

## PARTNERSHIP AGREEMENT

between

THE CORPORATION OF THE COUNTY OF SIMCOE

and the

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY  
LAKE SIMCOE REGION CONSERVATION AUTHORITY  
SEVERN SOUND ENVIRONMENTAL ASSOCIATION

regarding

### LAND USE PLANNING AND THE NATURAL ENVIRONMENT

#### *1. Basis*

The first Official Plan for the County of Simcoe was approved by the Ministry of Municipal Affairs and Housing (MMAH) on April 3, 1998. With resolution of appeals to the Plan, the County will be assigned the approval authority function previously held by MMAH. This function involves the approval of Official Plans and amendments of the local municipalities and all plans of subdivision and condominium in the County. The transfer of the provincial approval function to the County is in concert with the thrust of Bill 20, the Land Use Planning and Protection Act (1996). This Act recognized that municipal government is the most appropriate, responsible, and accountable level of government for making land use decisions related to the environment, economy, and social factors.

In its review of planning applications, the County of Simcoe will be seeking technical comments and information related to its natural heritage or environment and lands which are hazardous to people and property. The comments and information will be needed before a complete planning application is submitted, or before general policies are formulated (plan input) as well as during review of a planning application submitted under the Act (plan review). The County may also require peer review of studies submitted in support of development proposals. This agreement establishes that the County will seek the input, or direct development proponents to seek input, when appropriate, from the relevant Conservation Authority or the Severn Sound Environmental Association.

#### *2. Definitions*

"**Conservation Authorities**" (CA's) include the Nottawasaga Valley Conservation Authority and the Lake Simcoe Region Conservation Authority. The Severn Sound Environmental Association is not a Conservation Authority, but for editorial convenience will be referred as such within this document.

"**Peer Review**" refers to the review of a study undertaken by a qualified professional, generally submitted to provide advice on a development matter, by a person being of the same qualified profession to provide an objective opinion on the content of the study and its conclusions.

Such studies may include, but are not limited to: technical support studies required through the planning process, such as master servicing plans, servicing capability studies, stormwater management reports, and environmental impact statements.

**"Plan Input"** refers to the providing of input and information prior to the formulation of policy or the submission of a development application.

**"Plan Review"** refers to the review of specific development applications where County interests and policies are impacted, as determined by County Staff.

### *3. Context*

The County will be seeking environmental input from the CA's from two perspectives:

- 1) In exercising its approval authorities for Official Plans and Amendments, and Plans of Subdivision and Condominium, and;
- 2) In establishing and implementing the policies of the County Official Plan as they relate to the Greenlands Designation, and other environmentally significant features identified in its' policies.

The County will utilize the services of the CA's where the environmental interests of the County are impacted by development activity.

To avoid duplication of current work and research already being done by the Conservation Authorities at the local level, the process of obtaining input from the CA's will be integrated within the pre-consultation stage of the development process in co-operation with the local municipalities. The processes for the review of plans of subdivision and Official Plans and amendments are outlined on Figures 1 and 2. Points of potential CA involvement are shown in italics. The terms outlined in this agreement are intended to complement these processes.

As Local Municipal Official Plans incorporate the policies of the County Official Plan, the CA's role will be further entrenched at the local level within local Official Plans.

Local Municipalities are the Approval Authorities for the following:

- Comprehensive Zoning By-Laws;
- Zoning By-Law Amendments;
- Site Plans;
- Minor Variance Applications;
- Consent Applications.

For these applications the County is a commenting agency. The CA's are also commenting agencies on these applications. The County recognizes that the CA's are already providing environmental plan input and review services to some Local Municipalities. To avoid duplication of services, the County recognizes this vital role already being provided to the Local Municipalities by the CA's.

It is also recognized that Local Municipalities may enter into agreements with other parties to provide plan review services. Where a Local Municipality has an agreement with a party other than a CA as defined herein, the policies and procedures of this agreement do not apply.

#### **4. Purpose**

The purpose of this Partnership Agreement is to:

- a) help fulfill the approval authority function transferred to the County of Simcoe from the MMAH;
- b) provide the CA's with a means to assist the County and its Local Municipalities with the environmental component of land use planning within the County;
- c) describe a framework that clearly articulates the roles and responsibilities of the County and the CA's with regard to the natural environment, in order to fulfill the approval authority function; and,
- d) establish a partnership between the County and the CA's that will enable an efficient and effective delivery of environmental service in the County.

#### **5. Principles**

This Partnership Agreement is based on the following principles:

- a) integration and cooperation will occur between the County, the Local Municipalities, CA's, and other stakeholders in the County in order to streamline the land use planning process;
- b) the ecosystem approach to land use planning will be applied which promotes the watershed area as a basis for environmental planning and management within the County;
- c) cost effective, proactive planning, using techniques such as pre-submission consultation, will be emphasized over cost intensive, reactive planning;
- d) land use planning decisions will be the sole responsibility of the County and the Local Municipalities;
- e) environmental planning and management within the County will reflect the provisions of the Planning Act, Provincial Policy Statement, the County Official Plan, and Local Official Plans, issued under the Planning Act;
- f) cost recovery for the plan review and peer review services will be achieved through a fee-for-service basis, paid directly to the appropriate CA by the proponent or the developer, in accordance with the CA's fee schedule.
- g) fees will be charged on a cost recovery basis for "plan input" where appropriate.

