

PLANNING REVIEW SERVICE DELIVERY AGREEMENT

THE AGREEMENT, dated this 16th day of September, 2019

BETWEEN:

Quinte Conservation Authority

("the Conservation Authority")

-and-

Marmora and Lake Municipality

(the "municipality")

Context

Under the *Planning Act*, the Municipality is an approval authority and responsible for making planning decisions that will determine the future of its communities. In accordance with the *Act*, it is required to provide notice of municipal policy documents and planning and development applications to public commenting bodies, including Conservation Authorities. The municipality is responsible for ensuring consistency with Provincial Policy Statements released under the *Planning Act*. Implementation of the Provincial Policy Statement requires extensive experience and expertise, including environmental expertise.

The Conservation Authority reviews planning and development applications to ensure delegated responsibilities from the Province are addressed. Conservation Authorities were delegated natural hazard responsibilities by the Minister of Natural Resources in April 1995.¹ Natural hazard responsibilities include floodplain management, hazardous slopes, Great Lakes shorelines, unstable soils, and erosion which are encompassed by the "Natural Hazards" section of the Provincial Policy Statement (PPS). In this delegated role, the Conservation Authority is responsible for representing the "Provincial Interest" on planning matters where the Province is not involved. Further, the Conservation Authority is not compensated by the Province for this delegated role and therefore charges a fee to applicants on a cost recovery basis.

Conservation Authorities can also be involved in the planning process as watershed based resource management agencies with a mandate (as defined under Section 20 and 21 of the *Conservation Authorities Act*) to protect and manage the local watershed, including but not limited to natural hazards, natural heritage, and water. Through review of planning applications, the Conservation Authority works to ensure that its program interests are addressed. It is also an opportunity to advise municipalities of regulatory responsibilities (e.g., the Conservation Authority's regulations). As with our role regarding the review of Natural Hazards, this additional review is not compensated by the Province and the Conservation Authority charges a fee to applicants on a cost recovery basis in conjunction with the aforementioned Natural Hazards review fee.

¹ This role does not extend to other portions of the Provincial Policy Statement unless specifically delegated or assigned in writing by the Province.

A Conservation Authority can enter into agreements with municipalities to outline the planning service provided by the Conservation Authority to the municipality and will charge a fee to the applicants for such services to recover costs on a user-pay basis. Quinte Conservation's fees are set out in its Fee Policy & Schedule, which may be updated from time to time with the approval of the Board of Directors.

Purpose

- (1) The purpose of this Agreement is to establish a co-operative arrangement between the municipality and the Conservation Authority to ensure a comprehensive review of applications subject to the provisions of the Planning Act, RSO 1990 and other statutes as may apply. Conservation Authority staff will provide environmental planning services to the municipality, which will focus on the natural hazards but can also include natural heritage and water quality and quantity aspects of the Provincial Policy Statement and other legislation as applicable.

Goals

- (2) The goals of the Agreement between the municipality and the Conservation Authority are:
 - a) to provide advice through efficient planning service delivery to development proponents and the municipality within the Conservation Authority's watershed pertaining to matters listed in Schedule 1 or as otherwise identified or requested by the municipality;
 - b) to effectively identify and address environmental issues related to matters of federal, provincial, regional, and local interest in the decision making process on planning applications (e.g., Provincial Policy Statement, *Conservation Authorities Act* & Regulations, etc.).

Roles and Responsibilities of the Municipality

- (3) The municipality will circulate to the Conservation Authority under this Agreement those development and planning applications listed in Schedule 1. This includes natural hazard interests (that the Conservation Authority has delegated responsibility for) as well as other environmental interests.
- (4) The municipality agrees to retain consultants other than the Conservation Authority to provide the plan review and technical clearance services identified in this Agreement, when in the opinion of the Conservation Authority or the municipality, utilizing the Conservation Authority as specified in this Agreement could result in a conflict of interest for the Conservation Authority.
- (5) The municipality agrees to collaborate with the Conservation Authority when developing new or updating Official Plan policy in order to ensure that appropriate schedules, overlays and text are incorporated to adequately address natural heritage features, water protection, and natural hazards.

Roles and Responsibilities of the Conservation Authority

- (6) The Conservation Authority will assist the municipality in its role as an approval authority through its regular comments to the municipality on the matters outlined in Schedule 1.
- (7) Nothing in Paragraph (6) prevents the Conservation Authority from advising the municipality of any issue of interest to it, as it may relate to an application for development under Ontario Regulation 319/09.
- (8) The Conservation Authority will provide the best available and technically sound information on items relating to natural heritage, water protection, and natural hazards for the development of Official Plan policy.
- (9) The Conservation Authority agrees to make available qualified staff to provide pre-consultation services and to attend meetings arranged by the municipality pertaining to matters listed in Schedule 1.

