

**LAKE SIMCOE REGION CONSERVATION AUTHORITY (LSRCA)  
And the  
CITY OF BARRIE**

**MEMORANDUM OF UNDERSTANDING  
PROCEDURES TO CIRCULATE APPLICATIONS UNDER THE *PLANNING ACT*  
And  
TO DEFINE THE ROLES OF THE LSRCA AND MUNICIPALITY IN  
ONTARIO'S LAND USE PLANNING SYSTEM  
July, 2018**

**Basis**

The Regulations under the *Planning Act* require that municipalities must provide notice of a public meeting or public hearing to the local conservation authority for most planning applications. All notices for applications under the *Act* such as Official Plans and Zoning By-Laws including amendments, minor variances, plans of subdivision, and consents must be circulated to the Secretary-Treasurer of the LSRCA. While the Regulations under the *Act* require that conservation authorities receive notice of most applications, there is no regulatory requirement for a municipality to circulate site plan applications under Section 41. This MOU, among other matters, establishes the circulation procedures for all applications to the LSRCA including site plans. It also incorporates the provisions of the MOU (May 2017) ratified between the City and LSRCA. On this basis, the MOU dated May 2017 is hereby rescinded.

In addition, the land use planning system in this region is highly complex. This complexity is based on the need to implement and conform to various provincial plans including the Growth Plan for the Greater Golden Horseshoe and Lake Simcoe Protection Plan. Consistency with the Provincial Policy Statement under the *Planning Act* is also required. As a result, there is a need to clearly define the role of the LSRCA and the City in this planning process as it relates to environmental protection and the implementation of these Plans. It is also necessary to define the LSRCA's role as it relates to providing the necessary technical assistance to the approval authority.

**Purpose**

In general, the purpose of this Memorandum of Understanding (MOU) between the LSRCA and City is to streamline the circulation procedures for all applications under the *Planning Act* and to define our respective roles in the planning process. Specifically, this MOU will clarify the roles of the LSRCA and City in the planning process as it relates to public health and safety and environmental protection by:

- Reinforcing the positive relationship between the LSRCA and City;
- Creating efficiencies by reducing duplication of service;
- Clarifying roles and responsibilities based on legislation and practice;
- Establishing protocols and application processing responsibilities for both parties;

- Providing the City with increased decision making autonomy.

### Principles

This Memorandum of Understanding is based upon the following principles:

- Continued cooperation between the LSRCA and City;
- Effective communication and collaboration;
- Cost effective proactive planning over cost intensive reactive planning;
- User-pay philosophy to help offset the costs of the planning process.

### Jurisdiction

This Memorandum of Understanding applies to those lands within the Lake Simcoe watershed boundary within the City of Barrie.

### Roles

#### City

1. The City will provide the LSRCA with notice of a public meeting for the following applications:
  - Official Plans, Secondary Plans, and amendments
  - Zoning By-Laws and amendments
  - Draft plans of subdivision
2. The City will circulate the applications and any associated plans/studies noted in #1 above to the LSRCA for comment.
3. The City will circulate all site plan applications under Section 41 of the *Planning Act* to the LSRCA. The LSRCA will review and provide comment on all site plan proposals from a Phosphorus Offsetting Policy (POP) perspective for those proposals that meet the definition of major development (i.e. >500m<sup>2</sup> of impervious area). If the property and development is located within an area subject to Ontario Regulation 179/06 under the *Conservation Authorities Act*, then the LSRCA will also review the site plan application in accordance with Sections 12 to 14 of this MOU. The City will provide the phosphorus budget information to the LSRCA in order to verify the phosphorus load for the proposed development.
4. For those site plan applications that are not subject to Ontario Regulation 179/06, the City in its review and approval will ensure that stormwater management will be undertaken in accordance with the following standards:

- The applicable Designated Policies (e.g. 4.5-SA, 4.8-DP, 8.5-SA) of the Lake Simcoe Protection Plan;
  - The Stormwater Management Planning and Design Manual (2003), or its successor, prepared by the Ministry of Environment;
  - The technical stormwater guidelines produced by the City and LSRCA.
5. For City driven projects such as linear proposals (e.g. water, sewer, road works), buildings and parking lots, the LSRCA will work with the municipality in order to determine the appropriate phosphorus offsetting measure and calculation.
  6. The City will implement the LSRCA Phosphorus Offsetting Policy through the Environmental compliance Approval (ECA) process under the Ontario Water Resources Act. Proposals requiring an ECA that do not meet the zero export policy within the POP for phosphorus discharge will be subject to the offsetting calculation. The offsetting amount will be forwarded to the LSRCA in order to help implement LID projects within the municipality.
  7. The City and the LSRCA will implement the LSRCA Phosphorus Offsetting Policy through the *Planning Act* process. See Appendix I for guidance.
  8. The City will circulate consent and minor variance applications and any associated plans or reports to the LSRCA in a manner as follows:
    - If the subject property is located in an area governed by Ontario Regulation 179/06.
  9. At the discretion of the municipality, the City may circulate other minor variance or consent applications where a technical review by the LSRCA is warranted or preferred to assist the municipality in its planning consideration of environmental matters.

