies. The first being the importance of the preservation of agricultural land in Ontario and secondly the legislative requirement that municipalities “be consistent” with provincial policy. The Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) notes that only five percent of Canada’s total land base is classified as “prime agricultural land” which is defined as Classes 1 to 3 in the Canada Land Inventory. These classes are defined as

(1) no significant limitations, (2) moderate limitations and (3) moderately severe limitations. Of that five percent, over fifty percent of those lands are located in Ontario (OMAFRA 03/06/13). Additionally, the 2001 Agricultural Census states that Ontario accounts for twenty-four percent of all farms in Canada (Agricultural Census, Statistics Canada, 2001). This data would suggest that Ontario's agricultural land and industry is of national importance.

Additionally there are numerous studies that indicate that non-farm development can have a negative impact on agricultural operations. Caldwell and Weir note that “the presence of rural non-farm development in Ontario's agricultural land can be considered challenging for an active agricultural industry [as] a number of restrictions accompany the presence of non-farm related development (Caldwell & Weir 18).” Specifically they note that the Province's Minimum Distance Separation (MDS) Regulations, which establish separation distances between livestock operations and sensitive land uses (i.e. residences, school, churches, etc.) from each other based on the type and intensity of the livestock operation, are a major constraint.

The second issue of is that of legislative compliance. Regardless of what individual planners or decision-makers may think about agricultural preservation policies or development rights, since 1996 compliance with the Provincial Policy Statement, while a policy document, as been legislatively mandated through Section 3 of the Planning Act which requires that “a decision of the council of a municipality, a local board, a planning board ... in respect of the exercise of any authority that affects a planning matter, shall be consistent with the policy

statements issued (Ontario Planning Act, 2007).” The language of this section of the Planning Act was updated in 2005 to “be consistent” as opposed to the previous “have regard to”. At the very least this section places a legislated duty on decision-makers to heed to matters that the Province has determined to be of “Provincial Interest”. These interests are established in Section 2 of the Act which calls specifically for “the protection of the agricultural resources of the Province (Section 2 b) Ontario Planning Act).

7 Theoretical Basis

There is much written on how government organizations manage themselves can impact their ability to deliver the services they provide. How a government distributes decision-making authority will impact that government’s responses to external pressures to act or produce in a certain fashion. If decision making authority is centralized in one body, one can expect consistent decisions that do not necessarily reflect local or regional variations. If decision making authority is decentralized to numerous authorities, one can expect decisions that reflect varied interpretations and decisions that are reflective of local or regional variation. This dichotomy has both benefits, such as consistent decision making that reflects the real intent of the directives of policy makers, and costs, such as the inability to make decisions that are reflective of the realities of varied regions within a large jurisdiction.

In his examination of management in local government, Moore makes many comments on the idea of decentralizing decision-making, and while the

focus of his research is on public service delivery, there are parallels that are useful to this discussion. In describing the theory of “total quality management” Moore notes that these ideas “often depend crucially on the performance of lower level managers suddenly charged with new responsibilities (Moore, 4).” Much like in decentralizing decision-making in local government, when the Province chooses to delegate authority downward it is key that they communicate effectively and engage local municipalities to carry their message and policy directives forward. This idea is further expanded on by Moore when he writes that “when an organization is considering a basic shift in its overall strategy, a system that relies heavily on the organization’s current principal managers may fail to identify or appropriately resolve the central strategic issues (Moore, 171).” Of specific relevance this discussion is Moore’s cautions on geographic decentralization, which reflect the Province’s attempts to delegate decision-making authority to the diverse regions of the Province. “Geographic decentralization also depends on developing control mechanisms for holding the decentralized, geographically based units accountable for performance. At a minimum this involves making adjustments in the organization’s financial management and performance measurement systems to ensure that the organization’s traditional measures of effectiveness and accomplishment can be disaggregated to correspond to the newly created organizational units (Moore 290).”

