

**LAKE SIMCOE REGION CONSERVATION AUTHORITY (LSRCA) and the
WATERSHED MUNICIPALITIES (TOWN OF EAST 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**

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 Memorandum of Understanding (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 the GTA is highly complex. This complexity is based on the need to implement and conform to various provincial plans including the Oak Ridges Moraine Conservation Plan, Growth Plan, and Lake Simcoe Protection Plan (LSPP). 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 of East Gwillimbury 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 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 of East Gwillimbury 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 of East Gwillimbury;
- ✓ 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 Town with increased decision making autonomy.

Principles

This Memorandum of Understanding is based upon the following principles:

- Continued cooperation between the LSRCA and Town of East Gwillimbury;
- 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 all lands within the jurisdiction of the Town of East Gwillimbury.

Roles

Town of East Gwillimbury

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 the applications associated with the proposals noted in #1 above to the LSRCA for comment.
3. The Town will circulate site plan applications under the *Planning Act* to the LSRCA as follows:
 - ✓ If the proposed development or associated infrastructure is partially or wholly within an area governed by Ontario Regulation 179/06; or
 - ✓ If the application is associated with a potential condominium; or
 - ✓ If the application is for major development (>500m² of impervious area) within a WHPA-Q2; or
 - ✓ As required by Item #5 of this MOU.
4. For those site plan applications not circulated to the LSRCA as identified in #3, 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.
5. The Town and the LSRCA will implement the LSRCA Phosphorus Offsetting Policy through the Planning Act process. See Appendix I for guidance.
 6. For Town driven projects such as linear proposals (e.g. water, sewer, road works), buildings and parking lots, the LSRCA will work with the Town in order to determine appropriate phosphorus offsetting measure and calculation.
 7. The Town will circulate consent and minor variance applications to the LSRCA in a manner as follows:
 - ✓ If the property is within a mapped area that is subject to Ontario Regulation 179/06.
 8. For applicable site plan, minor variance, and consent applications, the Town will collect the LSRCA's base review fee in accordance with the approved Fees Policy. The LSRCA will contact the developer or owner directly should additional fees be required to complete the review.
 9. For all applications to be circulated to the LSRCA, the Town will provide any associated plans or reports such as environmental impact studies and stormwater management reports. In general, electronic or hard copies (where necessary) 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.
 10. 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.
 11. 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. The cost of such peer review will be paid by the applicant.

LSRCA

12. 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.

13. The LSRCA will provide written comment on the applications circulated by the Town 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 Town. In general, comments will be provided from a planning policy perspective and in accordance with Ontario Regulation 179/06 under the *Conservation Authorities Act*.

14. 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
- ✓ Oak Ridges Moraine Conservation Plan
- ✓ Growth Plan for the Greater Golden Horseshoe

15. For greater clarity, the LSRCA will review the circulated applications from the following perspectives:

- ✓ Natural hazard lands (e.g. flooding, erosion, steep slopes)
- ✓ Natural heritage (e.g. significant woodlands, significant valley lands)
- ✓ Water quality and quantity
- ✓ Source water protection (e.g. significant groundwater recharge areas)
- ✓ Sub-watershed Plan recommendations

16. From a stormwater management perspective, the LSRCA will review the circulated applications (where applicable) in the context of the following:

- ✓ Town's Stormwater Management Master Plan in accordance with 4.5-SA of the Lake Simcoe Protection Plan
- ✓ Subwatershed Evaluations under 8.3-SA of the LSPP
- ✓ Designated Policies 4.8 to 4.11 of the LSPP
- ✓ Policy 1.6.6.7 of the Provincial Policy Statement (2014) including the promotion of Low Impact Development (LID) measures
- ✓ MOE Stormwater Management Planning and Design Manual (2003)
- ✓ LSRCA Stormwater Technical Guidelines and Rainscaping Program
- ✓ The Lake Simcoe Phosphorus Offsetting Policy

17. 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*

18. 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.
19. The LSRCA 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 collected by the LSRCA in order to help implement LID projects within the municipality.
20. 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 under the *Conservation Authorities Act*. In these instances, the permit will implement the findings of the approved application process through the *Planning Act*.
21. Where necessary, the LSRCA and Town will work together on matters before the Local Planning Appeal Tribunal or Environmental Tribunal. Where appropriate, the LSRCA and Town will work closely together to ensure an efficient use resources.
22. Where development is contemplated on lands identified as being within the Greenbelt Plan Area, Oak Ridges Moraine Plan Area, LSRCA Regulated and and/or the York Region Official Plan Woodlands Area as shown on the Consultation Schedule (Appendix II), the Town will consult with the LSRCA to determine if the development will be subject to Site Plan Control.
23. 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 participate in pre-consultation at the same time with the proponents. Further, the LSRCA will attend Development Review Committee meetings held at the Town on a monthly basis.
24. The Town 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.

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.

MEMORANDUM OF UNDERSTANDING
Signatory Parties

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

Thomas R. Webster
Chief Administrative Officer
Town of East Gwillimbury

Date



September 30, 2020

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

Date