

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, Report No. 43, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 13, 2016.

8 REVIEW OF TORONTO AND REGION CONSERVATION AUTHORITY ROLES AND RESPONSIBILITIES

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management and the Director of Policy Planning and Environmental Sustainability, dated December 6, 2016, be approved; and**
- 2) That staff be directed to review and report back no later than the February 7, 2017, Committee of the Whole meeting on the implications, legal and otherwise, with respect to the following motion:**

That staff initiate a review of the feasibility of procuring the “technical advice” mentioned in this report;

before considering the feasibility of procuring any technical advice.

Recommendation

The Deputy City Manager, Planning and Growth Management and the Director of Policy Planning and Environmental Sustainability in consultation with the Deputy City Manager Legal and Human Resources recommend:

1. That staff, through the Municipal Comprehensive Review (MCR), and in recognition that the *Conservation Authorities Act* Review and the Coordinated Plan Reviews have yet to conclude, continue to review the policies of Vaughan Official Plan 2010 and the Comprehensive Zoning By-law, for the purposes of clarifying the roles and responsibilities of the environmental review bodies and approval authorities in the development review process; and, if appropriate, incorporate any resulting provisions prior to advancing any new area specific Official Plan or Zoning By-law amendments related to the Toronto and Region Conservation Authority's mandate and responsibilities;
2. That staff initiate the development of a Memorandum of Understanding with the Toronto and Region Conservation Authority for the purposes of: Implementing a Service Delivery Agreement in matters related to the timely review of planning applications, input on the preparation of policy studies and City led environmental assessment processes and other shared activities, which may include, scope of review, operational and performance standards such as fee structures, submission requirements, key contacts, prescribed timelines and escalation clauses; and
3. That staff report to Council on the feasibility of entering into a Memorandum of Understanding and a Service Delivery Agreement with the Toronto and Region Conservation Authority, as referenced in Recommendation 2 above, after the completion of an initial analysis of this approach.

Contribution to Sustainability

The Toronto and Region Conservation Authority (TRCA) plays a major role in achieving the objectives of Green Directions Vaughan through their watershed planning initiatives which are similar to and supportive of the Green Directions Vaughan initiatives.

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The City works with the TRCA to respond to many of the goals and objectives identified in Green Directions, which include:

Goal 1: To significantly reduce our use of natural resources and the amount of waste we generate.

Objective 1.3: To support enhanced standards of stormwater management at and work with others to care for Vaughan's watersheds.

- 1.3.2. Through the development of the City's new Official Plan, and in partnership with the Toronto and Region Conservation Authority, ensure protection of remaining natural features and explore opportunities for habitat restoration in headwater areas, along riparian corridors, and around wetlands.
- 1.3.3. Continue to work with other partners (such as the Toronto and Region Conservation Authority) to implement policies and undertake activities that support high water quality in Vaughan's watersheds.
- 1.3.4. Review and assess the Engineering Department design criteria and strategy for storm drainage and storm water management facilities to manage the anticipated impacts of climate change, be consistent with emerging legislation, and ensure protection from significant flooding (adapted from Vaughan Vision 2020).

Goal 2: To ensure sustainable development and redevelopment.

Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth.

- 2.2.3. Continue to develop a Parkland/Open Space Acquisition Strategy.
- 2.2.4. Develop a comprehensive Natural Heritage Strategy that examines the City's natural capital and diversity and how best to enhance and connect it.
- 2.2.5. Implement initiatives to reduce run-off in park facilities, trail systems, and selected City of Vaughan parking facilities; this may include developing permeable paving standards, created wetlands, bio-swales and/or polishing areas.

Objective 2.3: To create a City with sustainable built form.

- 2.3.2. Redefine the maximum amount of impermeable area permitted on a building site. Work with developers to create alternative surfaces with the objective of increasing overall site permeability.

Goal 4: To create a vibrant community where citizens, business and visitors thrive.

- 4.3.3. Investigate opportunities for farmers' markets at civic facilities to establish support for urban and near urban agriculture.

Economic Impact

There are no economic impacts resulting from the approval of the recommendations contained in this report. The establishment of a Memorandum of Understanding (MOU) including a Service Delivery Agreement with the TRCA may result in future economic impacts related to operations and fees. This will be determined prior to finalization of any such agreement.

Communications Plan

N/A

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Purpose

The purpose of this report is to provide Council with a review of the Vaughan Official Plan 2010 and municipal zoning by-laws that reference the TRCA and to identify any amendments that would clarify its role in response to Council's resolution. This report also examines the TRCA's roles and responsibilities under the *Planning Act*, *Conservation Authorities Act (CA Act)*, and *Environmental Assessment Act* specifically identifying its regulatory obligations, delegated authority, and its role as a commenting body, service provider and landowner. The report provides recommendations to examine the opportunity to enter into agreements to improve and clarify expectations and obligations of the City and the TRCA in environmental management and City building matters.

Background - Analysis and Options

Executive Summary

This report sets out the results of a review of the Vaughan Official Plan (VOP) 2010 policies that reference the Toronto and Region Conservation Authority (TRCA). The report addresses the following matters as the basis for the recommendations provided above.

- The Basis for Environmental Planning - a review of the relevant land use and environmental planning legislation and policies and procedural guidelines that identify the role of Conservation Authorities in municipal planning matters;
- Review of VOP 2010 Policies which reference the TRCA - a review of the VOP 2010 policies that reference the TRCA and a summary of the TRCA's roles and responsibilities for each policy. Also, recommend further review of policies during the forthcoming MCR, once changes to Provincial regulations are determined;
- Moving to a Memorandum of Understanding (MOU) – review the feasibility of developing an MOU with the TRCA to clarify working relationships, confirm performance expectations and ultimately streamline approval processes and other management/administrative relationships; and,
- The Conclusion, leading to the staff recommendations.

Originating Council Action

On September 7, 2016 Committee of the Whole considered a staff report addressing proposed changes to the *Conservation Authorities Act*. On September 20, 2016 Council approved the following resolution directing staff to undertake the following:

1. To complete a review of the policies in VOP 2010 that reference the TRCA and any other City policies and/or by-laws deemed relevant, to identify those policies and by-laws (if any) that could be better clarified or revised to improve the efficiency of the development review process while ensuring regulatory compliance and submit a Report for Council consideration in December, 2016;
2. To make recommendations in the Report with respect to: (a) VOP 2010 amendments, and/or by-law revisions (if any) that can be potentially revised and/or amended to achieve the intent and purpose of Council's resolution of October 20, 2015 as part of continuous improvements to the development review process; and (b) the process to be undertaken by the City to implement the recommended policies and/or by-law revisions (if any) in accordance with the *Planning Act*, the *Conservation Authorities Act* and/or *Municipal Act* and in the context of the Ministry's ongoing review; and

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3. To prepare to initiate an Official Plan Amendment if required in accordance with the *Planning Act* requirements to address changes in the TRCA's role and responsibilities arising from the Ministry of Natural Resources and Forestry's final Report and/or amendments to the Conservation Authorities Act immediately upon the release thereof.

This report has been prepared in response to Council's direction and suggests a path forward that will lead to greater clarity and efficiency in the City's operational and regulatory relationship with TRCA.

The Basis for Environmental Planning

The following section provides a review of the relevant land use and environmental planning legislation and policies and procedural guidelines that identify the role of Conservation Authorities (CAs) in municipal planning matters. Overviews of the Regional Municipality of York Official Plan 2010, the VOP 2010 and the TRCA's Living City Policies are also included.

A. Legislative Overview – Conservation Authorities

The Planning Act and Provincial Policy Statement, 2014

The *Planning Act*, R.S.O. 1990, c. P.13 is the legislation that governs land use planning in Ontario. It sets out the rules and processes, the regulatory tools and identifies the manner in which municipalities implement land use planning decisions. Section 2 of the *Planning Act* provides that, in carrying out its responsibilities under the Act, the council of a municipality must consider matters of provincial interest such as:

- the protection of ecological systems, including natural areas, features and functions;
- the conservation and management of natural resources and the mineral resource base;
- the protection of public health and safety; and
- the appropriate location of growth and development.

In addition, Section 3 of the *Planning Act* grants the Province the ability to develop and implement the Provincial Policy Statement, 2014 ("PPS"). The PPS applies province-wide and provides clear policy direction on land use planning to promote socially, economically, and environmentally sustainable development. The PPS contains policy statements concerning the protection of natural heritage, water quality and quantity, and the management of natural hazards, among others. Municipalities use the PPS to develop official plans and to guide decisions on planning matters must be consistent with the PPS.

In order to be consistent with the PPS sections on water management, natural hazards and natural heritage, municipalities often rely on the services, resources, and expertise of conservation authorities as they are commenting agencies under the *Planning Act*. The expertise provided by the CAs is often highly specialized and in a range of disciplines that local municipalities are unable to replicate due to cost. In the context of land use planning, these interactions support both the mandate of the CA and, in part, the responsibilities of the municipality.