What happens when one is trying to ensure compliance with policy directives in a decentralized environment? Pal, uses an example of a

decentralized education service in explaining some of its pitfalls: “Imagine a situation where all educational services were delivered by third parties, and the ministry’s role was to develop curricula and distribute support to parents in the form of vouchers. Key implementation issues would suddenly become related to compliance with curricular guidelines and fraud in the use of vouchers (Pal, 201).” There are numerous parallels to Ontario’s planning system. In removing themselves from planning administration, the Province is now faced attempting to monitor compliance with their policies in hundreds of municipalities.

In their work on public administration Kernaghan *et al* also raise concerns about decentralization. “[The] question is whether the use of more-autonomous organizational models (e.g., service agencies) necessarily leads to improved performance. Geert Boukaert, who has studied organizational reform in OECD (Organisation for Economic Co-operation and Development) countries, including Canada, suggests that the enthusiasm for organizational reform may be greater than organizational theory or actual results may warrant: ‘As to the effects of decentralization on the performance of the unit, theories are not unequivocally positive. This is in contrast with the euphoria noticeable in many OECD countries. Therefore it should be useful to have a closer look at the empirical base for presumed effect of decentralization on performance by evaluating these types of reforms more systematically and thoroughly’ (Kernaghan 118-119).”

8 Research Question

The primary focus of this research paper is to determine if decentralized administration and decision-making will result in inconsistent policy implementation, and if so, to what degree does it contribute to inconsistent policy implementation. The proposition that decentralized administration and decision-making will result in inconsistent policy implementation will be tested in the context of the Ontario planning system and policy led attempts to preserve agricultural land from non-farm related development. It will examine whether recent organizational restructuring that has occurred in Ontario municipalities that has had the effect of decentralizing, particularly decision-making, has had an impact on the Province's ability to achieve its policy goals. This research paper will examine whether there is a direct relationship between an increase in decentralized decision-making and increases in the number of agricultural severances that are granted for non-farm related development.

It is put forward by this researcher that if the Province and its municipalities continue to decentralize decision-making on planning matters away from central authorities, then there will be less consistency with provincial policy. Additionally it is put forward that the organization of municipal planning departments also plays a role, in that the more decentralized the planning recommendation and advice is from the central authority than the less likely the decision of the local municipality on agricultural severances will reflect provincial planning policy.

It is put forward in this paper that provincial policy is applied universally across the province without regarding for local economic, social and political realities. Pressures to development land for purposes other than agricultural uses are greater in the vicinity of urban areas and local municipalities will often see residential growth potential as a benefit to their municipality as a source of increased tax assessment and population.

9 Research Methodology

As this research paper studies agricultural preservation policies it will focus on areas where there is a significant concentration of agricultural activity, specifically Southwestern Ontario. Southwestern Ontario was chosen for two primary reasons. First being the predominance of prime agricultural land in the region. Some areas, such as Middlesex County are considered to be entirely composed of prime agricultural land (County of Middlesex OP 2-22). It is an administratively distinct area defined by the Ministry of Municipal Affairs and Housing as stretching from the City of Windsor in the south to the Bruce Peninsula in the north and as far east as Wellington and Haldimand Counties (see Appendix I). In addition to being an administratively defined region, Southwestern Ontario is neither a high growth or negative growth area, unlike the Greater Toronto Area or Northern Ontario.

Within Southwestern Ontario, further research parameters were established to ensure an “equal field”. Only lower-tier rural municipalities were studied. A lower-tier municipality is defined by the Municipal Act as “a

municipality that forms part of an upper-tier municipal for municipal purposes (Section 1(1) Municipal Act) and are traditionally composed of towns, villages, and townships. While many definitions of what constitutes a rural municipality exist, for the purposes of this study it was defined as a municipality in which fifty percent or more of the land-base exists outside of an “urban settlement area” (as defined by the Provincial Policy Statement). In layman’s terms, this basically refers to the land base outside of a city, town, village or hamlet. The distinction of “rural” versus “urban” municipality was needed as a result of municipal restructuring, where many municipalities are now a combination of urban and rural areas.

Additionally only rural municipalities within the vicinity of large urban centres were examined. In determining what a large urban centre is, this study relied on the definition of a “census metropolitan area” (CMA) defined by Statistics Canada as: “An area consisting of one or more neighbouring municipalities situated around a major urban core. A census metropolitan area must have a total population of at least 100,000 of which 50,000 or more live in the urban core ... to be included in the census metropolitan area or census agglomeration, other adjacent municipalities must have a high degree of integration with the central urban area, as measured by commuting flows derived from census place of work data.”