#### **6. Jurisdiction**

Schedule "A" to this Agreement generally identifies the jurisdictions of the CA's in relation to the political boundary of Simcoe County, with the recognition that the jurisdiction of the Ministry of Natural Resources (MNR) and the Ministry of the Environment (MOE) encompasses the entire County. The County will use

Schedule "A" in order to distribute the planning application or planning matter to the appropriate agency. For those areas on Schedule "A" not under the jurisdiction of the CA's, the "plan input, plan review and peer review" functions will be provided by the County in conjunction with the appropriate agency.

This Partnership Agreement recognizes that the MNR provides "plan input" where appropriate across the County, and information relating to Provincially Significant features.

This Partnership Agreement also recognizes that the MOE presently provides plan input and review in accordance with its jurisdiction under the Ontario Water Resources Act and the Environmental Protection Act. This will include plan input and the issuance of Certificates of Approval for Stormwater Management Facilities, and sewage treatment facilities for non-residential and multiple residential uses. This Ministry will also provide input respecting identified areas of interest across the County.

## **7. Roles and Responsibilities**

The County and the CA's agree that:

- a) Plan input will be provided by the CA's on broad policy-oriented documents such as the County's Official Plan and amendments, and lower tier Official Plans and amendments including Secondary Plans, Adult Lifestyle Community Plans, and Growth Management Strategies, in their respective jurisdictions.
- b) Plan input and review will be provided from a natural heritage perspective by the CA's on all site specific development applications within the County Greenlands Designation, and in accordance with the other environmental policies of the County Official Plan, as determined by County staff. Plan input and review will be provided from a natural hazard perspective by the CA's on all site specific official plan amendments/applications located in proximity to a lake, river, or creek or located on or near a steep slope, or any other area that may exhibit physical constraints to development such as high water table and organic soil deposits.
- c) Where Local Municipal development approvals include environmentally-related conditions that are in accordance with the policies of the County Official Plan, the County will utilize the existing expertise of the CA's, at the expense of the applicant, to clear conditions. These may include the completion of studies prior to approval of zoning by-law amendments or site plans, or the clearing of conditions associated with consent approval.
- d) Environmental Impact Statements completed in accordance with the County Official Plan policies will be reviewed and completed to the satisfaction of the CA's.
- e) The CA's will provide <sup>EXISTING</sup> staff to attend Ontario Municipal Board Hearings at the request of the County with regard to any planning application, as appropriate.
- f) The CA's will continue to advise and issue permits where appropriate in accordance with the Conservation Authorities Act of Ontario, as amended.
- g) Nothing in this agreement prevents the CA's from advising the County on any issue of interest to them as it may relate to a development application, nor does this agreement preclude the CA's

from appealing or objecting to a decision of County Council.

#### **8. *Implementation***

The County and the CA's agree:

- a) any information or data sources provided by the province or generated through municipal or watershed studies will be shared, subject to any restrictions or agreements already established by the respective organizations or the Province;
- b) the "plan input and review and peer review" functions will be in accordance with Policy 1.1.1e) and f), Policy 2.2 as it relates to the County Greenlands Designation, Policy 2.3, Policy 2.4, and Policy 3.1, and other policies within the Provincial Policy Statement, and the County Official Plan, and will complement, rather than duplicate, any plan input provided by the Province;
- c) that the County will ensure "plan input" opportunity is provided to the CA's, where appropriate;
- d) that the County will circulate appropriate documents to the CA's for plan review and peer review in a timely manner in accordance with the boundaries shown on schedule A;
- e) that "plan input and review and peer review" results will be provided by the CA's in writing to the circulating municipality, and copied to either the County or Local Municipality, as appropriate. Comments will be provided or copied to the County by the CA's using the following time frames as a guideline: within 20 working days following a pre-submission consultation meeting (plan input); within 20 working days of the receipt of a document for peer review; and, prior to the statutory public meeting or hearing scheduled in accordance with the Planning Act where the application has been formally circulated to the CA (plan review). The County recognizes that required time lines will vary based on the magnitude of the project;
- f) that the CA's will be responsible for collecting their fees for the services they provide directly from the applicant/proponent. The CA's should ensure that payment has been provided in accordance with their fee schedule prior to the release of final comments on a development matter;
- g) that the CA's may determine how to best meet the requirements of this Partnership Agreement through subsequent internal agreements;
- h) that this Partnership Agreement only applies to planning documents and applications originating under the Planning Act;
- i) to explore further opportunities to streamline the land use planning system as it relates to Provincial, County, and Local interests;
- j) that this agreement does not limit the right of the County to seek input, technical comments, or information from any other source;
- k) to review and evaluate the effectiveness of this Partnership Agreement, and from time to time amend the Agreement to reflect changes in municipal, provincial, and federal policies or

programs or as a result of discussions within the partners of this Agreement; and

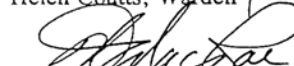
- l) that any party to this agreement may terminate their involvement with a minimum of 90 days notice to the remaining Agreement Parties.