The Environmental Assessment Act

The *Environmental Assessment Act*, R.S.O. 1990, c. E.18 ("*EA Act*") focuses on improving the lives of Ontarians by providing for the protection, conservation, and wise management of Ontario's environment. The *EA Act* applies to municipalities and establishes a process for reviewing the potential environmental impact of proposed development activities prior to their implementation. In connection with its role in the overall planning process, TRCA is expected to

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review and comment on all environmental assessments initiated through the *EA Act* that are within its jurisdiction. In general, at the request of municipalities, TRCA planning staff can provide assistance in project management, facilitation, and policy compliance review and provide advice on strategic directions regarding sustainability matters and impacts on watersheds.

The Clean Water Act

Under the *Clean Water Act* (2006), the Credit Valley-Toronto Region-Central Lake Ontario Source Protection Plan (CTC-SPP) was approved by the Ministry of the Environment and Climate Change and came into effect on December 31, 2015. TRCA supports the legislated protection of municipal drinking water sources through the *Clean Water Act* and works with municipalities and proponents to apply technical expertise in water management, and to ensure that Planning Act applications and environmental assessments adhere to the CTC-SPP.

The Conservation Authorities Act

The *Conservation Authorities Act*, R.S.O. 1990, c. C.27 (the “CA Act”) establishes the Conservation Authority’s mandate to prevent, eliminate, or reduce the risk to life and property from water-related natural hazards (i.e. flooding and erosion) as well as to encourage the protection and regeneration of natural systems. A CA, once established in accordance with the CA Act, has a broad object and powers which include:

- Studying and investigating watersheds in order to determine a program whereby the natural resources of a watershed may be conserved, restored, developed and managed;
- Collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations; and
- Making regulations to prohibit or regulate development (which is broadly defined in the CA Act) if it may affect the control of flooding, erosion, pollution, or the conservation of land.

The CA Act was established in 1946 as a result of a conservation movement over unsustainable farming practices causing soil erosion, deforestation and loss of natural habitat. The Humber, Don and Etobicoke-Mimico conservation authorities were formed at this time and produced watershed plans for each of these watersheds. After Hurricane Hazel, provincial direction for CAs shifted focus to protecting life and property from flood hazards. The four CAs were amalgamated to form the Metropolitan Toronto and Region Conservation Authority (MTRCA). Over time, MTRCA’s role (becoming TRCA after Metro Toronto amalgamation in 2000) in development review has evolved to providing technical expertise in natural heritage protection, including terrestrial, aquatic, and surface and groundwater management as well as natural hazard management and stormwater management.

The CA Act also contains section 28, which enables CAs to adopt a regulation for development. Under TRCA’s Ontario Regulation 166/06, the development of lands (or the alteration of watercourses or shorelines, or interference with a wetland) that are within TRCA’s jurisdiction is prohibited unless the prior approval of TRCA is obtained. TRCA’s regulation limit is illustrated in over 130 maps delineating its area of jurisdiction. Ontario Regulation 166/06 details the permit application process and provides that TRCA may grant approvals subject to conditions. A feature or hazard does not have to be mapped to be regulated. TRCA also has the ability to cancel permits if such conditions are not met. To ensure compliance with the section 28 Regulation and policies, TRCA undertakes a preventative and responsive approach to enforcement by liaising with stakeholders, inspecting construction sites, and resolving violations either through negotiations or legal proceedings where necessary. Decisions under the Regulation are not bound by decisions under the *Planning Act*, but TRCA works with stakeholders in the planning process with the tests of its regulation in mind, in order to avoid conflict or delay.

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TRCA is one of the largest of the 36 Conservation Authorities in Ontario and among the most urbanized. TRCA reviews development proposals in greenfield communities, major redevelopment and intensification in established urban centres, and the substantial infrastructure projects needed to service growth. TRCA environmental planners, engineers and ecologists work with municipal staff and proponents to enhance the resilience of communities with innovations in the protection and management of natural heritage, natural hazards and water resources.

Summary of TRCA Roles and Responsibilities from the Ministry of Natural Resources and Forestry (MNRF) Procedures Manual for CAs

The “Policies and Procedures for Conservation Authority Plan Review and Permitting Activities” manual (2010) (refer to Attachment 1 for the complete document) provides a detailed review of the role of CAs as set out by MNRF. It groups the roles into six main categories: as a public commenting body, responsibility for upholding the provincial interest in hazards, as a resource management, and as a service provider, regulator and landowner. The following is an extract from Section 1 “Description of CA roles and activities”.

Conservation Authorities may undertake the following roles and activities:

- i. **Regulatory Authorities** - Under Section 28 of the CA Act, subject to the approval of the Minister of Natural Resources and in conformity with the Provincial Regulation 97/04 governing the content, CAs may make regulations applicable to the area under its jurisdiction to prohibit, restrict, regulate or give required permission for certain activities in and adjacent to watercourses (including valley lands), wetlands, shorelines of inland lakes and the Great Lakes-St. Lawrence River System and other hazardous lands.
- ii. **Delegated ‘Provincial Interest’ in Plan Review** - As outlined in the Conservation Ontario/ Ministry of Natural Resources and Forestry /Ministry of Municipal Affairs and Housing (MMAH) MOU on CA Delegated Responsibilities, CAs have been delegated responsibilities from the Minister of Natural Resources and Forestry 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 CAs to review and provide comments on municipal policy documents (Official Plans and comprehensive zoning by-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One-Window Plan Review Service.
- iii. **Resource Management Agencies** - In accordance with Section 20 and 21 of the CA Act, CAs are local watershed-based natural resource management agencies that develop programs that reflect local resource management needs within their jurisdiction. Such programs and/or policies are approved by the CA Board of Directors and may be funded from a variety of sources including municipal levies, fees for services, provincial and/or federal grants and self-generated revenue.
- iv. **Public Commenting Bodies** - Pursuant to the *Planning Act*, CAs are ‘public commenting bodies’, and as such are to be notified of municipal policy documents and planning and development applications. CAs may comment as per their Board approved policies as local resource management agencies to the municipality or planning approval authority on these documents and applications. CAs may also be identified as commenting bodies under other Acts and Provincial Plans i.e., *Clean Water Act*, *EA Act* etc.
- v. **Service Providers** - Individual CAs may enter into service agreements with federal and provincial ministries and municipalities to undertake regulatory or approval responsibilities and/or reviews (e.g.; septic system approvals under the Ontario Building Code). CAs may also perform a technical advisory role to assist municipalities, as determined under terms of service agreements. These services may 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.

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- vi. **Landowners** - CAs are landowners, and as such, may become involved in the planning and development process, either as an adjacent landowner or as a proponent. Planning Service Agreements with municipalities have anticipated that, as CAs are also landowners, this may lead to a conflict with the CA's role as technical advisors to the municipalities. This potential conflict of interest is addressed by establishing a mechanism for either party to identify a conflict and implement an alternative review mechanism as necessary.

B. Regional and Municipal Context

Regional Municipality of York Official Plan

It is a goal of the Regional Municipality of York (Region) Official Plan (2010) to protect and enhance the natural environment for current and future generations so that it will sustain life, maintain health and provide an improved quality of life through the creation of a sustainable natural environment. This would be achieved through watershed planning and management, and the protection of the Region's Greenlands System. The Region works closely with the TRCA and the Lake Simcoe Region Conservation Authority in the preparation of watershed plans.

As such, the Region has delegated the protection and management of the natural environment to municipalities and delegated authorities such as the TRCA. Policies in the Region's Official Plan, in many instances, identify the CA as a partner in the protection and management of the Regional Greenlands System, a partner in water system management, watershed management, stormwater management and water conservation; and finally as a regulator in natural hazards management.

The Region currently has a Partnership Memorandum (2009) with the Lake Simcoe Region Conservation Authority and the Toronto and Region Conservation Authority. The agreement establishes their roles in plan review and identifies the technical expertise that the CA's will provide to the Region when making decisions on planning applications. It also streamlines the municipal planning system. Refer to Attachment 2: Partnership Memorandum with the CA for full details on the respective roles and responsibilities. The TRCA is also party to MOUs with some lower tier municipalities, such as the City of Markham and the Town of Caledon.

The Toronto and Region Conservation Authority

The Living City Policies

On November 28, 2014 the TRCA released the "The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority" (the "LCP"). The LCP document contains the principles, goals, objectives, and policies approved by the TRCA Board for the administration of the TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process and in natural heritage and natural hazard management. The LCP document supersedes the TRCA's Valley and Stream Corridor Management Program and clarifies the current practices of the TRCA in its role as a watershed and shoreline manager, regulator, commenting agency, service provider, and landowner in the context of the planning and development process (consistent with MNR's Procedures Manual). The LCP guides the TRCA Planning and Development staff when reviewing development applications under Ontario Regulation 166/06 and in commenting on land use planning policy documents and development and infrastructure proposals. The document defines the requirements for development within TRCA regulated lands, including required setbacks.

A detailed summary of the CA's roles and activities is provided in Table 3.1 of the LCP, see link below. <https://drive.google.com/file/d/0BxjqkzmOuaaRYWxqSGdUaHp5UE0/view>.

