

**NOTTAWASAGA VALLEY CONSERVATION AUTHORITY and the WATERSHED
MUNICIPALITIES (CITY OF BARRIE)**

**MEMORANDUM OF UNDERSTANDING PROCEDURES TO CIRCULATE
APPLICATIONS UNDER THE PLANNING ACT**

And

**TO DEFINE THE ROLES OF THE NVCA AND MUNICIPALITY IN
ONTARIO'S LAND USE PLANNING SYSTEM**

October 2017

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 NVCA. 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 NVCA 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. 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 NVCA 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 NVCA'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 NVCA 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 NVCA and City in the planning process as it relates to public health and safety and environmental protection by:

- ✓ Reinforcing the positive relationship between the NVCA 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; and
- ✓ Providing the City with increased decision making autonomy.

NOTE:

**If you require this document in a different format, please contact
NVCA at admin@nvca.on.ca or 705-424-1479.**

Principles

This MOU is based upon the following principles:

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

Jurisdiction

This MOU applies to those lands within the Nottawasaga Valley watershed boundary within the City of Barrie.

Roles

City

1. The City will provide the NVCA with notice of a public meeting for the following applications:
 - ✓ Official Plans, Secondary Plans, and amendments;
 - ✓ Zoning By-Laws and amendments; and
 - ✓ Draft plans of subdivisions.
2. The City will circulate the applications associated with the proposals noted in #1 above to the NVCA for comment.
3. The City will circulate site plan applications under the Planning Act (including the NVCA's base review fee) to the NVCA as follows:
 - ✓ If the proposed development or associated infrastructure is partially or wholly located in an area subject to Ontario Regulation 172/06 or has a development area greater than 5 ha in size or reasonable probability of causing downstream water quality or quantity issues.
4. For those applications not circulated to the NVCA as identified in #3, the City in its review and approval will ensure that stormwater management will be undertaken in accordance with the following standards:
 - i. The Stormwater Management Planning and Design Manual (2003), or its successor, prepared by the Ministry of Environment; and
 - ii. The technical stormwater guidelines produced by the City and NVCA.
5. The City will circulate consent and minor variance applications (including the NVCA's review fee) to the NVCA in a manner as follows:
 - ✓ If the subject property is located in an area governed by Ontario Regulation 172/06.

6. For the applicable site plan, minor variance, and consent applications, the City will collect and attach the NVCA's base review fee (cheque payable to the NVCA) in accordance with the approved Fees Policy. The NVCA 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 NVCA, the City 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 NVCA. Also, the City will provide any other required information to assist with the review upon request and where reasonable.
8. At the discretion of the municipality, the City may circulate other site plan, minor variance or consent applications where a technical review by the NVCA is warranted or preferred to assist the municipality in its planning consideration of environmental matters.
9. In certain extenuating circumstances, the City may require a peer review by an external consultant for studies typically reviewed by the NVCA such as natural heritage evaluations. Prior to any peer review, the City will consult with the NVCA. The selection of a peer review consultant will be a cooperative process between the NVCA and City 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.

NVCA

10. The NVCA will provide the necessary information to the City in order to help implement this MOU including the approved Fees Policy and any updated Ontario Regulation 172/06 mapping.
11. The NVCA will provide written comment on the applications circulated by the City in time for the scheduled public meeting or public hearing. Further, the NVCA 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 172/06 under the Conservation Authorities Act.
12. The NVCA, 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;
 - ✓ Growth Plan for the Greater Golden Horseshoe; and
 - ✓ South Georgian Bay Lake Simcoe Source Protection Plan Region.
13. For greater clarity, the NVCA 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 (e.g. storm water management) including consideration of City engineering design standards;
- ✓ Source water protection (e.g. significant groundwater recharge areas);
- ✓ Sub-watershed plan recommendations; and
- ✓ Alternative development standards (e.g. rainscaping or LID).

14. To further assist the municipality, the NVCA will provide advice to the City on planning matters where other legislation may be applicable including:

- ✓ Environmental Assessment Act;
- ✓ Clean Water Act; and
- ✓ Endangered Species Act.

15. Both the City and NVCA advocate the “planning-first” principle related to land use planning and permitting. As such, the NVCA 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 NVCA and City will work together on matters before the Ontario Municipal Board or Environmental Tribunal. Where appropriate, the NVCA and City will work closely together to ensure an efficient use of human and financial resources.

17. Where appropriate, the NVCA 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 NVCA and the City participate in pre-application consultation at the same time with the proponents.

18. The City and NVCA 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, NVCA staff will attend scheduled file review meetings on an as-needed basis at the request of the City.

Monitoring and Cancellation

This MOU 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 NVCA (upon 30 days notice) may terminate this MOU via written notice.

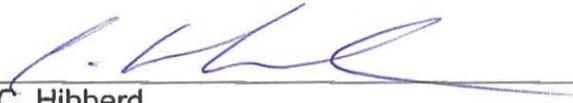
MEMORANDUM OF UNDERSTANDING
Signatory Parties

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



M. Prowse
Chief Administrative Officer (CAO)
City of Barrie

OCT 17 2017
Date



C. Hibberd
Director, Watershed Management Services
Nottawasaga Valley Conservation Authority

Oct 17 2017
Date



D. Hevenor
Chief Administrative Officer (signing authority)
Nottawasaga Valley Conservation Authority

Oct. 17 2017
Date