#### LSRCA

10. The LSRCA will provide the necessary information to the City in order to help implement this MOU including any updated Ontario Regulation 179/06 mapping.
11. The LSRCA will provide written comment on the applications circulated by the City in time for the scheduled public meeting or public hearing. Further, the LSRCA will provide written comments on all circulated applications including site plan pre-consultation and full site plan applications on or before their respective due dates as determined by the City. In general, comments will be provided from a planning policy perspective and in accordance with Ontario Regulation 179/06 under the *Conservation Authorities Act*.

12. The LSRCA, as required under Subsection 3(6) of the *Planning Act*, will review and provide written comment on the circulated applications in the context of the following:
  - Provincial Policy Statement
  - Lake Simcoe Protection Plan
  - Growth Plan for the Greater Golden Horseshoe
  - South Georgian Bay Lake Simcoe Source Protection Plan
13. For greater clarity, the LSRCA will review the circulated applications from the following perspectives:
  - Natural hazard lands (e.g. flooding, erosion, steep slopes)
  - Lake Simcoe shoreline (e.g. vegetative protection zones)
  - Natural heritage (e.g. significant woodlands)
  - Water quantity (e.g. storm water management)
  - Water quality including phosphorus loading targets
  - Source water protection (e.g. significant groundwater recharge areas)
  - Sub-watershed Plan recommendations
14. To further assist the municipality, the LSRCA will provide advice to the City on planning matters where other legislation may be applicable including:
  - *Environmental Assessment Act*
  - *Clean Water Act*
  - *Endangered Species Act*
15. Both the City and LSRCA advocate the “planning-first” principle related to land use planning and permitting. As such, the LSRCA will ensure that any issues that would affect the developability of a site will be addressed through the application under the *Planning Act* first, prior to the processing of any permit. In these instances, the permit will implement the results and findings of the approved application process through the *Planning Act*.
16. Where necessary, the LSRCA and City will work together on matters before the Ontario Municipal Board or Environmental Tribunal. Where appropriate, the LSRCA and City will work closely together to ensure an efficient use of human and financial resources.
17. Where appropriate, the LSRCA will actively participate in pre-application consultation with developers and landowners. To help ensure a consistent review and a coordinated message, it is preferred that the LSRCA and City participate in pre-application consultation at the same time with the proponents.

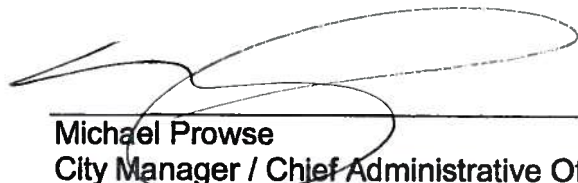
18. The City and LSRCA will work together to scope the requirements for a complete application including the development and approval of Terms of Reference for Environmental Impact Studies.
19. To help facilitate the implementation of this MOU, LSRCA staff will attend scheduled file review meetings on an as-needed basis at the request of the City. LSRCA staff will also work out of City Hall a minimum of one day per month. The City will provide appropriate office space for the LSRCA staff member(s).
20. The LSRCA will collect the associated fees for all applications under the Planning Act and Conservation Authorities Act in accordance with the approved Fees Policy.

Monitoring and Cancellation

This Memorandum of Understanding will be reviewed on an ongoing basis to evaluate its effectiveness. This MOU may be amended by mutual agreement from time to time in order to reflect any changing policies or programs at the provincial, watershed, or municipal level. At any time, the City or the LSRCA (upon 30 days notice) may terminate this Memorandum of Understanding via written notice.

**MEMORANDUM OF UNDERSTANDING**  
Signatory Parties

I hereby agree to implement the terms and provisions contained in this Memorandum of Understanding:



Michael Prowse  
City Manager / Chief Administrative Officer  
City of Barrie

7/23/18  
Date



Michael Walters  
Chief Administrative Officer/Secretary-Treasurer  
Lake Simcoe Region Conservation Authority

July 12/18  
Date

## APPENDIX I

### Lake Simcoe Phosphorus Offsetting Policy (LSPOP)

#### Transition Provisions for Applications under the *Planning Act*

Application Type	LSPOP Applicability	Commentary
<b>All applications under the <i>Planning Act</i>, except where otherwise defined below.</b>	YES	Applies to all applications submitted after January 1, 2018 that constitute major development (>500m <sup>2</sup> of impervious area)
<b>Draft plan of subdivision applications submitted prior to January 1, 2018</b>	YES	Except that LSPOP does not apply if draft plan approval was granted before January 1, 2018.
<b>Registered plans of subdivision</b>	NO	Registered Plans are grandfathered
<b>Draft approved plans of subdivision prior to January 1, 2018</b>	NO	Provided final approval is granted prior to lapsing date.
<b>Red-Line revision to plan of subdivision that was draft approved prior to January 1, 2018</b>	YES	Only if there is a substantive change to the approved storm water management scheme
<b>Site Plan Approval for a Block on a Registered Plan</b>	NO	Provided there is no substantive change to the approved storm water management scheme
<b>Site Plan Approval for a Block on a plan of subdivision that was draft approved prior to January 1, 2018</b>	NO	Provided there is no substantive change to the approved storm water management scheme
<b>Site Plan Amendment</b>	NO	Provided there is no substantive change to the approved storm water management scheme