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Conservation Authorities also serve as a resource management agency where they work with stakeholders and municipalities to combat climate change through the promotion of an ecological design approach to development and servicing that uses green infrastructure, green buildings, near-urban agriculture, energy and sustainable transportation to plan and build sustainable communities. Involvement with City initiatives include the following;

- a. As part of Green Directions Vaughan, City staff and the TRCA are currently exploring opportunities for urban agriculture sites, a potential Sustainable Neighborhood Action Plan (SNAP) project, as well as looking for opportunities to promote green infrastructure initiatives. The planning for these projects, including education and stewardship, would be done in collaboration with TRCA staff.
- b. The City is working with the TRCA's Restoration Services department to identify key sites for habitat restoration including the revitalization and remediation of the VMC Edgeley Pond and Park project. The team is looking at long term remediation and management of the VMC. The TRCA often implements these restoration projects.
- c. The City worked with the TRCA in the development of the "Humber River Watershed Plan: Pathways to a Healthy Humber" (2008) and the "Humber River Watershed Plan Implementation Guide" (2008) and the "Don River Watershed Plan: Beyond 40 Steps" (2009) and the "Don River Watershed Plan Implementation Guide" (2009). These documents provide guiding principles and objectives that support strategies and targets that include the protection and expansion of the terrestrial natural heritage system, building sustainable communities and creating an enhanced regional open space system.
- d. The TRCA has many land holdings as a result of the conveyance of natural heritage lands through the development review process and its conservation areas. The City will continue to work with TRCA on land management (maintenance), trail development and easement access.
- e. The TRCA is working with City staff on sustainability matters in Kortright Centre – Living City Campus and natural heritage initiatives in Conservation Areas throughout the City.
- f. The TRCA provides staff with education opportunities through workshops i.e. low impact development, biodiversity, erosion and sediment control, and natural heritage planning.
- g. The TRCA is currently playing a technical advisory role in the implementation of the new Source Water Protection policies.

City of Vaughan Official Plan 2010 and Watershed Management

VOP 2010, Chapter 3 "Environment", provides a framework that protects and manages the natural heritage system, which is comprised of watercourses, woodlands, wetlands and related open spaces and agricultural lands. The City has identified through VOP 2010 the value of the natural environment as an asset and, has provided direction on how to protect and manage these assets. As stated in VOP 2010, environmental management is a multi-jurisdictional effort that relies on cross disciplinary expertise as well as working in consultation with agencies such as the TRCA, whose mandate is to further the conservation and restoration of the Humber and Don watersheds in Vaughan.

The Province delegates watershed planning and management to the local municipalities in order to appropriately plan and develop new communities. Through the Secondary Plan and Block Plan processes, subwatershed studies must be conducted in order to inform the land use Plan. At this stage, the natural heritage system and the limits of development are typically established through the Master Environmental Servicing Plan or special policies which are developed to guide the later stages of the development process. Subsequently, the municipalities undertake the development review process through the Subdivision Plan and Site Plan processes. The TRCA plays an important role in city planning as it provides City staff with technical expertise to support the management of the Don and Humber River watersheds and how to integrate the management measures into municipal growth planning.

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Review of VOP 2010 Policies which reference the TRCA

During this policy review, and based on staff experiences and on discussions with landowners, it was noted that there was uncertainty in the language regarding the intent of the terminology used in VOP 2010 related to the role of the TRCA. Table 1 provides a clarification of the terms that apply to the role of the TRCA in the VOP 2010.

Table 1: Clarification of terms used in Chapter 3 of VOP 2010

Phrases used	Clarification
“in consultation with” “in cooperation with” “work with” “to work in consultation with” “demonstrate consistency with”	Means that City staff will seek the technical advice of TRCA, as a commenting agency, but the City is the approval authority. In some instances, applicants are required to meet TRCA technical standards (where appropriate).
“must satisfy”	Means that the City is the approval authority and the applicant must meet City standards.
“will be to the satisfaction of” “to the satisfaction of”	Means that TRCA has a delegated role from the Province for natural hazards or a regulatory role and the applicant must meet TRCA’s technical requirements prior to City’s decision on an application and prior to issuance of a TRCA permit or other permission.

Table 2 identifies policies in Chapter 3 that reference the TRCA and identifies the approval authority. There are other policies which reference the TRCA however; these do not pertain to feature jurisdiction but rather other matters i.e., mapping and modifications. The table also includes policies which do not reference the TRCA but are natural heritage network features which need jurisdictional clarification.

Table 2: Chapter 3 Sections that reference the Toronto and Region Conservation Authority

Chapter 3 Sections	Summary of TRCA’s Role and Responsibilities
Section 3.3.1 Valley and Stream Corridors (including contiguous woodland features) Section 3.2 Built-Up Valley Lands (part of Valley and Stream Corridors)	TRCA regulates development in valley and stream corridors. TRCA requires a permit for any projects that are within the TRCA regulated lands. Woodland features which are contiguous to a valleyland feature may also be regulated by the TRCA. These are not considered isolated tableland woodlands and may therefore form part of the natural cover within the regulated area.
Section 3.6.3 Hazardous Lands and Sites (subcomponent of valley and stream corridors)	MNRF and MMAH have an MOU with Conservation Ontario which gives CA’s delegated responsibilities to review municipal policy documents and applications under the <i>Planning Act</i> to ensure that they are consistent with the natural hazards policies in Section 3.1 of the PPS. Hazardous Lands and Sites are within the TRCA’s jurisdiction and permits are required for projects within their regulated lands.

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Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
Section 3.6.4 Flooding Hazards (subcomponent of valley and stream corridors)	<p>Development within the flood plains is regulated in accordance with Provincial floodplain management policies and the regulations of the TRCA. MNRF and MMAH have an MOU with Conservation Ontario which gives the CA's delegated responsibilities to review municipal policy documents and applications under the <i>Planning Act</i> to ensure that they are consistent with the natural hazards policies in Section 3.1 of the PPS.</p> <p>Flooding hazards are TRCA's jurisdiction and permits are required for projects within their regulated lands.</p>
Section 3.6.6 Stormwater Management (subcomponent of valley and stream corridors)	<p>The City is the approval authority regarding stormwater management, as these will be conveyed into public ownership once complete. Applicants must comply with engineering standards. TRCA provides its technical expertise in stormwater management for stormwater quantity, quality, erosion and water balance for groundwater and natural features.</p> <p>TRCA also has regulatory approval authority under Reg. 166/06. A permit is required for stormwater discharge into watercourses or valley and stream corridors.</p>
Section 3.6.7 Erosion and Sediment Control (subcomponent of valley and stream corridors)	<p>MNRF and MMAH have a MOU with Conservation Ontario which gives CA's delegated responsibilities to review municipal policy documents and applications under the <i>Planning Act</i> to ensure that they are consistent with the natural hazards policies in Section 3.1 of the PPS.</p> <p>Erosion and sediment control are under TRCA's jurisdiction and permits are required for projects within their regulated areas.</p>
Section 3.3.2 Wetlands (Provincially significant wetlands, Locally significant wetlands, and unevaluated wetlands)	<p>TRCA regulates development in and around wetlands. MNRF is responsible for evaluating wetlands for provincial significance in the planning process. A TRCA permit will be required for projects that may impact wetlands regardless of their significance. TRCA is the approval authority under the s.28 permitting process of the <i>CA Act</i>.</p> <p>The City is the approval authority under the <i>Planning Act</i>, ensuring that PSWs are protected in accordance with the PPS. TRCA supports the VOP which has protection policies for all wetlands, including PSWs.</p>
Section 3.3.3 Woodlands (Significant Woodlands) <i>Policies do not reference TRCA.</i>	<p>TRCA is a technical advisory/ commenting agency in regards to tableland woodlands and significant woodlands.</p> <p>Significant natural heritage features are protected under the PPS. The definition of natural features and areas includes woodlands.</p>

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Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
	The Region's partnership agreement mandates that TRCA ensure consistency with Provincial and Regional policies but does not specify regulatory approval authority over woodlands. The City is the approval authority regarding woodlands. Significant woodlands are protected under Regional and VOP 2010 policies.
Section 3.3.4 Species at Risk and Significant Wildlife Habitat	<p>MNR is the approval authority regarding Species at Risk (SAR). The City and TRCA advise applicants to attain SAR clearance from MNR.</p> <p>The City interprets policies protecting significant wildlife habitat.</p> <p>TRCA has a technical advisory role and is a commenting agency.</p> <p>Species at Risk and Significant Wildlife Habitat are protected under Provincial, Regional and VOP 2010 policies.</p>
Section 3.3.5 Fisheries and Aquatic Habitat <i>Policies do not reference TRCA.</i>	<p>TRCA has a technical advisory role and is a commenting agency.</p> <p>TRCA no longer has an agreement for review with the Fisheries and Oceans Canada (DFO), as DFO now has a self-assessment process to determine if a project requires DFO review and approval.</p> <p>Approval is required by DFO if any potential fisheries and aquatic habitat impacts are identified.</p>
Section 3.3.6 Environmentally Significant Areas and Areas of Natural and Scientific Interest <i>Policies do not reference TRCA.</i>	<p>The City is the approval authority over ESA and ANSI.</p> <p>ESA were historically identified by TRCA but the ESA program was superseded by the Terrestrial Natural Heritage System Strategy. Some municipalities, like Vaughan, incorporated ESAs into their OPs prior to the TNHSS. TRCA is a technical advisor on this matter.</p> <p>ANSIs are identified by the Province. TRCA is a technical advisor on this matter.</p> <p>ESAs and ANSIs may fall into regulated areas where they are associated with wetlands or valley and stream corridors.</p>
Section 3.3.7 Significant Landforms	<p>The City is the approval authority over landform conservation planning.</p> <p>TRCA's role as a commenting agency is to provide an opinion to municipalities on landform conservation planning. TRCA has a technical advisory role.</p>

