

**PROPOSED PARTNERSHIP MEMORANDUM BETWEEN
THE CITY OF OSHAWA AND
THE CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY,
FOR PLAN REVIEW SERVICES**

1. Context

Ensuring the safety of persons and property from natural hazards and the protection, restoration and enhancement of the natural environment are matters of public interest to be addressed during the review of planning applications and policy documents.

The Central Lake Ontario Conservation Authority (CLOCA) is involved in Plan Review in the following capacities:

- i. Delegated "Provincial Interest" in Plan Review – As outlined in the Conservation Ontario/Ministry of Natural Resources (MNR)/Ministry of Municipal Affairs and Housing (MMAH) Memorandum of Understanding (MOU) on Conservation Authority (CA) delegated responsibilities, CLOCA has been delegated responsibilities from the Minister of Natural Resources to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2005 (PPS, 2005). These delegated responsibilities require CLOCA to review and provide comments on municipal policy documents (official plans and zoning by-laws) and applications submitted pursuant to the *Planning Act* as part of the provincial one-window plan review service.
- ii. Resource management agency - in accordance with Section 20 and 21 of the CA Act, CLOCA is the local watershed-based natural resource management agency that develops programs that reflect local resource management needs within its jurisdiction. Such programs and/or policies include the preparation of watershed plans that are approved by the CLOCA Board.
- iii. Public commenting body - pursuant to the Planning Act, CLOCA is a 'public commenting body', and as such is to be notified of proposed municipal policy documents and planning and development applications. CLOCA may comment as per their Board-approved policies as a local resource management agency to the municipality or planning approval authority on these documents and applications.
- iv. Service provider - CLOCA has an agreement with Fisheries and Oceans Canada (DFO) to review proposed works for its potential harmful alteration, disruption or destruction of fish habitat pursuant to Section 35 of the Federal Fisheries Act.
- v. CLOCA also performs a technical advisory role to municipalities as defined under the terms of any service agreement with its partner municipalities. These services include, matters related to policy input and advice, the assessment or analysis of water quality and quantity, environmental impacts, watershed science and technical expertise associated with activities near or in the vicinity of sensitive natural features, hydrogeology and storm water studies.

- vi. Landowner – CLOCA is a landowner, and as such, may become involved in the planning and development process, either as an adjacent landowner or as a proponent.

In 1996, certain Regional municipalities were delegated the Municipal Plan Review function by the Province of Ontario. In 1996, a Memorandum of Understanding (MOU) was entered into between the Province and the Region of Durham which sets out the Region's responsibilities with respect to the delegated Plan Review function. In order to implement the MOU with the Province, a Partnership Memorandum was entered into in 1996 between the Region and its five constituent Conservation Authorities (CA's) to coordinate the discharge of their responsibilities with respect to natural heritage and hazard land protection.

The intent of the original Conservation Authority Partnership Memorandum with the Region is to provide a framework for Conservation Authority plan review responsibilities on Planning Act applications including those applications where the planning decision authority rest with Area Municipalities. This includes applications such as Draft Plan of Subdivision/Condominium, Rezoning, Minor Variance and Site Plan applications.

The original 1996 Partnership Memorandum with the Region referenced the provision of Plan Review Services to the Region and area municipalities. Since the memorandum was solely between the Region and the five CA's, in 2011 the Partnership Memorandum with the Region was appropriately updated to delete the reference to area municipalities. There was an understanding at that time that any CA could approach an area municipality for a separate independent agreement. In 2013 CLOCA approached the City to propose a separate agreement.

This Partnership Memorandum with the City recognizes the expertise provided by the CLOCA in watershed management, natural heritage and natural hazard planning. It serves as a guide to both the City of Oshawa and the CLOCA in carrying out the Plan Review functions.

2. Definitions

In this document:

"Plan Review" means the review of applications/studies as set out in the *Planning Act* or other relevant legislation; identifying the need for and assessing the adequacy of technical surveys, studies and reports; and specifying and clearing conditions of approval. It also includes the review of municipal planning documents, such as Official Plans and amendments as well as studies such as Environmental Assessment Reports.

"The City" means the City of Oshawa.

3. Purpose

The purpose of this Partnership Memorandum is:

- to recognize a co-operative arrangement between the City and CLOCA to work together to improve the delivery of the Plan Review function to the property owners, business owners and residents of the City;
- to coordinate the implementation of the 1996 delegation of Municipal Plan Review responsibilities from the Province to the Region; and
- to assist the City in making planning decisions on planning documents and site-specific planning applications.

4. Goals

The goals of the partnership between the City and CLOCA are:

- to effectively address issues of provincial interest in the decision-making process on planning applications and planning documents for which the City prepares, is the approval authority, or otherwise comments on;
- to provide advice to ensure the implementation of City and Regional Official Plan policies;
- to share information which would assist and expedite decision-making; and
- to ensure that each step of the process implementing the Plan Review function is complementary and does not provide duplication, and adds value to the decision-making process.