Service Standards & Best Practices

- (10) The Conservation Authority and the municipality will encourage applicants to pre-consult with the Conservation Authority in order to identify potential issues within the proposal prior to submission of a formal application.
- (11) The municipality should allow for a minimum of 10 business days following the Conservation Authority's receipt of a planning application for review of applicable policy, a site visit, meetings, and to provide necessary comments.
- (12) Review of technical reports will be completed within 20 business days of receiving the formal circulation of the document from the municipality².
- (13) When Conservation Authority staff determines that a review will take longer than the timelines provided for in either (11) or (12) above, the Conservation Authority shall advise the municipality and the proponent as soon as possible.
- (14) The municipality, as the first point of contact, will advise applicants of both the role of the Conservation Authority in the development approvals process and the Conservation Authority's fees.
- (15) The municipality is to provide the Conservation Authority with the most current policy documents (e.g., Official Plans, Comprehensive Zoning By-Laws). Conversely, the Authority will provide the municipality with its most current policy and regulation documents.

² All submissions must conform to current QC and regulatory guidelines.

- (16) Both parties have a duty to understand the role and responsibility of the other party. Both parties will provide accurate information about the role and services of the other party in the context that affect the proponent.

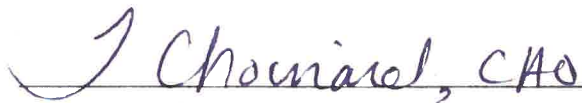
Implementation

- (17) This Agreement applies to the area of the municipality within the Conservation Authority's jurisdiction.
- (18) This Agreement shall only apply to those planning applications identified on Schedule 1 and as otherwise identified or requested by the municipality.
- (19) This Agreement will come into effect upon endorsement by the municipality and the Conservation Authority and will remain in effect until such time as one of the parties terminates this Agreement. The Agreement may be terminated by either party, in writing to the other party to the Agreement, on a minimum of 90 days' notice.
- (20) The municipality and the Conservation Authority agree that this Agreement shall supersede all previous plan review agreements between the municipality and the Conservation Authority.
- (21) This agreement shall be posted on the Conservation Authority website for public access.
- (22) The municipality and the Conservation Authority agree to review this Agreement and its implementation on a periodic basis (no later than a 5 year period). Terms can be renegotiated at any time at the initiation of either party.
- (23) The municipality and the Conservation Authority agree to share data where possible subject to all necessary data sharing agreements having been entered into.
- (24) The municipality and the Conservation Authority agree to explore opportunities to create further efficiencies.
- (25) The Conservation Authority will recover costs for performing functions under this Agreement, in accordance with the Conservation Authority's current and applicable Fee Policy & Schedule.
- (26) The Conservation Authority reserves the right to appeal a decision of the municipality on any planning decisions.

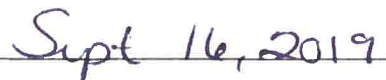
The parties have duly executed this Agreement under the hands of their authorized Officers.

Signed, Sealed and Delivered

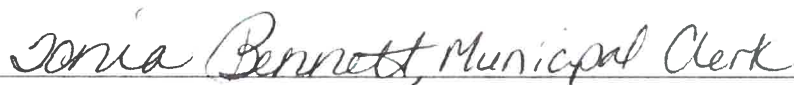
Marmora and Lake Municipality

 J. Chouinard, CAO

Signing Officer

 Sept 16, 2019

Date

 Sonia Bennett, Municipal Clerk

Signing Officer

 Sept 16, 2019

Date

Quinte Conservation Authority



Brad McNevin - Chief Administrative Officer

 SEPT-17-2019

Date

SCHEDULE 1

CIRCULATION STATUS BY APPLICATION TYPE AND DEFINITIONS

1. The Conservation Authority advises the municipality that, under this Agreement, the municipality is required to circulate, with the exceptions noted in item 2 below, the following types of development/planning applications to the Conservation Authority for comment:

- a. Subdivisions
- b. Condominiums
- c. Consents
- c. Minor Variances
- d. Site Plans
- e. Zoning By-Law Amendments
- f. Official Plan Amendments

The Conservation Authority will screen all applications as they are submitted and invoice only for those which require a formal review.

2. Excluded applications (which the municipality is not required to circulate to the Conservation Authority) include:

- a. Zoning by-law amendments related to previously circulated severances, where the Conservation Authority concerns have been addressed;
- b. Technical severances (lot additions, lot line adjustments, etc.) which have no potential to impact natural hazards, natural heritage, or water quality/quantity.