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Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
<p>Section 3.4 Oak Ridges Moraine Plan</p> <p><i>Policies do not reference TRCA.</i></p>	<p>The City is the approval authority responsible for enforcing the Oak Ridges Moraine (ORM) Plan policies under the ORM Plan. We are not authorized to change ORM boundaries.</p> <p>TRCA's role as a commenting agency is to provide an opinion to municipalities on applications regarding their effect on the ecological integrity of the ORM. TRCA has a technical advisory role.</p>
<p>Section 3.5 Greenbelt Plan</p> <p><i>Policies do not reference TRCA.</i></p>	<p>The City is the approval authority responsible for enforcing Greenbelt Plan policies under the Greenbelt Plan. The City is not authorized to change Greenbelt boundaries.</p> <p>TRCA's role as a commenting agency is to provide an opinion to municipalities on applications regarding their effect on the ecological integrity of the Greenbelt Plan. TRCA has a technical advisory role.</p>
<p>Section 3.6.1 Watershed Planning</p> <p><i>Policies do not reference TRCA.</i></p>	<p>The City is the approval authority over watershed planning.</p> <p>TRCA under the <i>Planning Act</i> will ensure that program interests developed and defined under Section 20 and 21 of the <i>CA Act</i> 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. TRCA has a technical advisory role.</p>
<p>Section 3.6.2 Protecting Groundwater</p>	<p>The City is the approval agency in groundwater management.</p> <p>TRCA has a technical advisory/ commenting services role on protecting groundwater including groundwater recharge, low impact development techniques, source water protection. TRCA has a technical advisory role.</p>
<p>Section 3.6.5 Special Policy Areas</p>	<p>Special Policy Areas (SPA) policies require MMAH and MNRF approval on the advice of the City and TRCA.</p> <p>MNRF and MMAH have an MOU with Conservation Ontario which gives the CA's delegated responsibilities. TRCA works with the municipality and the Province in the evaluation of any proposed changes to SPA policies, land use designations or boundaries. The Ministers of Natural Resources and Forestry and Municipal Affairs are the approval authorities.</p> <p>CAs have a commenting and technical advisory role in approval of new or amended 'Special Policy Areas' for flood plains under Section 3.1.3 of the PPS, where</p>

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Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
Section 3.6.5 Special Policy Areas	such designations are feasible. A TRCA permit is required for any development or site alteration within the regulated area. The City is the approval authority for development applications in conformity with the SPA policies; however applications will not be approved without TRCA technical clearance (in consultation with the Province, where needed) and permitting.
Section 3.9.3 Master Environment and Servicing Plan	The City is the approval authority for Master Environmental Servicing Plans (MESP). TRCA has a technical advisory /commenting services role on MESP development.

In reviewing VOP 2010 policies, staff is of the opinion that there are no policies that give TRCA approval authority outside their mandated and delegated authority. The TRCA mandated areas of responsibility have changed over the years which may create confusion for stakeholders in the development process. Stakeholders had also identified concerns over the adequacy of the TRCA's resources and obtaining timely reviews of development related technical studies. Therefore, based on this review and the information outlined in the table above staff is of the opinion that these policies do not need to be revised or updated at this time.

However, as noted in the comments on the *CA Act* review, the development review system would benefit from greater clarity and more expeditious timelines. To address Council's concern over achieving improved efficiency in the development review process, staff is recommending that consideration be given to entering into an MOU with the TRCA to develop and implement a Service Delivery Agreement for the purposes of streamlining the process. In addition, staff is recommending that in the upcoming MCR, an examination of the policies of VOP 2010 Chapter 3 be conducted to clarify any uncertainties regarding appropriate approval authority. This may include the following:

- a. Review and update definitions to include approval authority and applicable legislation, where appropriate.
- b. Create a table in Chapter 3 that identifies approval authorities and applicable legislation (as per table 2).
- c. Review and update preambles to include approval authority and applicable legislation, where appropriate.
- d. Review the notion of inserting explanatory texts within section headings.

This review would also examine the role of other regulatory agencies such as MNRF and DFO.

Deferring further review of VOP 2010 to the MCR is appropriate in that it will allow for the Province to complete and implement the results of its reviews of the Provincial Plans (Growth Plan, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan and the *Conservation Authorities Act* Review). The Wetland Conservation Strategy the Province is currently consulting on may also assign new responsibilities to municipalities and CAs. Knowledge of the revised provincial policies will help refine the scope of work, which can be built into the MCR process. This will ensure that these matters will not have to be revisited, resulting in extra cost to the City and stakeholders.

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Moving to a Memorandum of Understanding

It is recommended that staff review the feasibility of developing an MOU with the TRCA to clarify working relationships, confirm performance expectations and ultimately streamline approval processes and other management/administrative relationships. This review would outline the benefits and constraints of developing an MOU and would define TRCA roles and responsibilities.

It is also recommended that this work be informed by further discussions with the York Chapter of the Building Industry and Land Development Association (BILD) and community stakeholders to ensure stakeholder interests are identified and addressed to the greatest extent possible. While greater clarity may be achieved as a result of the review of the *CA Act*, it will still rest with the City and the TRCA to develop a viable working relationship that is efficient and provides timely responses. This is one area where the City can continue to pursue its objectives, notwithstanding the regulations of the day.

The City has an existing Public Works Management Agreement regarding the maintenance of land and infrastructure including easements, city trails, forest canopy, programming and educational stewardship initiatives with the TRCA. This MOU process will involve Public Works and opportunities for developing a similar agreement will be explored as Public Works updates the Management Agreement.

The TRCA has many years of experience working with other municipal partners through MOU and Service Delivery partnerships. These partnerships have been successful because the agreements provide a statement of principles and identify roles and responsibilities which reduce uncertainty and create efficiencies in all municipal matters. A Service Delivery Agreement could streamline the development review process by establishing set timelines for technical reviews. It should be noted that TRCA may have to retain additional staff and resources to meet the expectations of the agreement. As such there may also be financial implications for the City.

The TRCA also works with its municipal and provincial partners through regularly scheduled meetings to “triage” development proposals such as MNRF-TRCA monthly meetings, TRCA-municipal development review meetings and pre-consultation conferences on various matters relating to land use and infrastructure planning, e.g., TRCA staff regularly attend City of Vaughan Pre-Application Consultation meetings and meet with City staff as needed.

Departments in the Planning and Growth Management portfolio regularly interact with the TRCA in its regulatory, delegated authority, commenting, service provider and landowner roles. Potential areas of improvement are identified in Table 3 below.

Table 3: City departments impacted by TRCA's various roles in municipal planning matters and potential areas of service improvement

Departments	Potential areas of service improvement
Planning and Growth Management (Development Planning, Policy Planning and Environmental Sustainability, Development Engineering, Urban Design and Cultural Heritage, Parks	<ul style="list-style-type: none">▪ establish a Service Delivery Agreement to develop a screening and streamline procedures for the development review process where timelines are established for technical review of reports. This would eliminate unnecessary delays and duplication of efforts▪ Clearly establish TRCA's roles and responsibilities▪ schedule regular meetings with TRCA staff to discuss applications▪ develop a streamlined environmental assessment process for City EA's where timelines are established for technical review of reports▪ develop a watershed planning and management working group early in the planning process to manage the development of Secondary Plan and Block Plan processes

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Development, Building Standards, Office of the City Solicitor and Real Estate departments)	<ul style="list-style-type: none">▪ discuss opportunities to advance shared objectives through programming and wise management of City and TRCA lands▪ create a cross portfolio urban agriculture working group (parks, sustainability, and forestry)▪ develop parks and trails partnerships▪ streamline permitting process and approvals process for building permits and enhance compliance monitoring relationship▪ jointly advance marketing efforts for the Kortright Centre and other conservation area programs to promote Vaughan
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The City as currently staffed does not have the technical expertise and resources needed to deal with the Provincial and Regional obligations that currently rest with the TRCA. The City does not have in-house specialized technical expertise in floodplain management, stormwater management (water resources engineers), geotechnical engineering, hydrogeology, fluvial geomorphology, ecology, and the integration of flood remediation and ecological protection and restoration. Therefore, maintaining a strong working relationship with the TRCA is important as the City relies on TRCA for a wide range technical analysis and input recognizing its commenting and delegated authority role under the PPS and its regulatory role under the *CA Act*. As such, the TRCA plays a significant role in protecting Vaughan's natural environment and planning our communities in an environmentally sustainable manner. It will be important to continue this working relationship.

