

Memorandum of Understanding dated 1ST day of November, 2017

MEMORANDUM OF UNDERSTANDING FOR PLAN REVIEW SERVICES BETWEEN

THE COUNTY OF WELLINGTON
(Herein referred to as the "County")
and
THE CREDIT VALLEY CONSERVATION AUTHORITY,
(Herein referred to as the CVC)
and
THE GRAND RIVER CONSERVATION AUTHORITY,
(Herein referred to as the GRCA)
and
THE HALTON REGION CONSERVATION AUTHORITY,
(Herein referred to as the CH)
and
THE HAMILTON REGION CONSERVATION AUTHORITY,
(Herein referred to as the HCA)
and
THE MAITLAND VALLEY CONSERVATION AUTHORITY,
(Herein referred to as the MVCA)

Preamble

In 1996, municipalities were delegated Municipal Plan Review responsibility by the Province of Ontario. A Memorandum was entered into in 1997 between the County and its six constituent Conservation Authorities to coordinate responsibilities with respect to plan and technical review for natural heritage and hazard land protection. In 2001, Conservation Ontario on behalf of all Conservation Authorities entered into a Memorandum of Understanding with the Province of Ontario to provide technical comments to the Upper and Lower Tier Municipalities with respect Natural Hazards as outlined in the Provincial Policy Statement. This agreement is an update to the 1997 agreement and a reflection of the 2001 Memorandum of Understanding with the Province.

The agreement is intended to be flexible and represent the varying interests, capacities and geography of individual Conservation Authorities. Six schedules are appended to this agreement, one for each Authority. Each schedule identifies those environmental features / functions the Conservation Authority will provide plan review and / or technical review on. For the most part, schedules are similar for water, flood, fish and hazards areas, but vary with natural heritage areas.

1. Purpose

The purpose of this Memorandum of Understanding (MOU) is to assist the County and Local Municipalities in making planning decisions on planning documents and site-specific planning applications as they relate to the features and function identified through the attached Schedules.

2. Goals

The goals of the partnership between the County and the Conservation Authorities are:

- to effectively address issues of provincial interest in the decision-making process on planning applications and planning documents for which the County prepares, is the approval authority, or otherwise comments on;
- to provide advice to the member Municipalities to ensure the implementation of Provincial, County and local plans and planning policies;
- to share information which would assist and expedite decision-making;
- to ensure that each step of the process implementing the Plan Review function is complementary, adds value to the decision-making process, and does not result in duplication.
- to provide comments on Natural Hazards and select Natural Heritage features and functions identified in this agreement.
- to co-ordinate where appropriate, comments of Conservation Authorities Act regulation implications to the Planning Act review process.

3. Implementation

As prescribed by the Planning Act, the County and local Municipalities will circulate the following types of development/planning applications to the Conservation Authorities:

Subdivisions
Condominiums;
Consents;
Official Plan Amendments;
Zoning By-law Amendments;
Minor Variances; and,
Site Plan Control applications were deemed necessary

a) The County agrees to make arrangements for circulation of applications listed above to the appropriate Conservation Authority.

b) The applicable Conservation Authority agrees to provide comments to the County or local Municipality respective of the items listed under their specific schedule attached herein.

c) The Conservation Authorities agree to provide comments to the County and local municipalities at no additional cost to the County and local Municipalities.