3. Quinte Conservation will review and comment on planning applications with respect to potential environmental impacts. These include:

-Mandated by the Province

- a. Natural Hazards (floodplain management, hazardous slopes, Great Lakes shorelines, unstable soils or bedrock, and erosion) where the Conservation Authority has delegated responsibility
- b. Ontario Regulation 319/09 – Quinte Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (under Section 28 of the Conservation Authorities Act);

-Additional Review Services³

- c. Natural Heritage
- d. Hydrogeology (water quality and quantity)⁴
- e. Stormwater.(water quality and quantity)

4. Quinte Conservation's Review includes:

- a. Reviewing development applications to determine if and where an environmental impact has potential to occur;

³ Although not mandated by the Province, these are services that, as a resource management agency, have consistently been part of CA comments/review. The municipality bears the responsibility for the review of these issues should they choose not to have the CA assess them.

⁴ Review of hydrogeology will be completed for subdivisions. Other files (e.g. severances and zoning changes related to pits and quarries) will be reviewed as requested and based on staff availability.

- b. Providing written comments and recommendations (including conditions of approval) to the Municipality;
- c. Advising the municipality of the Conservation Authorities Act Section 28 regulations and other applicable legislation for which the Conservation Authority has responsibility;
- d. Identifying the need for, and the adequacy of, technical reports and proposing mitigation measures for applications;
- e. Assisting in the preparation of terms of reference for studies and reports for plan review applications.

5. "Technical Clearance" includes:

- a. Assessing technical reports submitted by the proponents to determine if the reports have been prepared in accordance with Conservation Authority guidelines and standards.

Appendix 1: CO/MNR/MMAH – DELEGATED RESPONSIBILITIES MOU

CONSERVATION ONTARIO, MINISTRY OF NATURAL RESOURCES & MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

MEMORANDUM OF UNDERSTANDING ON PROCEDURES TO ADDRESS CONSERVATION AUTHORITY DELEGATED RESPONSIBILITY

PURPOSE OF THE MOU

The MOU defines the roles and relationships between Conservation Authorities (CAs), the Ministry of Natural Resources (MNR), and the Ministry of Municipal Affairs and Housing (MMAH) in planning for implementation of CA delegated responsibilities under the Provincial One Window Planning System.

BENEFITS TO SIGNATORY PARTIES

It is beneficial for all parties to enter into this agreement because it clarifies the roles of CAs and the unique status of CAs in relationship to the Provincial One Window Planning System.

DELEGATED RESPONSIBILITY FOR NATURAL HAZARDS

CAs were delegated natural hazard responsibilities by the Minister of Natural Resources. A copy of the delegation letter is attached. This letter (dated April 1995) went to all CAs and summarizes delegations from the MNR including flood plain management, hazardous slopes, Great Lakes shorelines, unstable soils and erosion which are now encompassed by Section 3.1 "Natural Hazards" of the Provincial Policy Statement (1997). In this delegated role, the CA is responsible for representing the "Provincial Interest" on these matters in planning exercises where the Province is not involved.

This role does not extend to other portions of the PPS unless specifically delegated or assigned in writing by the Province.

ROLES AND RESPONSIBILITIES

Ministry of Natural Resources

- a) MNR retains the provincial responsibility for the development of flood, erosion and hazard land management policies, programs and standards on behalf of the province pursuant to the *Ministry of Natural Resources Act*.
- b) Where no conservation authorities exist, MNR provides technical support to the

Ministry of Municipal Affairs and Housing on matters related to Section 3.1 of the Provincial Policy Statement in accordance with the "Protocol Framework – One Window Plan Input, Review and Appeals".

- c) MNR, in conjunction with MMAH, co-ordinates the provincial review of applications for Special Policy Area approval under Section 3.1 of the PPS.

Ministry of Municipal Affairs and Housing

- a) MMAH coordinates provincial input, review and approval of policy documents, and development proposals and appeals to the Ontario Municipal Board in accordance with the "Protocol Framework One Window Plan Input Review and Appeals".
- b) Where appropriate, MMAH will consult conservation authorities as part of its review of policy documents and development proposals to seek input on whether there was "regard to" Section 3.1 of the PPS.
- c) Where there may be a potential conflict regarding a Conservation Authority's comments on a planning application with respect to Section 3.1 of the PPS and comments from provincial ministries regarding other Sections of the PPS, the Ministry of Municipal Affairs and Housing will facilitate discussions amongst the affected ministries and the Conservation Authority so that a single integrated position can be reached.
- d) Where appropriate, MMAH will initiate or support appeals to the OMB on planning matters where there is an issue as to whether there was "regard to" Section 3.1 of the PPS.
- e) MMAH, in conjunction with MNR, coordinates the provincial review of application for Special Policy Area approval under Section 3.1 of the PPS.