In order to move ahead, it is recommended that the City initiate a process to develop an MOU with the TRCA. A City working group should be established with representation from each of the affected departments in order to identify multi-departmental interests and needs. This group would then work with TRCA to understand the responsibilities and obligations of signing an MOU including financial implications. If negotiations prove successful a draft agreement will be prepared for the consideration of Council. The Office of the Deputy City Manager of Planning and Growth Management would lead work on the Service Delivery Agreement. This work would rely upon a Senior Management Team working group of affected Directors and other staff. In this regard, a mandate and organizational structure will be developed to manage this project.

Comprehensive Zoning By-Law 1-88

The City's comprehensive Zoning By-law 1-88 (consolidated in 2015) includes zoning categories, definitions and zoning standards. Section 7.2.2 Rezoning of OS1 Lands makes reference to the TRCA. Lands zoned OS1 states "Notwithstanding any other provisions contained in this Section, any lands in the OS1 Open Space Conservation Zone shall only be rezoned when such lands are filled to the satisfaction of the Metropolitan Toronto and Region Conservation Authority and the City". The policy restricts the rezoning of OS1 and directs the approval authority to both the TRCA and the City.

Within a TRCA regulated Area, a building permit will not be issued to an applicant without a TRCA permit (Ontario Regulation 166/06), as per applicable *Building Code Act* legislation.

A comprehensive review of the Zoning By-law 1-88 will be commencing in Q1 2017 to update current terminology and bring zoning into conformity with VOP 2010. The By-law update may benefit from including an overlay of the TRCA's regulated area with associated provisions in the by-law making landowners aware of the CA regulation.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

As set out in the *CA Act*, the purpose of a CA is to develop programs that conserve, restore and properly manage natural resources. Accordingly, the purpose of a CA is directly related to "Cultivating an environmentally sustainable city", which is an identified term of council priority.

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The following details the TRCA's direct involvement in the Term of Council Service Excellence Strategy priority projects:

- Improve municipal road network **(TRCA participates and provides the review of MTO, City and Region led environmental assessment processes, commenting role in the development review process);**
- Continue to develop transit, cycling and pedestrian options to get around the City **(TRCA participates in the review of City and Region led municipal class environmental assessment process, commenting role in review process; ; TRCA permits required for infrastructure crossings of regulated areas);**
- Facilitate the development of the VMC **(TRCA is working with the City and VMC landowners on integrating the restoration and remediation of the Black Creek corridor into the planning approval process (and OMB process) for the redevelopment and revitalization of the VMC.**
- Support the development of the hospital **(TRCA participated in the resolution of on-site stormwater management solutions);**
- Re-establish the urban tree canopy **(TRCA is contributing to protecting and enhancing the City's urban tree canopy through the development review process and also, actively working on restoration projects in the City);**
- Invest, renew and manage infrastructure and assets **(TRCA is a technical advisor on Green Infrastructure Technology and Stormwater Management);**
- Continue to ensure the safety and well-being of citizens **(TRCA regulates and manages floodplain and hazards lands including special policy areas and built-up areas in the City);**
- Update the Official Plan and supporting studies **(TRCA forms part of the technical advisory committee for the development of VOP 2010, they support the environmental policies in Chapter 3 and implement these policies in their review of applications and supporting studies and also attending Technical Advisory Committee meetings);**
- Continue to cultivate an environmentally sustainable city **(TRCA's mandate is consistent with these objectives);**
- Support and promote arts, culture, heritage and sports in the community **(TRCA has created a cultural environmental center such as the Living City Campus in Kortright. They have programs that service the community at large);**
- Continue to advance a culture of excellence in governance **(An MOU between the City and TRCA will create efficiencies within various departments of the City); and,**
- Enhance civic pride through a consistent city-wide approach to citizen engagement **(Residents in Vaughan have the opportunity to participate in TRCA environmental and stewardship programs within their own community).**

Regional Implications

The Region has had a Partnership Memorandum for Planning Services with the TRCA and Lake Simcoe Region Conservation Authority since 2009. The purpose and roles and responsibilities of the memorandum clearly identifies principles and delegates specific responsibilities. Staff have been advised by the TRCA and the Region that the application of the principles of the agreement have been beneficial for both parties. Similar models have been established in other municipalities such as an MOU with the City of Markham for planning and technical services.

Conclusion

Staff review of the VOP 2010 policies has concluded that there is no language in the policies that grants the TRCA powers that are beyond the scope of its current responsibilities. The phrases "in consultation or in collaboration with" strictly mean that TRCA is a partner to provide technical

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advice and is a commenting body on various matters under the *Planning Act*, however, the City is the approval authority. The TRCA is in no way limited in exercising its rights under the *Planning Act*, the *Conservation Authorities Act* or any other applicable legislation to independently appeal or advocate any position on a planning decision to the OMB.

Staff recommend that these policies be reviewed further by Policy Planning and Environmental Sustainability and the Office of the City Solicitor during the forthcoming MCR, once changes to Provincial regulations are determined and where any further clarification can be provided. This will be particularly important if the results of the current Provincial Plan Review and the CA Act review modify the relationship between the CAs and the municipalities.

It is also recommended that staff review the feasibility of developing a MOU to include a Service Delivery Agreement with the TRCA. The Office of the Deputy City Manager of Planning and Growth Management would advance the development of a Service Delivery Agreement as part of this process. It is proposed that a working group comprised of the Senior Management Team, Directors and Managers involved in operations involving the TRCA, would work with the TRCA to understand the responsibilities and obligations of signing an MOU. This would include among other things, the financial and operational impacts. This measure may be the most effective method of securing immediate improvements in the City-TRCA operating relationship. Once drafted, such an agreement would be brought forward to the Corporate Management Team for review and would be the subject to Council consideration and approval. Staff will report back accordingly.

In order to move forward and to address Council's resolution and staff recommendation on areas for continuous improvement, it is recommended that the recommendations of this report be approved.

Attachments

1. The Policies and Procedures for Conservation Authority Plan Review and Permitting Activities (2010).
2. Regional Municipality of York Partnership Memorandum with the Conservation Authorities (2009).

Report prepared by:

Ruth Rendon, Senior Environmental Planner, ext. 8104

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

**REVIEW OF TORONTO AND REGION CONSERVATION AUTHORITY
ROLES AND RESPONSIBILITIES**

Recommendation

The Deputy City Manager, Planning and Growth Management and the Director of Policy Planning and Environmental Sustainability in consultation with the Deputy City Manager Legal and Human Resources recommend:

1. That staff, through the Municipal Comprehensive Review (MCR), and in recognition that the *Conservation Authorities Act* Review and the Coordinated Plan Reviews have yet to conclude, continue to review the policies of Vaughan Official Plan 2010 and the Comprehensive Zoning By-law, for the purposes of clarifying the roles and responsibilities of the environmental review bodies and approval authorities in the development review process; and, if appropriate, incorporate any resulting provisions prior to advancing any new area specific Official Plan or Zoning By-law amendments related to the Toronto and Region Conservation Authority's mandate and responsibilities;
2. That staff initiate the development of a Memorandum of Understanding with the Toronto and Region Conservation Authority for the purposes of: Implementing a Service Delivery Agreement in matters related to the timely review of planning applications, input on the preparation of policy studies and City led environmental assessment processes and other shared activities, which may include, scope of review, operational and performance standards such as fee structures, submission requirements, key contacts, prescribed timelines and escalation clauses; and
3. That staff report to Council on the feasibility of entering into a Memorandum of Understanding and a Service Delivery Agreement with the Toronto and Region Conservation Authority, as referenced in Recommendation 2 above, after the completion of an initial analysis of this approach.

Contribution to Sustainability

The Toronto and Region Conservation Authority (TRCA) plays a major role in achieving the objectives of Green Directions Vaughan through their watershed planning initiatives which are similar to and supportive of the Green Directions Vaughan initiatives.

The City works with the TRCA to respond to many of the goals and objectives identified in Green Directions, which include:

Goal 1: To significantly reduce our use of natural resources and the amount of waste we generate.

Objective 1.3: To support enhanced standards of stormwater management at and work with others to care for Vaughan's watersheds.

- 1.3.2. Through the development of the City's new Official Plan, and in partnership with the Toronto and Region Conservation Authority, ensure protection of remaining natural features and explore opportunities for habitat restoration in headwater areas, along riparian corridors, and around wetlands.

- 1.3.3. Continue to work with other partners (such as the Toronto and Region Conservation Authority) to implement policies and undertake activities that support high water quality in Vaughan's watersheds.
- 1.3.4. Review and assess the Engineering Department design criteria and strategy for storm drainage and storm water management facilities to manage the anticipated impacts of climate change, be consistent with emerging legislation, and ensure protection from significant flooding (adapted from Vaughan Vision 2020).

Goal 2: To ensure sustainable development and redevelopment.

Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth.

- 2.2.3. Continue to develop a Parkland/Open Space Acquisition Strategy.
- 2.2.4. Develop a comprehensive Natural Heritage Strategy that examines the City's natural capital and diversity and how best to enhance and connect it.
- 2.2.5. Implement initiatives to reduce run-off in park facilities, trail systems, and selected City of Vaughan parking facilities; this may include developing permeable paving standards, created wetlands, bio-swales and/or polishing areas.

Objective 2.3: To create a City with sustainable built form.