9. *Certification*


This Partnership Agreement will take effect on this 30<sup>th</sup> day of September, 1999.

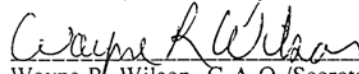
THE CORPORATION OF THE COUNTY OF SIMCOE

  
Helen Coutts, Warden

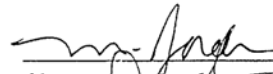
  
Helen MacRae, C.A.O.-Clerk

NOTTAWASAGA VALLEY CONSERVATION  
AUTHORITY

  
Don Bell, Chair

  
Wayne R. Wilson, C.A.O./Secretary-Treasurer

LAKE SIMCOE REGION CONSERVATION AUTHORITY

  
Margaret Jordan, Chair


  
D. Gayle Wood, C.A.O./Secretary-Treasurer

FIGURE ONE

County of Simcoe Local Official Plan Review Process

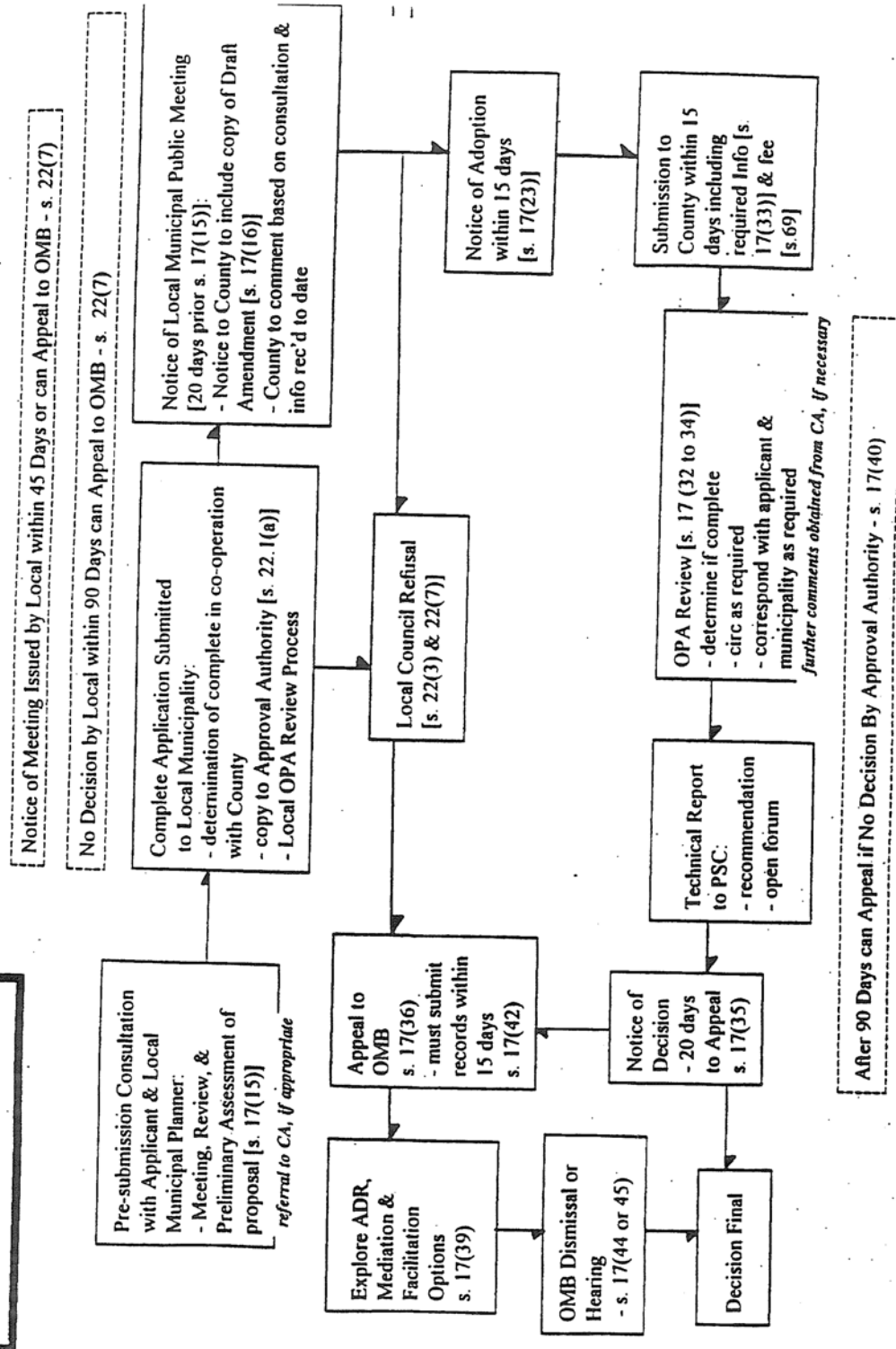


FIGURE TWO

COUNTY OF SIMCOE SUBDIVISION AND CONDOMINIUM REVIEW  
PROCESS