The reasoning behind focusing on municipalities in the vicinity of a large urban centre or CMA, is these municipalities ostensibly experience growth pressures that may not occur in other more isolated municipalities. The post-war

phenomenon of suburban, and more recently exurban growth, has pushed development into rural areas of the Province. Municipalities within CMA are more likely to be subject to growth pressures from urban centres by commuters and suburban development. There are fifteen municipalities that meet the above criteria:

Sarnia, City of	North Dumfries, Township of
St. Clair, Township of	Adelaide Metcalfe, Township of
Amherstburg, Town of	Strathroy-Caradoc, Municipality of
LaSalle, Town of	Middlesex Centre, Municipality of
Tecumseh, Town of	Thames Centre, Municipality of
Lakeshore, Town of	Southwold, Township of
Guelph-Eramosa, Township of	Central Elgin, Township of
Woolwich, Township of	

The period of study was January 1, 2001 to December 31, 2007. This year was chosen because 2001 was the year the vast majority of municipal restructurings / amalgamations were completed and avoids the complications that arise from examining municipalities that no longer exist. In 1996 the Provincial Policy Statement had come into effect and the current provincial planning regime had been in practice for five years. The Provincial Policy Statement did undergo significant changes in 2005 that did alter the agricultural severance policies; however this policy change applied universally and should not impact the data analysis.

The types of severances that were studied focused on “lot creation” (i.e. the creation of a parcel of land that is held in a separate title) and not severances that conveyed land to another lot. The creation of a lot permits the establishment of a new use or new development which has the potential to remove land from

agricultural production or restrict agricultural land use (in light of the MDS regulations). In the policy hierarchy of the Ontario planning regime, the Provincial Policy Statement establishes the basis for land use policy. Since 1996 the Provincial Policy Statement has identified and permitted five types of lot creation in agricultural areas. Since 1996 the Provincial Policy Statement has undergone one review in 2005 in which the government strengthened its agricultural policies in order to make it more difficult to develop land in agricultural areas for non-agricultural purposes. Currently the Provincial Policy Statement permits three types of lots to be created in agricultural areas. They are severances for:

1. *Agricultural uses* – the severance of an agricultural parcel, provided that the parcels created are large enough to sustain agricultural practices.
2. *Agriculturally-related uses* – severances for grain elevators, stock yards and other similar uses provided the parcel created is of a limited size.
3. *Residence surplus to a farm operation* – severance of a residence when a farmer has purchased an additional farm but lives elsewhere.

Prior to the 2005 review the two additional types of lot creation permitted were:

4. *Farm Retirement Lots* – creation of a lot for a retiring farmer to construct a residence on.
5. *Residential infilling* – the creation of a residential building lot between two existing residences that are no more than 100 metres apart.

This research paper focuses on all five types of severances. The researcher will take the position that while some of these severances seem benign, with minimal negative impact on agricultural production, they all permit the fragmentation of

agricultural land and / or have the potential to introduce non-farm development and populations into agricultural areas.

10 Data Collection

The unit of measurement in this study is the number of agricultural severances granted by lower-tier municipalities in designated CMA in Southwestern Ontario. In simplest terms, the study will focus on whether or not a planning authority granted or permitted agricultural severances between 2001 and 2007. The subject municipalities were contacted by the researcher seeking the information contained the Questionnaire attached as Appendix II to this report. Additionally some information was obtained through the municipalities' websites.

As noted previously, the Provincial Policy Statement sets minimum standards that municipalities must follow, so while this study will focus on all five types of agricultural severances, not all the lower-tier municipalities subject to the study permitted all three types of severances. Additionally, there are situations whereby these severances are only permitted on a conditional basis (i.e. a surplus farm dwelling severance may only be permitted when adjacent farm parcels have been consolidated into one lot as opposed to permitting the severance for the consolidation of non-adjacent farm parcels).