- c) The Conservation Authorities agree to provide comments to the County and local municipalities at no additional cost to the County and local Municipalities.
- d) Conservation Authorities may set fees for recouping review costs that would be the responsibility of the applicant. The County and local Municipalities agree to advise applicants of the applicable fee schedule for development applications.
- e) The County agrees to make other arrangements to provide the plan review and technical clearance services identified in the MOU, where in the opinion of the County or the Conservation Authority, utilizing services as specified in this agreement could result in a conflict of interest.
- f) Where planning matters have been appealed to the Ontario Municipal Board, or Environmental Tribunal, the Conservation Authority will act as a witness for the County on those matters the Conservation Authority has provided technical or advisory comments to the County or local municipality. While representing the County interests, the County will provide legal representation for Conservation Authorities at the cost of the County. Notwithstanding this clause, Conservation Authorities may independently appeal a planning decision to the Ontario Municipal Board and may participate in hearings to address their responsibilities, interests and mandates outside of this agreement. Where Conservation Authorities are not representing County interests, independent legal counsel would be the responsibility of the Conservation Authority.
- g) Notwithstanding the specific details listed under the attached schedules this agreement may be updated and revised from time to time subject to changes in legislation and or policy.
- h) Notwithstanding the items listed under the attached schedules changes in the "Lead" review agency may occur based on updated information, comprehensive studies, or legislative updates (e.g. subwatershed plans, secondary plans, community plans, Significant Valleylands delineation, Significant Wildlife Habitat delineation, etc.)
- i) The County and Conservation Authority may seek additional technical expertise from third parties as required (e.g. peer review of an Environmental Impact Study, Hydrogeological Report, Fluvial Geomorphology Study, etc.), the cost of which would be at the expense of the applicant.
- j) This MOU may be terminated by providing six month written notice by either the County or the Conservation Authority.
- k) The County agrees to circulate decisions which have Conditions of Approval that reference the appropriate Conservation Authority.
- l) Notwithstanding provision e) it is recommended that each party review the MOU every 5 years from the date of implementation to ensure that the schedules and provisions of the MOU continue to reflect roles and responsibilities. Modification to the

provisions of the MOU shall require consensus between parties, where updates to the attached schedules may be completed between the County and applicable Conservation Authority on an as needed basis.

m) Each Party will use its best efforts to take all actions and to do all things necessary, proper, or advisable to accomplish, make effective, and comply with all of the terms of this Agreement.

4. Time Frame for Implementation

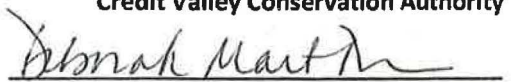
This Memorandum of Understanding will take effect on 1st day of November, 2017.

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

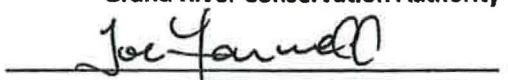
The Corporation of the County of Wellington


Scott Wilson, Chief Administrative Officer

Credit Valley Conservation Authority


Deborah Martin-Downs, Chief Administrative Officer

Grand River Conservation Authority


Joe Farwell, Chief Administrative Officer

Hamilton Region Conservation Authority


Lisa Burnside, Chief Administrative Officer

Halton Region Conservation Authority


Hassaan Basit, Chief Administrative Officer

Maitland Valley Conservation Authority


Phil Beard, General Manager/Secretary-Treasurer

Schedule 1 (CVC) – Review Function Responsibilities:

Features/Functions	Review Agencies			
	County/Local Municipality		Conservation Authority	
	Plan Review	Technical Review	Plan Review	Technical Review
Significant Wildlife Habitat	X (Lead)	X	X	X
Threatened/Endangered Species (3)	X (Lead)	X	X	X
ANSI(3)	X (Lead)	X	X	X
Environmentally Sensitive Area (ESA)	X(Lead)	X(Lead)	X	X
Significant Woodlands	X (Lead)	X (Lead)	X	X
Significant Valleylands	X(Lead)	X(Lead)	X	X
Natural Heritage Systems	X(Lead)	X(Lead)	X	X
Water (4)(as it relates to Infrastructure)	X(Lead)	X(Lead)	X	X
Water (4)(as it relates to Natural features)	X		X(Lead)	X(Lead)
Wetlands (8)	X		X (Lead)	X(Lead)
Fish Habitat (5)	X		X	X
Flood Hazards	X		X (Lead)	X(Lead)
Erosion Hazards	X		X (Lead)	X(Lead)
Sub-watershed /	X	X	X (Lead)	X(Lead)
Stormwater Management(6)(as it relates to Natural Heritage and Natural Hazards)	X	X	X(Lead)	X(Lead)
Stormwater Management (6)(as it relates to infrastructure, operations, aesthetics and outlet)	X(Lead)	X(Lead)	X	X
Hazardous Sites (7)	X		X(Lead)	X(Lead)
Conservation Authority Regulated Areas			X(Lead)	X(Lead)

X - Indicates comments may be provided and that the party has an interest

Lead- indicates the party having the primary role for PPS, Official Plan or technical capacity

Schedule 2 (GRCA) – Review Function Responsibilities:

Features/Functions	Review Agencies			
	County/Local Municipality		Conservation Authority	
	Plan Review	Technical Review	Plan Review	Technical Review
Significant Wildlife Habitat	X (Lead)	X	X	
Threatened/Endangered Species (3)	X (Lead)	X	X	
ANSI(3)	X (Lead)	X	X	
Environmentally Sensitive Area (ESA)	X(Lead)	X(Lead)		
Significant Woodlands	X (Lead)	X (Lead)	X	X
Significant Valleylands	X(Lead)	X(Lead)	X	X
Natural Heritage Systems	X(Lead)	X(Lead)	X	X
Water (4)(as it relates to Infrastructure)	X(Lead)	X(Lead)		
Water (4)(as it relates to Natural features)	X		X(Lead)	X(Lead)
Wetlands (8)	X		X (Lead)	X(Lead)
Fish Habitat (5)	X		X (Lead)	X
Flood Hazards			X (Lead)	X(Lead)
Erosion Hazards			X (Lead)	X(Lead)
Sub-watershed /	X	X	X (Lead)	X(Lead)
Stormwater Management(6)(as it relates to Natural Heritage and Natural Hazards)	X	X	X(Lead)	X(Lead)
Stormwater Management (6)(as it relates to infrastructure, operations, aesthetics and outlet)	X(Lead)	X(Lead)	X	
Hazardous Sites (7)			X(Lead)	X(Lead)
Conservation Authority Regulated Areas			X(Lead)	X(Lead)

X - Indicates comments may be provided and that the party has an interest

Lead- indicates the party having the primary role for PPS, Official Plan or technical capacity

Schedule 3 (CH)– Review Function Responsibilities:

Features/Functions	Review Agencies			
	County/Local Municipality		Conservation Authority	
	Plan Review	Technical Review	Plan Review	Technical Review
Significant Wildlife Habitat	X (Lead)	X	X	X
Threatened/Endangered Species (3)	X (Lead)	X	X	X
ANSI(3)	X (Lead)	X	X	X
Environmentally Sensitive Area (ESA)	X(Lead)	X(Lead)	X	X
Significant Woodlands	X (Lead)	X (Lead)	X	X
Significant Valleylands	X(Lead)	X(Lead)	X	X
Natural Heritage Systems	X(Lead)	X(Lead)	X	X
Water (4)(as it relates to Infrastructure)	X(Lead)	X(Lead)		
Water (4)(as it relates to Natural features)	X		X(Lead)	X(Lead)
Wetlands (8)	X		X (Lead)	X(Lead)
Fish Habitat (5)	X		X (Lead)	X
Flood Hazards			X (Lead)	X(Lead)
Erosion Hazards			X (Lead)	X(Lead)
Sub-watershed /	X	X	X (Lead)	X(Lead)
Stormwater Management(6) (as it relates to Natural Heritage and Natural Hazards)	X	X	X(Lead)	X(Lead)
Stormwater Management (6)(as it relates to infrastructure, operations, aesthetics and outlet)	X(Lead)	X(Lead)	X	X
Hazardous Sites (7)	X		X(Lead)	X(Lead)
Conservation Authority Regulated Areas			X(Lead)	X(Lead)

• X - Indicates comments may be provided and that the party has an interest

• Lead - indicates the party having the primary role for PPS, Official Plan or technical capacity

Schedule 4 (HCA) – Review Function Responsibilities:

Features/Functions	Review Agencies			
	County/Local Municipality		Conservation Authority	
	Plan Review	Technical Review	Plan Review	Technical Review
Significant Wildlife Habitat	X (Lead)	X	X	X
Threatened/Endangered Species (3)	X (Lead)	X	X	X
ANSI(3)	X (Lead)	X	X	X
Environmentally Sensitive Area (ESA)	X(Lead)	X(Lead)		
Significant Woodlands	X (Lead)	X (Lead)	X	X
Significant Valleylands	X(Lead)	X(Lead)	X	X
Natural Heritage Systems	X(Lead)	X(Lead)	X	X
Water (4)(as it relates to Infrastructure)	X(Lead)	X(Lead)		
Water (4)(as it relates to Natural features)	X		X(Lead)	X(Lead)
Wetlands (8)	X		X (Lead)	X(Lead)
Fish Habitat (5)	X		X	X
Flood Hazards			X (Lead)	X(Lead)
Erosion Hazards			X (Lead)	X(Lead)
Sub-watershed /	X	X	X (Lead)	X(Lead)
Stormwater Management(6)(as it relates to Natural Heritage and Natural Hazards)	X	X	X(Lead)	X(Lead)
Stormwater Management (6)(as it relates to infrastructure, operations, aesthetics and outlet)	X(Lead)	X(Lead)	X	X
Hazardous Sites (7)			X(Lead)	X(Lead)
Conservation Authority Regulated Areas			X(Lead)	X(Lead)