- 2.3.2. Redefine the maximum amount of impermeable area permitted on a building site. Work with developers to create alternative surfaces with the objective of increasing overall site permeability.

Goal 4: To create a vibrant community where citizens, business and visitors thrive.

- 4.3.3. Investigate opportunities for farmers' markets at civic facilities to establish support for urban and near urban agriculture.

Economic Impact

There are no economic impacts resulting from the approval of the recommendations contained in this report. The establishment of a Memorandum of Understanding (MOU) including a Service Delivery Agreement with the TRCA may result in future economic impacts related to operations and fees. This will be determined prior to finalization of any such agreement.

Communications Plan

N/A

Purpose

The purpose of this report is to provide Council with a review of the Vaughan Official Plan 2010 and municipal zoning by-laws that reference the TRCA and to identify any amendments that would clarify its role in response to Council's resolution. This report also examines the TRCA's roles and responsibilities under the *Planning Act*, *Conservation Authorities Act (CA Act)*, and *Environmental Assessment Act* specifically identifying its regulatory obligations, delegated authority, and its role as a commenting body, service provider and landowner. The report provides recommendations to examine the opportunity to enter into agreements to improve and clarify expectations and obligations of the City and the TRCA in environmental management and City building matters.

Background - Analysis and Options

Executive Summary

This report sets out the results of a review of the Vaughan Official Plan (VOP) 2010 policies that reference the Toronto and Region Conservation Authority (TRCA). The report addresses the following matters as the basis for the recommendations provided above.

- The Basis for Environmental Planning - a review of the relevant land use and environmental planning legislation and policies and procedural guidelines that identify the role of Conservation Authorities in municipal planning matters;
- Review of VOP 2010 Policies which reference the TRCA - a review of the VOP 2010 policies that reference the TRCA and a summary of the TRCA's roles and responsibilities for each policy. Also, recommend further review of policies during the forthcoming MCR, once changes to Provincial regulations are determined;
- Moving to a Memorandum of Understanding (MOU) – review the feasibility of developing an MOU with the TRCA to clarify working relationships, confirm performance expectations and ultimately streamline approval processes and other management/administrative relationships; and,
- The Conclusion, leading to the staff recommendations.

Originating Council Action

On September 7, 2016 Committee of the Whole considered a staff report addressing proposed changes to the *Conservation Authorities Act*. On September 20, 2016 Council approved the following resolution directing staff to undertake the following:

1. To complete a review of the policies in VOP 2010 that reference the TRCA and any other City policies and/or by-laws deemed relevant, to identify those policies and by-laws (if any) that could be better clarified or revised to improve the efficiency of the development review process while ensuring regulatory compliance and submit a Report for Council consideration in December, 2016;
2. To make recommendations in the Report with respect to: (a) VOP 2010 amendments, and/or by-law revisions (if any) that can be potentially revised and/or amended to achieve the intent and purpose of Council's resolution of October 20, 2015 as part of continuous improvements to the development review process; and (b) the process to be undertaken by the City to implement the recommended policies and/or by-law revisions (if any) in accordance with the *Planning Act*, the *Conservation Authorities Act* and/or *Municipal Act* and in the context of the Ministry's ongoing review; and
3. To prepare to initiate an Official Plan Amendment if required in accordance with the *Planning Act* requirements to address changes in the TRCA's role and responsibilities arising from the Ministry of Natural Resources and Forestry's final Report and/or amendments to the *Conservation Authorities Act* immediately upon the release thereof.

This report has been prepared in response to Council's direction and suggests a path forward that will lead to greater clarity and efficiency in the City's operational and regulatory relationship with TRCA.

The Basis for Environmental Planning

The following section provides a review of the relevant land use and environmental planning legislation and policies and procedural guidelines that identify the role of Conservation Authorities

(CAs) in municipal planning matters. Overviews of the Regional Municipality of York Official Plan 2010, the VOP 2010 and the TRCA's Living City Policies are also included.

A. Legislative Overview – Conservation Authorities

The Planning Act and Provincial Policy Statement, 2014

The *Planning Act*, R.S.O. 1990, c. P.13 is the legislation that governs land use planning in Ontario. It sets out the rules and processes, the regulatory tools and identifies the manner in which municipalities implement land use planning decisions. Section 2 of the *Planning Act* provides that, in carrying out its responsibilities under the Act, the council of a municipality must consider matters of provincial interest such as:

- the protection of ecological systems, including natural areas, features and functions;
- the conservation and management of natural resources and the mineral resource base;
- the protection of public health and safety; and
- the appropriate location of growth and development.

In addition, Section 3 of the *Planning Act* grants the Province the ability to develop and implement the Provincial Policy Statement, 2014 ("PPS"). The PPS applies province-wide and provides clear policy direction on land use planning to promote socially, economically, and environmentally sustainable development. The PPS contains policy statements concerning the protection of natural heritage, water quality and quantity, and the management of natural hazards, among others. Municipal use of the PPS to develop official plans and to guide decisions on planning matters must be consistent with the PPS.

In order to be consistent with the PPS sections on water management, natural hazards and natural heritage, municipalities often rely on the services, resources, and expertise of conservation authorities as they are commenting agencies under the *Planning Act*. The expertise provided by the CAs is often highly specialized and in a range of disciplines that local municipalities are unable to replicate due to cost. In the context of land use planning, these interactions support both the mandate of the CA and, in part, the responsibilities of the municipality.

The Environmental Assessment Act

The *Environmental Assessment Act*, R.S.O. 1990, c. E.18 ("*EA Act*") focuses on improving the lives of Ontarians by providing for the protection, conservation, and wise management of Ontario's environment. The *EA Act* applies to municipalities and establishes a process for reviewing the potential environmental impact of proposed development activities prior to their implementation. In connection with its role in the overall planning process, TRCA is expected to review and comment on all environmental assessments initiated through the *EA Act* that are within its jurisdiction. In general, at the request of municipalities, TRCA planning staff can provide assistance in project management, facilitation, and policy compliance review and provide advice on strategic directions regarding sustainability matters and impacts on watersheds.

The Clean Water Act

Under the *Clean Water Act* (2006), the Credit Valley-Toronto Region-Central Lake Ontario Source Protection Plan (CTC-SPP) was approved by the Ministry of the Environment and Climate Change and came into effect on December 31, 2015. TRCA supports the legislated protection of municipal drinking water sources through the *Clean Water Act* and works with municipalities and proponents to apply technical expertise in water management, and to ensure that *Planning Act* applications and environmental assessments adhere to the CTC-SPP.

The Conservation Authorities Act

The *Conservation Authorities Act*, R.S.O. 1990, c. C.27 (the “CA Act”) establishes the Conservation Authority’s mandate to prevent, eliminate, or reduce the risk to life and property from water-related natural hazards (i.e. flooding and erosion) as well as to encourage the protection and regeneration of natural systems. A CA, once established in accordance with the CA Act, has a broad object and powers which include:

- Studying and investigating watersheds in order to determine a program whereby the natural resources of a watershed may be conserved, restored, developed and managed;
- Collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations; and
- Making regulations to prohibit or regulate development (which is broadly defined in the CA Act) if it may affect the control of flooding, erosion, pollution, or the conservation of land.

The CA Act was established in 1946 as a result of a conservation movement over unsustainable farming practices causing soil erosion, deforestation and loss of natural habitat. The Humber, Don and Etobicoke-Mimico conservation authorities were formed at this time and produced watershed plans for each of these watersheds. After Hurricane Hazel, provincial direction for CAs shifted focus to protecting life and property from flood hazards. The four CAs were amalgamated to form the Metropolitan Toronto and Region Conservation Authority (MTRCA). Over time, MTRCA’s role (becoming TRCA after Metro Toronto amalgamation in 2000) in development review has evolved to providing technical expertise in natural heritage protection, including terrestrial, aquatic, and surface and groundwater management as well as natural hazard management and stormwater management.

The CA Act also contains section 28, which enables CAs to adopt a regulation for development. Under TRCA’s Ontario Regulation 166/06, the development of lands (or the alteration of watercourses or shorelines, or interference with a wetland) that are within TRCA’s jurisdiction is prohibited unless the prior approval of TRCA is obtained. TRCA’s regulation limit is illustrated in over 130 maps delineating its area of jurisdiction. Ontario Regulation 166/06 details the permit application process and provides that TRCA may grant approvals subject to conditions. A feature or hazard does not have to be mapped to be regulated. TRCA also has the ability to cancel permits if such conditions are not met. To ensure compliance with the section 28 Regulation and policies, TRCA undertakes a preventative and responsive approach to enforcement by liaising with stakeholders, inspecting construction sites, and resolving violations either through negotiations or legal proceedings where necessary. Decisions under the Regulation are not bound by decisions under the *Planning Act*, but TRCA works with stakeholders in the planning process with the tests of its regulation in mind, in order to avoid conflict or delay.

TRCA is one of the largest of the 36 Conservation Authorities in Ontario and among the most urbanized. TRCA reviews development proposals in greenfield communities, major redevelopment and intensification in established urban centres, and the substantial infrastructure projects needed to service growth. TRCA environmental planners, engineers and ecologists work with municipal staff and proponents to enhance the resilience of communities with innovations in the protection and management of natural heritage, natural hazards and water resources.