Conservation Authorities (CAs)

- a) The CAs will review policy documents and development proposals processed under the *Planning Act* to ensure that the application has appropriate regard to Section 3.1 of the PPS.
- b) Upon request from MMAH, CAs will provide comments directly to MMAH on planning matters related to Section 3.1 of the PPS as part of the provincial one window review process.
- c) Where there may be a potential conflict regarding a Conservation Authority's comments on a planning application with respect to Section 3.1 of the PPS and comments from provincial ministries regarding other Sections of the PPS, the Ministry of Municipal Affairs and Housing will facilitate discussions amongst the

affected ministries and the Conservation Authority so that a single integrated position can be reached.

- d) CAs will apprise MMAH of planning matters where there is an issue as to whether there has been "regard to" Section 3.1 of the PPS to determine whether or not direct involvement by the province is required.
- e) Where appropriate, CAs will initiate an appeal to the OMB to address planning matters where there is an issue as to whether there has been "regard to" Section 3.1 of the PPS is at issue. CAs may request MMAH to support the appeal.
- f) CAs will participate in provincial review of applications for Special Policy Area approval.
- g) CAs will work with MMAH, to develop screening and streamlining procedures that eliminate unnecessary delays and duplication of effort.

FURTHER CA ROLES IN PLAN INPUT, PLAN REVIEW AND APPEALS

CAs also undertake further roles in planning under which they may provide plan input or plan review comments or make appeals.

1. Watershed Based Resource Management Agency

CAs are corporate bodies created by the province at the request of two or more municipalities in accordance with the requirements of the *Conservation Authorities Act* (CA Act). Section 20 of the CA Act provides the mandate for an Authority to offer a broad resources management program. Section 21 of the CA Act provides the mandate to have watershed-based resource management programs and/or policies that are approved by the Board of Directors.

CAs operating under the authority of the CA Act, and in conjunction with municipalities, develop business plans, watershed plans and natural resource management plans within their jurisdictions (watersheds). These plans may recommend specific approaches to land use and resource planning and management that should be incorporated into municipal planning documents and related development applications in order to be implemented. CAs may become involved in the review of municipal planning documents (e.g., Official Plans (OPs), zoning by-laws) and development applications under the *Planning Act* to ensure that program interests developed and defined under Section 20 and 21 of the CA Act are addressed in land use decisions made by municipal planning authorities. In this role, the CA is responsible to represent its program and policy interests as a watershed based resource management agency.

2. Planning Advisory Service to Municipalities

The provision of planning advisory services to municipalities is implemented through a service agreement with participating municipalities or as part of a CAs approved program activity (i.e., service provided through existing levy). Under a service agreement, a Board approved fee schedule is used and these fee schedules are coordinated between CAs that "share" a participating municipality. The "Policies and Procedures for the Charging of CA Fees" (MNR, June 13, 1997) identifies "plan review" activities as being eligible for charging CA administrative fees.

The CA is essentially set up as a technical advisor to municipalities. The agreements cover the Authority's areas of technical expertise, e.g., natural hazards and other resource management programs. The provision of planning advisory services for the review of *Planning Act* applications is a means of implementing a comprehensive resource management program on a watershed basis.

In this role, the CA is responsible to provide advice on the interpretation of the Provincial Policy Statement (PPS) under the terms of its planning advisory service agreement with the municipality. Beyond those for Section 3.1 "Natural Hazards" where CAs have delegated responsibility, these comments should not be construed by any party as representing the provincial position.

3. CAs as Landowner

CAs are landowners and as such, may become involved in the planning process as a proponent or adjacent landowner. Planning Service Agreements with municipalities have anticipated that this may lead to a conflict with our advisory role and this is addressed by establishing a mechanism for either party to identify a conflict and implement an alternative review mechanism.