Firstly, information was required on how planning services are provided in each municipality, whether through the upper-tier government, in-house planning in the lower-tier or a contracted-out service. Additionally the municipality was

asked whether the service has changed during the study period and asked to indicate how it was formerly provided. These questions placed the studied municipalities in three categories.

Secondly, information was required on how planning decisions are made in each municipality and who is the approval authority for severance applications (i.e. council, committee, staff, etc.). This question obtained information related to decision-making bodies and whether there is further decentralization of decision-making within the municipality (i.e. authority vested in the upper-tier government being the most centralized authority and a local committee being the most decentralized).

Thirdly, information was required on the status of the municipality's official plan. The year of its approval was required to ensure it has been in effect for the entire study period (2001-2007), if the Plan was not in effect for the entire period the date of the approval of the former official plan will be required to ensure that it, and its policies, are accounted for. Additionally, the section of the official plan and / or former official plan relating to agricultural policies were reviewed. This section of the official plan will contain the municipality's policies relating to agricultural severances and under what circumstances they are permitted.

Finally, the severance data was collected. There were various forms in which the data was catalogued between the municipalities. Some lower-tier municipalities kept records of the severances granted; some only had minutes from committee / council meetings on which to rely. Additionally some upper-tier municipalities kept records for their own research purposes. The minutes for

committee meetings were also reviewed for some municipalities. At the very least, the data, when available, was already or easily categorized so as to distinguish the various types of severances and whether they were relevant to this study. The researcher relied on the data provided by the municipalities as complete. The collected data from the ten municipalities that responded to the questionnaire is summarized in Appendix IV of this report.

11 Operationalization

The manner in which this research was operationalized was through quantitative analysis. Prior to analysis the information that was collected was categorized. As noted in the previous section, the unit of measurement in this research paper is the number of agricultural severances granted. The dependent variable, being the element that is to be explained, is the number of agricultural severances granted in rural municipalities in Southwestern Ontario.

The independent variables, being the variables whose factors serve to explain the dependant variable, are the indicators of decentralization. In conceptualizing a 'scale of decentralization' two indicators were chosen and evaluated on their relationship to a primary central authority – the Provincial Government. The first indicator was how is the planning service provided? In this case an upper-tier service would be considered the most centralized service due to its place in relation to the Provincial Government, followed by an on-staff planner at the lower-tier. The most decentralized service is the contracted-out planner (i.e. a consultant). This was determined to be the most decentralized

because a consultant, in effect, represents an outside party whose services are only called upon when needed.

The second indicator is: who is approval authority for consent applications? Again the upper-tier municipality would be considered the centralized decision-maker, followed by a local municipal council, followed by a local committee charged by the local council with land division responsibilities. The local committee is considered to be the most decentralized as it operates with a certain amount of autonomy from the local council.

The official plan and its policies serve as a control variable. O'Sullivan *et al* describe a control variable as "a variable included in an analysis to determine whether it affects the relationship between two other variables ... the addition of a control variable may show that the relationship between two variable (1) stays the same (2) is stronger for some values of the control variable than for others, (3) changes direction, or (4) disappears (O'Sullivan *et al*, 488-489)." A local official plan is developed by a local municipality. If it contains more restrictive severance policies than are stipulated in the Provincial Policy Statement, this may impact the number of severance applications that are approved by the municipality. However, much like a decision on a severance application, official plan policies may be shaped by the type of planning service provided (i.e. whether they were developed by an upper-tier planner, lower-tier planner or outside planner), and may also help to explain the relationship between the independent and dependant variables.

In reviewing the information provided by the participants, the researcher assigned values to each of the variables in order to quantitatively evaluate the data collected. The more decentralized the planning service / decision-making body the higher the score was assigned. For the control variable, the more lenient the policies were, the higher the score was assigned. Scores were assigned as follows:

Variable 1: How is the planning service provided?

Score

- 1 Upper-tier planning service
- 2 Lower-tier in-house planner
- 3 Lower-tier contracted planning service (outside consultant)

Variable 2: Who is approval authority for consent applications?

