



Monday, November 28, 2016

Richard Nethery, MCIP, RPP  
Director of Planning and Building Services  
Town of Newmarket  
395 Mulock Drive  
Newmarket, Ontario  
L3Y 4X7

Dear Mr. Nethery,

Subject: Memorandum of Understanding  
Circulation Procedures for Applications under the *Planning Act*  
Town of Newmarket and the LSRCA

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Please find attached the ratified Memorandum of Understanding (MOU) between the Town and this Conservation Authority regarding the circulation of applications under the *Planning Act*.

We look forward to the successful implementation of this MOU and if you have any further questions, please contact Charles Burgess, Manager, Planning, or the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Rob Baldwin', with a long horizontal stroke extending to the right.

Rob Baldwin  
General Manager, Planning and Development

/cfb

Copy: Town of Newmarket, Linda Traviss and Adrian Cammaert  
LSRCA, Melinda Bessey

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

**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 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 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 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 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;
- ✓ 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;
- 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 Newmarket.

## Roles

Town of Newmarket

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 Developer or its consultants 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 a mapped area governed by Ontario Regulation 179/06;
  - ✓ If the application is associated with a plan of condominium; or
  - ✓ If the application is for a multi-unit residential development; or
  - ✓ If the application is for major development (>500m<sup>2</sup> of impervious area) within a WHPA-Q2.
4. For those 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 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 OR 179/06.

6. For the applicable 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.
7. For all applications to be circulated to the LSRCA, the Developer will provide any associated plans or reports such as environmental impact studies and storm water management reports. In general, electronic or hard copies (where necessary) shall be provided to the LSRCA.
8. At the discretion of the municipality, the Town 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. The LSRCA technical review will be provided in accordance with the time-lines established in #10 of this MOU.

#### LSRCA

9. 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.
10. The LSRCA will provide written comment on the applications circulated by the Town in time for the scheduled public meeting or public hearing and/or generally within 30 days. In general, comments will be provided from a planning perspective and in accordance with Ontario Regulation 179/06 under the *Conservation Authorities Act*.
11. The LSRCA, as required under Subsection 3(6) of the *Planning Act*, will provide comment on the circulated applications in the context of the following:
  - ✓ Provincial Policy Statement
  - ✓ Lake Simcoe Protection Plan
  - ✓ Oak Ridges Moraine Conservation Plan
  - ✓ Growth Plan for the Greater Golden Horseshoe
12. 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

13. 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
14. 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*
15. 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 and the associated fee for service will be collected by the LSRCA from the developer.
16. 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 results of the approved application process through the *Planning Act*.
17. Where necessary, the LSRCA and Town will work together on matters before the Ontario Municipal Board/Environmental Tribunal. Where appropriate, the LSRCA and Town will work closely together to ensure an efficient use of resources.
18. Where appropriate, the LSRCA will actively participate in pre-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 where requested by the Town at the Town offices.
19. 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:



Richard Nethery, MCIP, RPP  
Director of Planning and Building Services  
Town of Newmarket

Nov 24, 2016

Date



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

Nov 27/2016

Date