4. Regulatory Responsibilities

a) CA Act Regulations

In participating in the review of development applications under the *Planning Act*, CAs will (i) ensure that the applicant and municipal planning authority are aware of the Section 28 regulations and requirements under the *CA Act*, and, (ii) assist in the coordination of applications under the *Planning Act* and the *CA Act* to eliminate unnecessary delay or duplication in the process.

b) Other Delegated or Assigned Regulatory/Approval Responsibility

Federal and provincial ministries and municipalities often enter agreements to transfer regulatory/approval responsibilities to individual CAs (e.g., Section 35 Fisheries Act/DFO; Ontario Building Code/septic tank approvals). In carrying out these responsibilities and in participating in the review of development applications under the *Planning Act*, CAs will (i) ensure that the applicant and municipality are aware of the requirements under these other pieces of legislation and how they may affect the application; and, (ii) assist in the coordination of applications under the *Planning Act* and those other Acts to eliminate unnecessary delays or duplication in the process.

CANCELLATION OR REVIEW OF THE MOU

The terms and conditions of this MOU can be cancelled within 90 days upon written notice from any of the signing parties. In any event, this document should be reviewed at least once every two years to assess its effectiveness, its relevance and its appropriateness in the context the needs of the affected parties. "Ed. Note: 90 days is to provide time for the parties to reach a resolution other than cancellation".

**MEMORANDUM OF UNDERSTANDING ON PROCEDURES TO ADDRESS
CONSERVATION AUTHORITY DELEGATED RESPONSIBILITY**

I hereby agree to support the provisions contained in this Memorandum of Understanding as an appropriate statement of the roles and responsibilities of relevant Ministries and Conservation Authorities in the implementation of the Provincial Policy Statement.

Jan 19, 2001: Original signed by

David de Launay
Director
Lands and Waters Branch
Ministry of Natural Resources

Date

Feb 12, 2001: Original signed by

Audrey Bennett
A/Director
Provincial Planning and Environmental Services Branch
Ministry of Municipal Affairs and Housing

Date

Jan 01, 2001: Original signed by

R.D. Hunter
General Manager
Conservation Ontario

Date



Ministry of
Natural
Resources

Ministère

Ministère des
Richesses
naturelles

Ministère

Queen's Park
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M7A 1Y3
416 / 314-2301

APR 19 1995

95-01252-MIN

Mr. Donald Hocking
Chair
Upper Thames River Conservation Authority
R.R. #6
London, Ontario
N6A 4C1

Dear Mr. Hocking:

This letter is with regard to the responsibilities of Conservation Authorities in commenting on development proposals.

The Government of Ontario is continuing to move forward on reforms promoting greater local involvement in decision-making, streamlining of municipal planning and other approval processes, and improved environmental protection. Ontario's Conservation Authorities continue to be important partners in this process.

In 1983, Conservation Authorities were delegated commenting responsibility on flood plain management matters. This was followed in 1988 by a similar delegation of commenting responsibility for matters related to flooding, erosion, and dynamic beaches along the shorelines of the Great Lakes-St. Lawrence River system.

At present, the Ministry and Conservation Authorities continue to independently review and provide input to municipalities and the Ministry of Municipal Affairs on development matters related to riverine erosion, slope, and soil instability. Although Authorities and the Ministry share similar objectives, this overlap and duplication of efforts have occasionally led to differences in comments which, in turn, have sometimes resulted in confusion, delays and expense for development proponents. As part of the current Planning Reform initiative, there is an opportunity to clarify the roles and responsibilities related to these important hazard management issues.

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Through their flood plain, watershed and Great Lakes-St. Lawrence River shoreline management planning initiatives, Conservation Authorities have made good progress in streamlining approval processes and strengthening provincial-municipal partnerships. By extension, I believe that it would be appropriate to recognize the well-developed expertise and capabilities of Conservation Authorities in the evaluation of riverine erosion, slope and soil instability matters and to formally confirm Conservation Authorities as the lead commenting agency. This would result in further streamlining of approval processes, the promotion of environmentally sound development, and the provision of an economic stimulus for the province.

As of March 29, 1995, Conservation Authorities, where they exist, will have sole commenting responsibilities on development proposed in areas subject to riverine erosion, slope instability and soil instability, such as in areas of high water tables, organic or peat soils, and leda, or sensitive marine clay, soils. Implementation of this policy by authorities would continue to be eligible for provincial grant. Where Conservation Authorities exist, I have asked Ministry staff to focus their comments on all other matters of direct interest and concern to the Ministry. Where Conservation Authorities do not exist, the Ministry will continue its commenting role on these matters.

The Ministry of Natural Resources will continue as lead administrative Ministry having overall Government responsibility for hazard management policies and programs. In this regard, the Ministry will continue to provide leadership, policy direction and advisory assistance to the Conservation Authorities.

Your continued participation in the delivery of this important component of the overall provincial hazard management program will serve to strengthen the partnership between the Ministry and the Conservation Authorities.

Yours sincerely,



Howard Hampton
Minister

