

BY-LAW NUMBER 17-22

OF

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

A By-law to enter into a Memorandum of Understanding with the Nottawasaga Valley Conservation Authority (NVCA) regarding procedures to circulate applications under the Planning Act and to define roles of the NVCA and Municipality in Ontario's Land Use Planning System

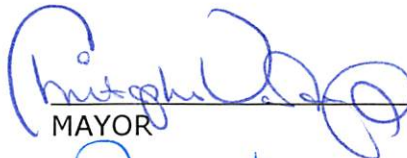
WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25 authorizes municipalities to enter into agreements with other government bodies; and

AND WHEREAS the Township of Clearview deems it expedient to enter into a Memorandum of Understanding with the Nottawasaga Valley Conservation Authority regarding procedures to circulate applications under the Planning Act and to define roles of the NVCA and Municipality in Ontario's Land Use Planning system;

NOW THEREFORE Council of the Corporation of the Township of Clearview hereby enacts as follows:

1. That the Memorandum of Understanding attached hereto as "Schedule A" forms part of this By-law
2. Authorizes the Chief Administrative Officer to execute the Memorandum of Understanding with the NVCA on behalf of the Corporation of the Township of Clearview.
3. That this by-law shall come into force and effect on the date of final passing thereof.

By-law Number 17-22 read a first, second and third time and finally passed this 6th day of March, 2017.


MAYOR


DIRECTOR OF LEGISLATIVE SERVICES/CLERK

Schedule "A"

Nottawasaga Valley Conservation Authority (NVCA) and the WATERSHED MUNICIPALITIES (TOWNSHIP OF CLEARVIEW)

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

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 Township 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 Township of Clearview (Township) 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 Township in the planning process as it relates to public health and safety and environmental protection by:

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

Principles

This Memorandum of Understanding is based upon the following principles:

- Continued cooperation between the NVCA and Township;
- 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 Township of Clearview.

Roles

Township

1. The Township 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 Township 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 Township 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 Township 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 Township 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 Township will provide any other required information to assist with the review upon request and where reasonable.
7. At the discretion of the municipality, the Township 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 circumstances, the Township and the NVCA may require a peer review by an external consultant for studies typically reviewed by the NVCA such as but not limited to natural heritage evaluations and geotechnical investigations. In this case, to reduce duplication, prior to any peer review, the Township and the NVCA will consult with one another. The selection of a peer review consultant will be a cooperative process between the NVCA and Township 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 Township will notify the NVCA of opportunities to provide comments on Township-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 Township will consider inviting NVCA to have a representative sit on the Steering Committee.

NVCA

10. The NVCA will provide the necessary information to the Township 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 Township 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/Niagara Escarpment Plan
 - ✓ Growth Plan for the Greater Golden Horseshoe

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

- a) Natural hazard lands (e.g. flooding, erosion, steep slopes, unstable soils);
- b) Natural heritage (e.g. significant woodlands, significant valley lands);
- c) Water quality and quantity (e.g. storm water management) including consideration of Township engineering design standards and NVCA guidelines;
- d) Source water protection (e.g. significant groundwater recharge areas);
- e) Sub-watershed Plan recommendations; and,
- f) Alternative development standards (e.g. LID; Best Management practices support funding);

As defined by the Provincial Policy Statement, NVCA policies and guidelines, and/or the Township of Clearview Official Plan.

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

- ✓ *Environmental Assessment Act*
- ✓ *Clean Water Act*
- ✓ *Endangered Species Act*

15. Both the Township 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 Township will work together on matters before the Ontario Municipal Board or Environmental Tribunal. Where appropriate, the NVCA and Township 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 Township (together with the County) participate in pre-application consultation at the same time with the proponents. The Township 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 Township, 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 Township, the NVCA will notify and

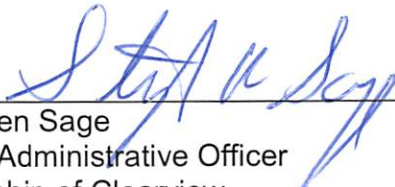
Provide the opportunity for Township comments. If a Steering Committee is formed as part of such a process, the NVCA will consider an invitation to the Township for a representative to sit on the Steering Committee.

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 Township 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 the Township Council on March 6, 2017 by By-law 17-22.



Stephen Sage
Chief Administrative Officer
Township of Clearview



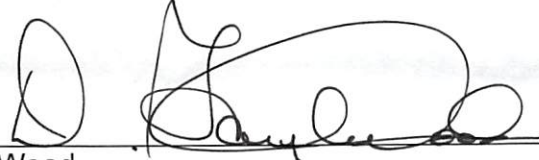
Date



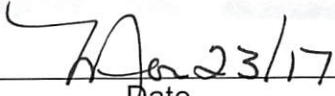
Doug Loughheed
Chair
Nottawasaga Valley Conservation Authority



Date



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



Date