X - Indicates comments may be provided and that the party has an interest

Lead- indicates the party having the primary role for PPS, Official Plan or technical capacity

Schedule 5 (MVCA) – Review Function Responsibilities:

Features/Functions	Review Agencies			
	County/Local Municipality		Conservation Authority	
	Plan Review	Technical Review	Plan Review	Technical Review
Significant Wildlife Habitat	X (Lead)	X		
Threatened/Endangered Species (3)	X (Lead)	X		
ANSI(3)	X (Lead)	X		
Environmentally Sensitive Area (ESA)	X(Lead)	X(Lead)		
Significant Woodlands	X (Lead)	X (Lead)		
Significant Valleylands	X(Lead)	X(Lead)		
Natural Heritage Systems	X(Lead)	X(Lead)		
Water (4)(as it relates to Infrastructure)	X(Lead)	X(Lead)		
Water (4)(as it relates to Natural features)	X		X(Lead)	X(Lead)
Wetlands (8)	X		X (Lead)	X(Lead)
Fish Habitat (5)	X			
Flood Hazards			X (Lead)	X(Lead)
Erosion Hazards			X (Lead)	X(Lead)
Sub-watershed /	X	X	X (Lead)	X(Lead)
Stormwater Management(6)(as it relates to Natural Heritage and Natural Hazards)	X	X	X(Lead)	X(Lead)
Stormwater Management (6)(as it relates to infrastructure, operations, aesthetics and outlet)	X(Lead)	X(Lead)	X	
Hazardous Sites (7)			X(Lead)	X(Lead)
Conservation Authority Regulated Areas			X(Lead)	X(Lead)

X - Indicates comments may be provided and that the party has an interest

Lead- indicates the party having the primary role for PPS, Official Plan or technical capacity

Schedule 6 (SVCA) – Review Function Responsibilities:

REFER TO SEPARATE MEMORANDUM

Notes:

1. **“Plan Review”** – - includes screening applications to determine when environmental studies are triggered; developing and finalizing terms of reference for technical studies; assessing potential environmental impacts; identifying the nature and extent of mitigation measures required; recommending modifications or conditions of approval
2. **“Technical Review”** – includes assessing technical reports submitted by the proponents’ consultants in terms of applicable and most recent technical guidelines and standards and the approved terms of reference; specifying modifications or additional technical studies required and conditions of acceptance; validating the technical methods used to determine potential environmental impacts, identifying the nature and extent of mitigation measures required; recommending modifications to or acceptance of the technical report.
3. The Ministry of Natural Resources and Forestry is responsible for the implementation of the Endangered Species Act and for the mapping and designation of Areas of Natural and Scientific Interest (ANSI). However the County/Local Municipality has a responsibility for the protection of these areas under the Provincial Policy Statement.
4. Review of Water Policies as they relate to Section 2.2 of Provincial Policy Statement and County of Wellington Official Plan shall be addressed by the party responsible for ensuring the long term management and efficient and sustainable use of water as it relates to the resource features and ecological system or management objectives and infrastructure needs of users. Source Water Protection and implementation of the Source Protection Policies is the responsibility of the County/Local Municipalities.
5. Review of Fish Habitat is provided in consideration of the Provincial Policy Statement and does not provide clearance on the required statues or legislation from either the Ministry of Natural Resources and Forestry or Department of Fisheries and Oceans.
6. Stormwater Management is a shared responsibility with the County and its local municipalities being responsible for infrastructure, location, aesthetics, legal outlet and engineering design. The Conservation Authority would be responsible for the review of function and potential impacts on Natural Heritage and Natural Hazards that may be impacted.
7. Hazardous sites mean property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (organic soils), or unstable bedrock (karst topography).
8. The Ontario Ministry of Natural Resources and Forestry is the lead agency for setting criteria and standards for wetland classification and evaluation in Ontario and reviewing and confirming wetland evaluations and classifications. Within the County of Wellington, wetlands are a shared resource and protected and managed through County of Wellington’s Official Plan and the Regulation of the Conservation Authorities.