

**NOTTAWASAGA VALLEY CONSERVATION AUTHORITY (NVCA) AND
THE TOWN OF INNISFIL (TOWN)**

MEMORANDUM OF UNDERSTANDING

**PROCEDURES TO CIRCULATE APPLICATIONS UNDER THE *PLANNING ACT*
AND
TO DEFINE THE ROLES OF THE NVCA AND TOWN 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 NVCA. 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 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, Greenbelt 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 NVCA 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 NVCA'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 NVCA and Town of Innisfil (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 NVCA and Town in the planning process as it relates to public health and safety and environmental protection by:

- ✓ Reinforcing the positive relationship between the NVCA 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 NVCA 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 NVCA watershed boundary within the Town of Innisfil.

Roles

Town

1. The Town 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
 - ✓ Draft plans of subdivision and condominium
2. The Town will circulate site plan applications under the *Planning Act* (including the NVCA's review fee) to the NVCA in a manner as follows:
 - ✓ If the proposed development, site alteration, or associated infrastructure will be located in an area subject to Ontario Regulation 172/06;
 - ✓ If the application is associated with a plan of condominium;
 - ✓ 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.
3. The Town will circulate minor variance applications (including the NVCA's review fee) to the NVCA in a manner as follows:
 - ✓ If the subject property is within an area subject to Ontario Regulation 172/06.
4. The Town will circulate consent applications (including the NVCA's review fee) to the NVCA in a manner as follows:
 - ✓ If the proposal involves the creation of a new lot in an area subject to Ontario Regulation 172/06 (OR 172/06).

5. The NVCA will contact the developer or owner directly should additional fees be required to complete the review.
6. For all applications to be circulated to the NVCA, the Town will provide copies of any associated plans or reports such as environmental impact studies and storm water management reports. Also, the Town will provide any other required information to assist with the review upon request and where reasonable.
7. At the discretion of the municipality, the Town 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.
8. In certain extenuating circumstances, the Town 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 Town will consult with the NVCA. The selection of a peer review consultant will be a cooperative process between the NVCA 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.
9. The Town will notify the NVCA of opportunities to provide comments on Town-initiated Official Plan/Zoning By-Law Amendments and other formal policy development exercises. If a Steering Committee is formed as part of such a process, the Town will consider inviting the NVCA to have a representative sit on the Steering Committee.

NVCA

10. The NVCA 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 172/06 mapping.
11. The NVCA will provide written comment on the applications circulated by the Town in time for the scheduled public meeting or public hearing. Where possible, the NVCA 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 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

- ✓ Greenbelt Plan
- ✓ Growth Plan for the Greater Golden Horseshoe

13. For greater clarity, the NVCA will review the circulated applications from the following perspectives:

- ✓ Natural hazard lands (e.g. flooding, erosion, steep slopes, unstable soils)
- ✓ 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 and NVCA guidelines
- ✓ Source water protection (e.g. significant groundwater recharge areas)
- ✓ Sub-watershed Plan recommendations
- ✓ Alternative development standards (e.g. LID; Best Management practices support funding)

14. To further assist the municipality, the NVCA 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. Both the Town 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 Town will work together on matters before the Ontario Municipal Board or Environmental Tribunal. Where appropriate, the NVCA and Town 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 Town (together with the County) participate in pre-application consultation at the same time with the proponents. The Town and NVCA 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 NVCA be held for those applications where there are common interests.

18. Should there be policy development and/or regulatory amendments undertaken by the NVCA that may potentially affect the Town, the NVCA will notify and

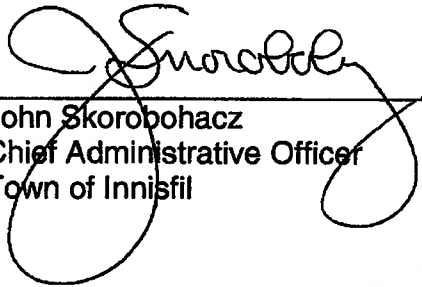
provide the opportunity for Town comments. If a Steering Committee is formed as part of such a process, the NVCA will consider an invitation to the Town for a representative to sit on the Steering Committee.

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

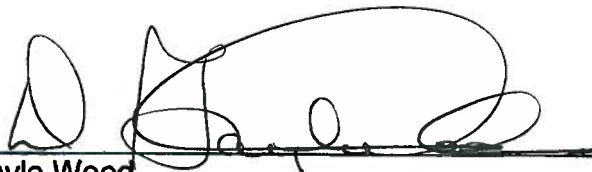
MEMORANDUM OF UNDERSTANDING
Signatory Parties

I hereby agree to implement the terms and provisions contained in this Memorandum of Understanding, as Approved by Town Council on September 17, 2014 by Council Resolution CR-151-15.14 under Staff Report DSR-156.14:



John Skorobohacz
Chief Administrative Officer
Town of Innisfil

Nov. 11, 2014
Date



Gayle Wood
Interim Chief Administrative Officer/Secretary-Treasurer
Nottawasaga Valley Conservation Authority

November 28, 2014
Date