Score

- 1 Upper-tier Municipality
- 2 Local Council
- 3 Local Committee

Control Variable: Official Plan Policies

Score

- 1 *Strict* – Do not permit agricultural severances or permit agricultural severance with conditions above what is required in the Provincial Policy Statement
- 2 *Minimum* – Permits agricultural severance in accordance with the minimum standards of the Provincial Policy Statement
- 3 *Outdated* – Permits agricultural severances beyond what is permitted in the Provincial Policy Statement

Graphically the data produced from the analysis was plotted onto a standard scatter graph. As noted previously, it is put forth by the researcher that more decentralized administrative and decision-making bodies are, more likely to lead to permit agricultural severances than more centralized bodies. Should the

hypothesis be proven, graphically it should be illustrated as is in Appendix III of this report.

12 Data Analysis

The results of the data collection, when operationalized are illustrated in Appendix V of this report. Overall all, when all variables are accounted for it appears that there is a relationship between the decentralization of planning administration and decision-making bodies and the granting of agricultural severances.

Of the ten reporting municipalities five municipalities use an outside consultant planner, five use their own planner and none used an upper tier planner. Of the decision-making bodies one municipality uses its local council as the decision-making authority, three rely on an upper-tier committee and the remaining six rely on a local committee (namely a committee of adjustment). Of the official plan policies reported, four municipalities have policies that either prohibit agricultural severances or are more stringent than the minimum requirements of the Provincial Policy Statement. Two municipalities have policies that meet the minimum requirements of provincial policy, while four municipalities have outdated policies.

While no municipality had the lowest score possible on the scale of decentralization (a score of three), one municipality achieved the opposing score of nine – the Town of Lakeshore. The average score was seven which rates on the high side of the decentralization scale. The average profile of the subject

municipalities is one in which an on-staff planner makes recommendations to a local committee based on local policies that meet the minimum requirements of the Provincial Policy Statement.

Of the number of severances granted there is wide variety between the municipalities studied. On the low end of the spectrum is the Township of Woolwich in the Regional Municipality of Waterloo, which only granted four severances in the agricultural designation between 2001 and 2007. The land use policies of the Township were more stringent than the minimum provincial policy requirement (surplus farm dwelling severances are only permitted where the residence to be severed is a designated heritage building under the Ontario Heritage Act). On the opposite end of the spectrum is the Town of Lakeshore in Essex County which granted seventy-eight severances during the study period (almost twenty-times that of the Township of Woolwich). While Lakeshore's current official plan policies met the minimum requirements of provincial policy, its official plan was only recently approved in 2008 after the study period and the former official plan contained outdated policies. In addition the Town of Lakeshore does not have an on-staff planner, but relies on an outside consultant to provide planning advice to its committee of adjustment. A further analysis of the two municipalities is intriguing as both municipalities have growth rates of approximately fifteen percent (more than twice the provincial average) according to the 2006 Census. Currently the Town of Lakeshore's population is approximately 33,000 and the Township of Woolwich's at 17,000 according to the 2006 Census. Of the CMA they are apart of, Windsor's CMA growth rate is five

percent while Kitchener's CMA growth rate is approximately nine percent (Statistics Canada 2006 Census).

Another interesting aspect of the results is the relationship between employing a consultancy for municipal planning service versus an on-staff service and the type of official plan policies. Of the municipalities studied, those employing a consultant are just as likely to have stricter policies as they are to have outdated policies while the majority had updated policies that either met or exceeded the minimum requirements of provincial policy. While those municipalities employing an on-staff planner were just as likely to have updated policies as they were outdated policies. The difference however is that those municipalities who employed consultancies (i.e. Lakeshore and Guelph-Eramosa) were more likely to have high rates of severances granted than those who employed an on-staff planner (i.e. Woolwich and Middlesex Centre).

Another interesting result of the data analysis relates to the number of severances granted and how stringent the official plan policies of the municipality are when viewed in isolation from the other variables. As could be expected there is a relationship between how strict the official plan policies are in relation to the number of severances granted. When a municipality has up-to-date and / or stricter policies the municipality's severance granting authority is less likely to grant severances than when the policies are outdated.