Summary of TRCA Roles and Responsibilities from the Ministry of Natural Resources and Forestry (MNR) Procedures Manual for CAs

The “Policies and Procedures for Conservation Authority Plan Review and Permitting Activities” manual (2010) (refer to Attachment 1 for the complete document) provides a detailed review of the role of CAs as set out by MNR. It groups the roles into six main categories: as a public

commenting body, responsibility for upholding the provincial interest in hazards, as a resource management, and as a service provider, regulator and landowner. The following is an extract from Section 1 "Description of CA roles and activities".

Conservation Authorities may undertake the following roles and activities:

- i. **Regulatory Authorities** - Under Section 28 of the CA Act, subject to the approval of the Minister of Natural Resources and in conformity with the Provincial Regulation 97/04 governing the content, CAs may make regulations applicable to the area under its jurisdiction to prohibit, restrict, regulate or give required permission for certain activities in and adjacent to watercourses (including valley lands), wetlands, shorelines of inland lakes and the Great Lakes-St. Lawrence River System and other hazardous lands.
- ii. **Delegated 'Provincial Interest' in Plan Review** - As outlined in the Conservation Ontario/ Ministry of Natural Resources and Forestry /Ministry of Municipal Affairs and Housing (MMAH) MOU on CA Delegated Responsibilities, CAs have been delegated responsibilities from the Minister of Natural Resources and Forestry 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 CAs to review and provide comments on municipal policy documents (Official Plans and comprehensive zoning by-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One-Window Plan Review Service.
- iii. **Resource Management Agencies** - In accordance with Section 20 and 21 of the CA Act, CAs are local watershed-based natural resource management agencies that develop programs that reflect local resource management needs within their jurisdiction. Such programs and/or policies are approved by the CA Board of Directors and may be funded from a variety of sources including municipal levies, fees for services, provincial and/or federal grants and self-generated revenue.
- iv. **Public Commenting Bodies** - Pursuant to the *Planning Act*, CAs are 'public commenting bodies', and as such are to be notified of municipal policy documents and planning and development applications. CAs may comment as per their Board approved policies as local resource management agencies to the municipality or planning approval authority on these documents and applications. CAs may also be identified as commenting bodies under other Acts and Provincial Plans i.e., *Clean Water Act*, *EA Act* etc.
- v. **Service Providers** - Individual CAs may enter into service agreements with federal and provincial ministries and municipalities to undertake regulatory or approval responsibilities and/or reviews (e.g.; septic system approvals under the Ontario Building Code). CAs may also perform a technical advisory role to assist municipalities, as determined under terms of service agreements. These services may 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. **Landowners** - CAs are landowners, and as such, may become involved in the planning and development process, either as an adjacent landowner or as a proponent. Planning Service Agreements with municipalities have anticipated that, as CAs are also landowners, this may lead to a conflict with the CA's role as technical advisors to the municipalities. This potential conflict of interest is addressed by establishing a mechanism for either party to identify a conflict and implement an alternative review mechanism as necessary.

B. Regional and Municipal Context

Regional Municipality of York Official Plan

It is a goal of the Regional Municipality of York (Region) Official Plan (2010) to protect and enhance the natural environment for current and future generations so that it will sustain life, maintain health and provide an improved quality of life through the creation of a sustainable natural environment. This would be achieved through watershed planning and management, and the protection of the Region's Greenlands System. The Region works closely with the TRCA and the Lake Simcoe Region Conservation Authority in the preparation of watershed plans.

As such, the Region has delegated the protection and management of the natural environment to municipalities and delegated authorities such as the TRCA. Policies in the Region's Official Plan, in many instances, identify the CA as a partner in the protection and management of the Regional Greenlands System, a partner in water system management, watershed management, stormwater management and water conservation; and finally as a regulator in natural hazards management.

The Region currently has a Partnership Memorandum (2009) with the Lake Simcoe Region Conservation Authority and the Toronto and Region Conservation Authority. The agreement establishes their roles in plan review and identifies the technical expertise that the CA's will provide to the Region when making decisions on planning applications. It also streamlines the municipal planning system. Refer to Attachment 2: Partnership Memorandum with the CA for full details on the respective roles and responsibilities. The TRCA is also party to MOUs with some lower tier municipalities, such as the City of Markham and the Town of Caledon.

The Toronto and Region Conservation Authority

The Living City Policies

On November 28, 2014 the TRCA released the "The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority" (the "LCP"). The LCP document contains the principles, goals, objectives, and policies approved by the TRCA Board for the administration of the TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process and in natural heritage and natural hazard management. The LCP document supersedes the TRCA's Valley and Stream Corridor Management Program and clarifies the current practices of the TRCA in its role as a watershed and shoreline manager, regulator, commenting agency, service provider, and landowner in the context of the planning and development process (consistent with MNRF's Procedures Manual). The LCP guides the TRCA Planning and Development staff when reviewing development applications under Ontario Regulation 166/06 and in commenting on land use planning policy documents and development and infrastructure proposals. The document defines the requirements for development within TRCA regulated lands, including required setbacks.

A detailed summary of the CA's roles and activities is provided in Table 3.1 of the LCP, see link below. <https://drive.google.com/file/d/0BxjqkzmOuaaRYWxqSGdUaHp5UE0/view>.

Conservation Authorities also serve as a resource management agency where they work with stakeholders and municipalities to combat climate change through the promotion of an ecological design approach to development and servicing that uses green infrastructure, green buildings, near-urban agriculture, energy and sustainable transportation to plan and build sustainable communities. Involvement with City initiatives include the following;

- a. As part of Green Directions Vaughan, City staff and the TRCA are currently exploring opportunities for urban agriculture sites, a potential Sustainable Neighborhood Action Plan

- (SNAP) project, as well as looking for opportunities to promote green infrastructure initiatives. The planning for these projects, including education and stewardship, would be done in collaboration with TRCA staff.
- b. The City is working with the TRCA's Restoration Services department to identify key sites for habitat restoration including the revitalization and remediation of the VMC Edgeley Pond and Park project. The team is looking at long term remediation and management of the VMC. The TRCA often implements these restoration projects.
 - c. The City worked with the TRCA in the development of the "Humber River Watershed Plan: Pathways to a Healthy Humber" (2008) and the "Humber River Watershed Plan Implementation Guide" (2008) and the "Don River Watershed Plan: Beyond 40 Steps" (2009) and the "Don River Watershed Plan Implementation Guide" (2009). These documents provide guiding principles and objectives that support strategies and targets that include the protection and expansion of the terrestrial natural heritage system, building sustainable communities and creating an enhanced regional open space system.
 - d. The TRCA has many land holdings as a result of the conveyance of natural heritage lands through the development review process and its conservation areas. The City will continue to work with TRCA on land management (maintenance), trail development and easement access.
 - e. The TRCA is working with City staff on sustainability matters in Kortright Centre – Living City Campus and natural heritage initiatives in Conservation Areas throughout the City.
 - f. The TRCA provides staff with education opportunities through workshops i.e. low impact development, biodiversity, erosion and sediment control, and natural heritage planning.
 - g. The TRCA is currently playing a technical advisory role in the implementation of the new Source Water Protection policies.

City of Vaughan Official Plan 2010 and Watershed Management

VOP 2010, Chapter 3 "Environment", provides a framework that protects and manages the natural heritage system, which is comprised of watercourses, woodlands, wetlands and related open spaces and agricultural lands. The City has identified through VOP 2010 the value of the natural environment as an asset and, has provided direction on how to protect and manage these assets. As stated in VOP 2010, environmental management is a multi-jurisdictional effort that relies on cross disciplinary expertise as well as working in consultation with agencies such as the TRCA, whose mandate is to further the conservation and restoration of the Humber and Don watersheds in Vaughan.

The Province delegates watershed planning and management to the local municipalities in order to appropriately plan and develop new communities. Through the Secondary Plan and Block Plan processes, subwatershed studies must be conducted in order to inform the land use Plan. At this stage, the natural heritage system and the limits of development are typically established through the Master Environmental Servicing Plan or special policies which are developed to guide the later stages of the development process. Subsequently, the municipalities undertake the development review process through the Subdivision Plan and Site Plan processes. The TRCA plays an important role in city planning as it provides City staff with technical expertise to support the management of the Don and Humber River watersheds and how to integrate the management measures into municipal growth planning.

Review of VOP 2010 Policies which reference the TRCA

During this policy review, and based on staff experiences and on discussions with landowners, it was noted that there was uncertainty in the language regarding the intent of the terminology used in VOP 2010 related to the role of the TRCA. Table 1 provides a clarification of the terms that apply to the role of the TRCA in the VOP 2010.

Table 1: Clarification of terms used in Chapter 3 of VOP 2010

Phrases used	Clarification
“in consultation with” “in cooperation with” “work with” “to work in consultation with” “demonstrate consistency with”	Means that City staff will seek the technical advice of TRCA, as a commenting agency, but the City is the approval authority. In some instances, applicants are required to meet TRCA technical standards (where appropriate).
“must satisfy”	Means that the City is the approval authority and the applicant must meet City standards.
“will be to the satisfaction of” “to the satisfaction of”	Means that TRCA has a delegated role from the Province for natural hazards or a regulatory role and the applicant must meet TRCA’s technical requirements prior to City’s decision on an application and prior to issuance of a TRCA permit or other permission.