5. Partnership Roles and Responsibilities:

- a) The City is responsible for considering Provincial policies with respect to any planning application or planning document for which the City is the approval authority, or is solicited to provide comments on.
- b) The City will consult with CLOCA on matters that affect shared mandates or interests. This includes, but is not limited to, inviting Conservation Authorities to attend pre-consultation meetings with development proponents and circulating planning applications, planning documents and environmental assessments to CLOCA. City staff and CLOCA staff can determine which matters get circulated to CLOCA for comment.
- c) The City will share any City-owned planning related data sources with the CLOCA subject to the appropriate data sharing agreements.
- d) CLOCA will share any Authority-owned planning related data sources with the City subject to the appropriate data sharing agreements.
- e) CLOCA will advise the City of the technical information required for a complete application and may attend pre-consultation meetings for planning applications.

f) CLOCA will assist the City through their Plan Review comments to the City. The comments and advice will be in the context of the *Conservation Authorities Act*, the *Planning Act*, the Provincial Policy Statement, the *Environmental Assessment Act*, the *Fisheries Act*, the *Oak Ridges Moraine Conservation Act* and the Oak Ridges Moraine Conservation Plan, the *Greenbelt Act* and the Greenbelt Plan, the Places to Grow Act and the Growth Plan, the *Clean Water Act*, and other applicable legislation as may be enacted from time to time. Additionally, comments will also take into consideration the recommendations of the applicable watershed plan or other environmental management plans and conservation authority policy documents. More specifically, CLOCA shall provide comments on the following matters:

- available information and analysis on the identification, function and significance of natural heritage and hydrologic features and systems such as significant woodlots, wetlands, significant wildlife habitats, fish habitat, significant habitat of endangered and threatened species¹, significant valleylands, areas of natural and scientific interest, surface water features and groundwater features on, or in proximity to, a proposed development site or within a study area. This includes providing input to the City on the requirements for (e.g. terms of reference) and adequacy of studies which assess impacts of and propose mitigation measures for planning applications;

requirements under the Federal Fisheries Act, the Conservation Authorities Act, or any other applicable legislation;

- the need for and adequacy of stormwater management plans from a watershed management perspective;
- floodplain management and opportunities for flood remediation;

information and analysis of natural hazards and water management such as flooding, erosion, unstable slopes and soils, and shoreline hazards existing on or in proximity to a proposed development site or within a study area;

Information on applications that may require Endangered Species Act (ESA) review. In this regard, CLOCA will screen applications with the Authorities species data base and review any reports submitted by proponents. If it is determined that there may be a species at risk, the City will be informed that the applicant should contact the Ministry of Natural Resources to ensure the ESA is adhered to. CLOCA will also advise the City and propose conditions related to ESA approvals that should be applied by the City; and

- The need for and adequacy of natural heritage evaluations in accordance with the Oak Ridges Moraine Conservation Plan, Greenbelt Plan and any other relevant planning document.

¹ The Ministry of Natural Resources is ultimately responsible for the implementation of the *Endangered Species Act*. However the City has a responsibility for the protection of the significant habitat of endangered and threatened species under the Provincial Policy Statement. The CLOCA can assist the City in identifying when a development proponent should be in contact with the Ministry.

- g) Nothing in this Partnership Memorandum prevents CLOCA from commenting to the City as they would normally exercise their rights under the *Planning Act*, the *Conservation Authorities Act* or other applicable legislation.
- h) Nothing in this Partnership Memorandum prevents the City from respectfully disagreeing with CLOCA comments.
- i) CLOCA may assist the City in the technical aspects of applying innovative and sustainable development standards as a best management practice.

6. Implementation

- a) This Partnership Memorandum will come into effect upon endorsement by City Council and the Board of CLOCA.
- b) The City and CLOCA agree to meet on a periodic basis to review the implementation of this Partnership Memorandum, and to explore further opportunities for streamlining the implementation of the delivery of the Plan Review functions.
- c) This Partnership Memorandum may be terminated at any time by either the City or CLOCA. Termination shall be provided by written notice by either party.
- d) The City and CLOCA agree to explore further opportunities to improve the sharing of data.
- e) CLOCA will recover all or a portion of the costs, resulting from performing the Plan Review function under this Partnership Memorandum from development proponents, pursuant to the Ministry of Natural Resources Policies and Procedures Manual.
- f) The City shall collect the applicable CLOCA Application Fee and remit the fees collected with the circulation of planning applications to CLOCA subject to any relevant Council policy.
- g) CLOCA is responsible for collecting Technical Review Fees as required.
- h) Where planning matters have been appealed to the Ontario Municipal Board, or Environmental Tribunal, CLOCA may participate in hearings sufficient to defend their responsibilities, interests and mandates. Where appropriate, the City and CLOCA will work together to ensure an efficient use of resources when participating at hearings. Notwithstanding this clause, CLOCA is in no way limited from independently appealing a planning decision to the Ontario Municipal Board.

- i) The City and CLOCA may seek additional technical expertise from third parties as required (e.g. peer review of an Environmental Impact Study), the cost of which would be at the expense of the proponent of the planning application.

R. Powell
CAO, Central Lake Ontario Conservation Authority

Date

City of Oshawa

Date