Perhaps the most interesting result of the data is what happens to the results when the control variable of the official plan policies is removed (see Appendix V). When the control variable is removed, the positive relationship

between decentralization and severance granted disappears. While it appears as though the official plan policies play an important role in determining whether or not agricultural severances were granted in the municipalities studied, there is also little variation between the studied municipalities and the planning service and decision-making authority (i.e. it is almost exclusively divided between a local committee and a county committee and a local on-staff planner and a consultant). If there were greater variation between the municipalities the results may have been different. Additionally, should other regions have been studied such as Eastern Ontario, Central Ontario or Northern Ontario, this may have produced different results.

13 Inferences

There are a number of inferences that can be drawn from the results of the data analysis relating to the division of decision-making authority, the provision of planning services and the role that official plan policies play in decision-making. Firstly, is the idea that the more decentralized the administrative and decision-making bodies are, the more likely that inconsistent land use decisions will result. It can be inferred from the data analysis that the delegation of land division authority and the delegation of planning service will result in a higher rate of severances being granted in agricultural areas. It is also more likely that when planning services are decentralized, it is more likely that a higher rate of severance granting will occur.

It is also evident from the research that official plan policies play a very important role in the decision-making of local land division authorities. It is evident from the data analysis the local official plan policies play a determining role. This may be because, while official plan policies are required to be consistent with provincial policy and approved by at least the upper-tier municipality, they are developed by the local municipality for the local municipality. As such, there may be more 'buy-in' from local decision-makers when making a determination on a severance application. When local policies are out-dated and not consistent with provincial policy, they may be given greater credence by local decision-makers than they are due (as upper-tier and provincial policy supersedes local policy). When local official plan policies are more stringent than the minimum policy requirements, the rate of severance granting decreases accordingly. It may also be the case that decision-making authorities may be more likely to make decisions consistent with their own policies as they may be perceived as having a lack of principles in not even complying with their own policies when making decisions. This would be especially evident when the decision-maker is a local committee who would in-turn have to answer to their Council (who would have developed the policies) as to why they did not comply with them.

The role that the employment of an outside planning service plays, is another area in which to draw inferences from. The research does indicate that the studied municipalities were more likely to grant severances when a consultant was employed as opposed to employing an on-staff planner. There is

perhaps a different dynamic between the decision-making authority and a consultant compared to an on-staff planner. This may be as a result of the recommendations of the outside planning service to the decision-making authority, as a consultant may have both public and private sector clients and their approach to planning issues and policies may differ from that of a public sector on-staff planner. Additionally it may be that the decision-making body may give less credence to the advice of an individual who is not fully-employed by the municipality and does not necessarily have a defined 'stake' in the municipality they are providing the advice to (i.e. employment or residency). It may also be that as a consultant is employed 'at the pleasure' of the municipality they may be more likely to qualify or soften their recommendations to the decision-making authority in the fear of being perceived by their employer as being too harsh or regimented.

14 Policy Implications

There are many implications for how these proposed findings would impact the question of how decentralization of decision-making may negatively impact effective policy implementation. They are summarized as follows:

1. If the Province of Ontario wishes to see its policy directives fully implemented, they may need to re-examine their attempts in recent years to delegate the review and monitoring of planning applications and the delegation of decision-making to decentralized local governments, as these decentralized decision-making authorities may be more susceptible

to local political and economic realities and may be unwilling to fully implement policy directives that may run contrary to their own goals. This does not necessarily mean that delegation is detrimental to effective policy implementation in this regard, but may mean that the Province may need to develop, as Moore says, “control mechanisms for holding the decentralized, geographically based units accountable for performance (Moore 290).”

2. Local governments, at both the upper-tier and lower-tier level, may need to re-examine their own practices, whether administrative or decision-making, to ensure that their obligations to conform, and be consistent with, provincial policy are adhered to. There is not enough evidence in this study to suggest that an upper tier decision-making authority will necessarily produce more consistent decisions, but there does appear to be enough evidence to suggest there may be ways to improve conformity. This may not be a *one-size-fits-all* solution, but should be reflective of the economic and social realities of the local municipalities that compose the upper-tier.
3. The use of outside planning services in some municipalities should be carefully examined. This is not to necessarily suggest that consultancies or private-sector planners are inferior to public sector planners, but that the employment of an on-staff planning service, does appear to receive greater buy-in from municipal decision-makers.

