

**LAKE SIMCOE REGION CONSERVATION AUTHORITY (LSRCA) and the WATERSHED
MUNICIPALITIES (TOWN OF BRADFORD WEST GWILLIMBURY)**

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**

November 2013 (Amended November 2016)

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 the conservation authorities receive notice of most applications, there is no regulatory requirement for a municipality to circulate site plans applications under Section 41. This MOU, among other matters, establishes the circulation procedures for all applications to the LSRCA including site plans.

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, Greenbelt Plan, 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 Town 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 Town 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 Town in the planning process as it relates to public health and safety and environmental protection by:

- ✓ Reinforcing the positive relationship between the LSRCA and Town;
- ✓ Creating efficiencies by reducing duplication of service but maintaining thoroughness of application review;
- ✓ Clarifying roles and responsibilities based on legislation and practice;
- ✓ Establishing protocols and application processing responsibilities for both parties;
- ✓ Providing the Town with increased decision making autonomy.

Principles

This Memorandum of Understanding is based upon the following principles:

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

Jurisdiction

This Memorandum of Understanding applies to those lands within the Lake Simcoe watershed boundary within the Town of Bradford West Gwillimbury.

Roles

Town

1. The Town 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 and condominium
2. The Town will circulate site plan applications under the *Planning Act* to the LSRCA in a manner as follows:
 - a) If the proposed development, site alteration, or associated infrastructure will be located in an area subject to Ontario Regulation 179/06;
 - b) If the application is for a multi-unit residential development that consists of 10 or more units;
 - c) If the application has a development size of 5 hectares or greater or a development that has a reasonable probability of causing downstream water quality or quantity issues; or,
 - d) If the application is for major development (>500m² of impervious area) within a WHPA-Q2.
3. For those site plan applications identified in 2d) and those not circulated to the LSRCA, the Town in its review and approval will ensure that stormwater management will be undertaken in accordance with the following standards:
 - I. The applicable Designated Policies (e.g. 4.5-SA, 4.8-DP, 8.3-SA) of the Lake Simcoe Protection Plan;
 - II. The Stormwater Management Planning and Design Manual (2003), or its successor, prepared by the Ministry of Environment;
 - III. The technical stormwater guidelines produced by the Town and LSRCA.

4. The Town will circulate minor variance applications to the LSRCA as follows:
 - ✓ If the subject property is located in an area governed by Ontario Regulation 179/06.
5. The Town will circulate consent applications to the LSRCA as follows:
 - ✓ If the proposal involves the creation of a new lot in an area subject to Ontario Regulation 179/06.
6. The Town will circulate all pre-consultation applications to the LSRCA. Once reviewed, the LSRCA will provide written comment to the Town identifying the conservation authority area of interests.
7. The Town will collect and attach the LSRCA's base review fee for the applicable site plan (\$1,000), minor variance (\$500), and consent (\$500) applications. The LSRCA will contact the developer or owner directly should additional fees be required to complete the review.
8. For all applications to be circulated to the LSRCA, the Town will provide any associated plans or reports such as environmental impact studies and storm water management reports. In general, hard copies of the reports shall be provided to the LSRCA. Also, the Town will provide any other required information to assist with the review upon request and where reasonable.
9. At the discretion of the municipality, the Town may circulate other site plan, 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.
10. In certain extenuating circumstances, the Town may require a peer review by an external consultant for studies typically reviewed by the LSRCA such as natural heritage evaluations. Prior to any peer review, the Town will consult with the LSRCA. The selection of a peer review consultant will be a cooperative process between the LSRCA and Town with the purpose of selecting a peer review consultant agreeable to both parties. The cost of such peer review will be paid by the applicant.

LSRCA

11. The LSRCA will provide the necessary information to the Town in order to help implement this MOU including the approved Fees Policy and any updated Ontario Regulation 179/06 mapping.
12. The LSRCA will provide written comment on the applications circulated by the Town in time for the scheduled public meeting or public hearing. Where possible, the LSRCA will provide written comments in time for the preparation of the planning staff report. In general, comments will be provided from a planning policy perspective and in accordance with Ontario Regulation 179/06 under the *Conservation Authorities Act*. In addition, the LSRCA will provide written comments on applicable Site Plan and pre-consultation applications within an agreed upon timeframe.

13. 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
- ✓ Greenbelt Plan
- ✓ Growth Plan for the Greater Golden Horseshoe
- ✓ South Georgian Bay Lake Simcoe Source Protection Plan

14. 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. natural hazards and vegetative buffers)
- ✓ Natural heritage (e.g. significant woodlands, significant valley lands)
- ✓ Water quality and quantity (e.g. storm water management) including consideration of Town engineering design standards
- ✓ Source water protection (e.g. significant groundwater recharge areas)
- ✓ Fish Habitat protection
- ✓ Sub-watershed Plan recommendations
- ✓ Alternative development standards (LID; LEAP funding)

15. To further assist the municipality, the LSRCA will provide advice to the Town on planning matters where other legislation may be applicable including:

- ✓ *Environmental Assessment Act*
- ✓ *Clean Water Act*
- ✓ *Endangered Species Act*

16. From a source water protection perspective, the LSRCA will review all applications for major development within a WHPA-Q2 for conformity with LUP-12 of the South Georgian Bay Lake Simcoe Source Protection Plan (July 1, 2015). The cost of this review will be borne by the proponent or developer.

17. Both the Town 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*. When “blanket” permits have been issued by the LSRCA for plans of subdivision (post-2006), then no further approvals are required from the conservation authority under Ontario Regulation 179/06 for any minor buildings or structures (fences, decks, sheds, additions) proposed within the newly created Lots.

18. Where necessary, the LSRCA and Town will work together on matters before the Ontario Municipal Board or Environmental Tribunal. Where appropriate, the LSRCA and Town will work closely together to ensure an efficient use of human and financial resources.

19. 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 Town (together with the County) participate in pre-application consultation at the same time with the proponents. The Town and LSRCA will work together to scope the complete application requirements in order to avoid incomplete applications. It is recommended that shared meetings between the Town, County, and LSRCA be held for those applications where there are common interests. Further, the LSRCA will help define the Terms of Reference for EIS and similar reports. In addition, the LSRCA will attend regular meetings (e.g. Site Plan Committee) as established by the Town, as necessary.

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 Town or the LSRCA (upon 30 days notice) may terminate this Memorandum of Understanding via written notice. Rather than termination, collective amendment of the MOU is preferred.

MEMORANDUM OF UNDERSTANDING

Signatory Parties

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



Geoff McKnight, MCIP, RPP
Chief Administrative Officer
Town of Bradford West Gwillimbury

December 5, 2016

Date



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

Dec 13/16

Date