4. Finally, is the importance of the currency of local land-use policy. The Planning Act, requires that official plans be reviewed at five-year intervals regardless of when upper-tier or provincial policy has been reviewed or up-dated. It may be appropriate to see the Act amended to require changes / reviews of local policy when the Province or an upper-tier changes policies. This would keep local policy consistent with provincial policy and perhaps provide less confusion and greater buy-in at the local level when dealing with matters of provincial interest.

15 Conclusion

The importance of Ontario's agricultural land to the agricultural industry in Canada has been well documented. The erosion and fragmentation of agricultural land has a detrimental impact on the ability of the agricultural industry to operate effectively and efficiently and as a resource, these lands need to be protected from unwarranted fragmentation and development. One of the very basic tools that the Province of Ontario and its constituent municipalities has to do this are the powers relating to land use planning and especially land division.

There has been a trend in recent years that has seen a decentralization of decision-making on land use planning matters to lower levels of government. This trend has seen the Province of Ontario abandon its traditional role in land use planning as decision-maker, to solely a policy-maker without using control mechanisms to ensure that decentralized decision-making bodies, maintain consistency with provincial policy.

As the planning regimes of various municipalities vary, it is possible to examine these differences to determine if inferences can be made about these individual regimes and the Province's decentralization strategy. The results have illustrated that decentralization, coupled with inconsistent local land use policy, will result in an increase in agricultural severance activity, and thus increase the fragmentation and development of agricultural land. It is hoped that this paper provides some insight into the consequences that decentralization can have on effective policy implementation, in light of attempts to protect one of Ontario's, and Canada's, natural resources.

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Appendix I: Map of Southwestern Ontario



Source: www.mah.gov.on.ca

Appendix II: Questionnaire

Name of Municipality: _____

1. Please indicate how planning services in your municipality are provided:

Through a planner(s) from your upper-tier municipality

Through a planner(s) employed within your own municipality

Through a planner(s) contracted from an outside source (i.e. private firm)

Other, please indicate _____

2. Since 2001 has the way in which your planning service is provided changed?

Yes

No

3. If 'yes', please indicate the manner in which you used to receive your planning service for your municipality:

Through a planner(s) from your upper-tier municipality

Through a planner(s) employed within your own municipality

Through a planner(s) contracted from outside source (i.e. a private firm)

Other, please indicate _____

3. Please indicate who the approval authority for consent applications is in your municipality:

Municipal Council

Committee of Adjustment or Land Division Committee

A staff person delegated the authority by Council

Your upper-tier municipality

Other, please indicate _____

4. Please indicate the year of approval of your current Official Plan _____

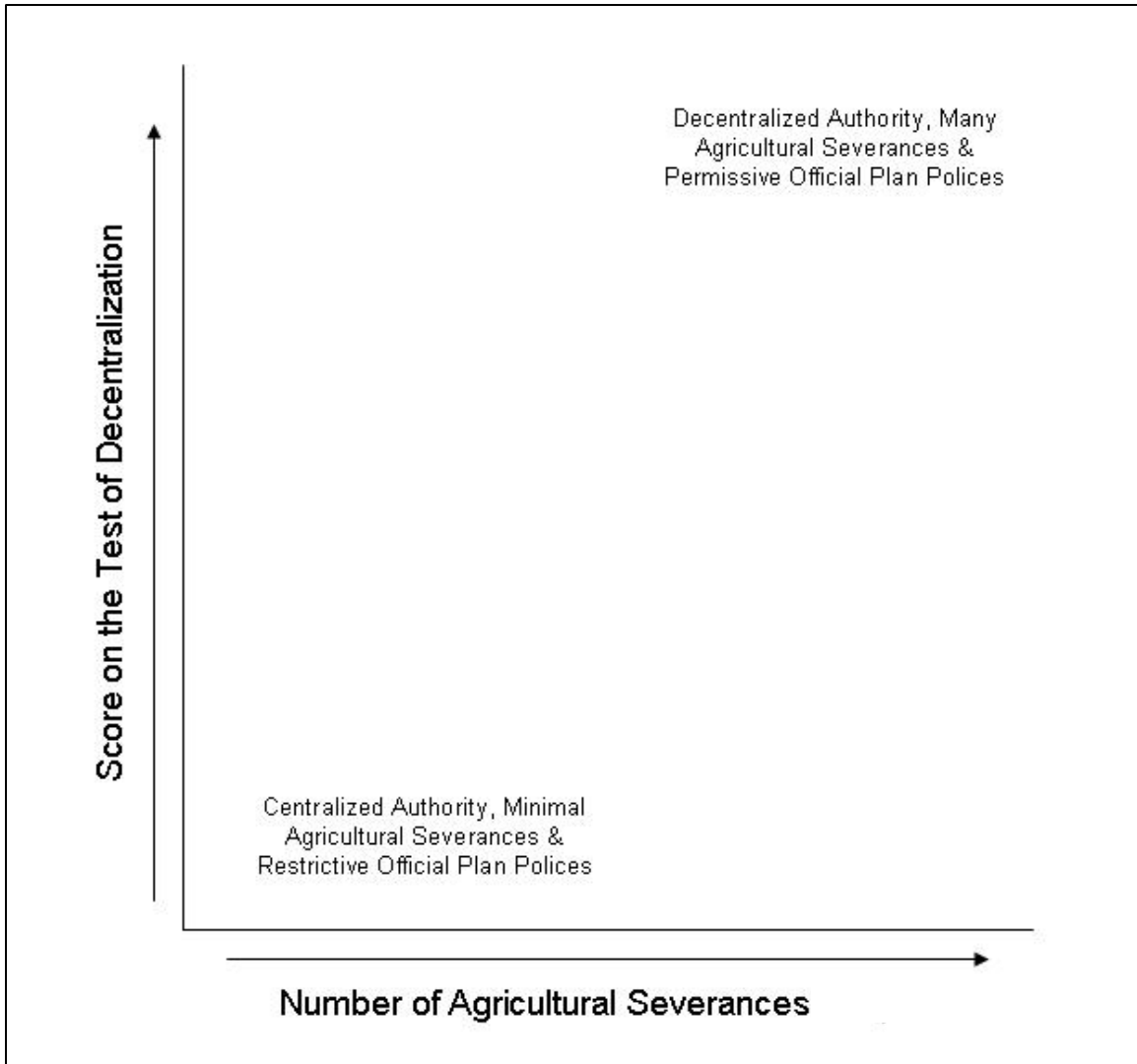
5. Please indicate the year of approval of your former Official Plan _____

6. Please attached the following information to this questionnaire:

a) The Agricultural Policies Section of your current Official Plan and the Agricultural Policies Section of your former Official Plan if your current Plan was approved after January 1, 2001.

b) The Minutes of any Council or Committee charged with the approval of consent applications for the period of January 1, 2001 to January 31, 2007.

Appendix III: Positive Relationship Graph



Appendix IV: Data Summary

Municipality	No. of Severances	Planning Service	Score	Approval Authority	Score	OP Policies	Score	Total Score	Total Score No Control Variable
Adelaide Metcalfe	9	Consultant	3	Local Council	2	Strict	1	6	5
Middlesex Centre	7	Lower Tier On Staff	2	Local Committee	3	Strict	1	6	5
Strathroy-Caradoc	39	Lower Tier On Staff	2	Local Committee	3	Minimum	2	7	5
Thames Centre	21	Lower Tier On Staff	2	Local Committee	3	Strict	1	6	5
Southwold	5	Consultant	3	Co. Committee	1	Minimum	2	6	4
Central Elgin	33	Consultant	3	Co. Committee	1	Outdated	3	7	4
Guelph Eramosa	58	Consultant	3	Co. Committee	1	Outdated	3	7	4
Woolwich	4	Lower Tier On Staff	2	Local Committee	3	Strict	1	6	5
Tecumseh	28	Lower Tier On Staff	2	Local Committee	3	Outdated	3	8	5
Lakeshore	78	Consultant	3	Local Committee	3	Outdated	3	9	6
Average	28.20		2.5		2.3		2.0	6.8	4.8

Appendix V: Data Graphs