Table 2 identifies policies in Chapter 3 that reference the TRCA and identifies the approval authority. There are other policies which reference the TRCA however; these do not pertain to feature jurisdiction but rather other matters i.e., mapping and modifications. The table also includes policies which do not reference the TRCA but are natural heritage network features which need jurisdictional clarification.

Table 2: Chapter 3 Sections that reference the Toronto and Region Conservation Authority

Chapter 3 Sections	Summary of TRCA’s Role and Responsibilities
Section 3.3.1 Valley and Stream Corridors (including contiguous woodland features) Section 3.2 Built-Up Valley Lands (part of Valley and Stream Corridors)	TRCA regulates development in valley and stream corridors. TRCA requires a permit for any projects that are within the TRCA regulated lands. Woodland features which are contiguous to a valleyland feature may also be regulated by the TRCA. These are not considered isolated tableland woodlands and may therefore form part of the natural cover within the regulated area.
Section 3.6.3 Hazardous Lands and Sites (subcomponent of valley and stream corridors)	MNRF and MMAH have an MOU with Conservation Ontario which gives CA’s delegated responsibilities to review municipal policy documents and applications under the <i>Planning Act</i> to ensure that they are consistent with the natural hazards policies in Section 3.1 of the PPS. Hazardous Lands and Sites are within the TRCA’s jurisdiction and permits are required for projects within their regulated lands.
Section 3.6.4 Flooding Hazards (subcomponent of valley and stream corridors)	Development within the flood plains is regulated in accordance with Provincial floodplain management policies and the regulations of the TRCA. MNRF and MMAH have an MOU with Conservation Ontario which gives the CA’s delegated responsibilities to review municipal policy documents and applications under the <i>Planning Act</i> to ensure that they are consistent with the natural hazards policies in Section 3.1 of the

Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
	<p>PPS.</p> <p>Flooding hazards are TRCA's jurisdiction and permits are required for projects within their regulated lands.</p>
<p>Section 3.6.6 Stormwater Management (subcomponent of valley and stream corridors)</p>	<p>The City is the approval authority regarding stormwater management, as these will be conveyed into public ownership once complete. Applicants must comply with engineering standards. TRCA provides its technical expertise in stormwater management for stormwater quantity, quality, erosion and water balance for groundwater and natural features.</p> <p>TRCA also has regulatory approval authority under Reg. 166/06. A permit is required for stormwater discharge into watercourses or valley and stream corridors.</p>
<p>Section 3.6.7 Erosion and Sediment Control (subcomponent of valley and stream corridors)</p>	<p>MNRF and MMAH have a MOU with Conservation Ontario which gives CA's delegated responsibilities to review municipal policy documents and applications under the <i>Planning Act</i> to ensure that they are consistent with the natural hazards policies in Section 3.1 of the PPS.</p> <p>Erosion and sediment control are under TRCA's jurisdiction and permits are required for projects within their regulated areas.</p>
<p>Section 3.3.2 Wetlands (Provincially significant wetlands, Locally significant wetlands, and unevaluated wetlands)</p>	<p>TRCA regulates development in and around wetlands. MNRF is responsible for evaluating wetlands for provincial significance in the planning process. A TRCA permit will be required for projects that may impact wetlands regardless of their significance. TRCA is the approval authority under the s.28 permitting process of the <i>CA Act</i>.</p> <p>The City is the approval authority under the <i>Planning Act</i>, ensuring that PSWs are protected in accordance with the PPS. TRCA supports the VOP which has protection policies for all wetlands, including PSWs.</p>
<p>Section 3.3.3 Woodlands (Significant Woodlands)</p> <p><i>Policies do not reference TRCA.</i></p>	<p>TRCA is a technical advisory/ commenting agency in regards to tableland woodlands and significant woodlands.</p> <p>Significant natural heritage features are protected under the PPS. The definition of natural features and areas includes woodlands.</p> <p>The Region's partnership agreement mandates that TRCA ensure consistency with Provincial and Regional policies but does not specify regulatory approval authority over woodlands. The City is the approval authority regarding woodlands. Significant woodlands are protected under Regional and VOP 2010 policies.</p>

Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
<p>Section 3.3.4 Species at Risk and Significant Wildlife Habitat</p>	<p>MNRF is the approval authority regarding Species at Risk (SAR). The City and TRCA advise applicants to attain SAR clearance from MNRF.</p> <p>The City interprets policies protecting significant wildlife habitat.</p> <p>TRCA has a technical advisory role and is a commenting agency.</p> <p>Species at Risk and Significant Wildlife Habitat are protected under Provincial, Regional and VOP 2010 policies.</p>
<p>Section 3.3.5 Fisheries and Aquatic Habitat</p> <p><i>Policies do not reference TRCA.</i></p>	<p>TRCA has a technical advisory role and is a commenting agency.</p> <p>TRCA no longer has an agreement for review with the Fisheries and Oceans Canada (DFO), as DFO now has a self-assessment process to determine if a project requires DFO review and approval.</p> <p>Approval is required by DFO if any potential fisheries and aquatic habitat impacts are identified.</p>
<p>Section 3.3.6 Environmentally Significant Areas and Areas of Natural and Scientific Interest</p> <p><i>Policies do not reference TRCA.</i></p>	<p>The City is the approval authority over ESA and ANSI.</p> <p>ESA were historically identified by TRCA but the ESA program was superceded by the Terrestrial Natural Heritage System Strategy. Some municipalities, like Vaughan, incorporated ESAs into their OPs prior to the TNHSS. TRCA is a technical advisor on this matter.</p> <p>ANSIs are identified by the Province. TRCA is a technical advisor on this matter.</p> <p>ESAs and ANSIs may fall into regulated areas where they are associated with wetlands or valley and stream corridors.</p>
<p>Section 3.3.7 Significant Landforms</p>	<p>The City is the approval authority over landform conservation planning.</p> <p>TRCA's role as a commenting agency is to provide an opinion to municipalities on landform conservation planning. TRCA has a technical advisory role.</p>
<p>Section 3.4 Oak Ridges Moraine Plan</p> <p><i>Policies do not reference TRCA.</i></p>	<p>The City is the approval authority responsible for enforcing the Oak Ridges Moraine (ORM) Plan policies under the ORM Plan. We are not authorized to change ORM boundaries.</p> <p>TRCA's role as a commenting agency is to provide an opinion to municipalities on applications regarding their effect on the ecological integrity of the ORM. TRCA has a technical advisory role.</p>

Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
<p>Section 3.5 Greenbelt Plan</p> <p><i>Policies do not reference TRCA.</i></p>	<p>The City is the approval authority responsible for enforcing Greenbelt Plan policies under the Greenbelt Plan. The City is not authorized to change Greenbelt boundaries.</p> <p>TRCA's role as a commenting agency is to provide an opinion to municipalities on applications regarding their effect on the ecological integrity of the Greenbelt Plan. TRCA has a technical advisory role.</p>
<p>Section 3.6.1 Watershed Planning</p> <p><i>Policies do not reference TRCA.</i></p>	<p>The City is the approval authority over watershed planning.</p> <p>TRCA under the <i>Planning Act</i> will ensure that program interests developed and defined under Section 20 and 21 of the <i>CA Act</i> 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. TRCA has a technical advisory role.</p>
<p>Section 3.6.2 Protecting Groundwater</p>	<p>The City is the approval agency in groundwater management.</p> <p>TRCA has a technical advisory/ commenting services role on protecting groundwater including groundwater recharge, low impact development techniques, source water protection. TRCA has a technical advisory role.</p>
<p>Section 3.6.5 Special Policy Areas</p>	<p>Special Policy Areas (SPA) policies require MMAH and MNRF approval on the advice of the City and TRCA.</p> <p>MNRF and MMAH have an MOU with Conservation Ontario which gives the CA's delegated responsibilities. TRCA works with the municipality and the Province in the evaluation of any proposed changes to SPA policies, land use designations or boundaries. The Ministers of Natural Resources and Forestry and Municipal Affairs are the approval authorities.</p> <p>CAs have a commenting and technical advisory role in approval of new or amended 'Special Policy Areas' for flood plains under Section 3.1.3 of the PPS, where such designations are feasible. A TRCA permit is required for any development or site alteration within the regulated area.</p> <p>The City is the approval authority for development applications in conformity with the SPA policies; however applications will not be approved without TRCA technical clearance (in consultation with the Province, where needed) and permitting.</p>

Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
Section 3.9.3 Master Environment and Servicing Plan	The City is the approval authority for Master Environmental Servicing Plans (MESP). TRCA has a technical advisory /commenting services role on MESP development.

In reviewing VOP 2010 policies, staff is of the opinion that there are no policies that give TRCA approval authority outside their mandated and delegated authority. The TRCA mandated areas of responsibility have changed over the years which may create confusion for stakeholders in the development process. Stakeholders had also identified concerns over the adequacy of the TRCA's resources and obtaining timely reviews of development related technical studies. Therefore, based on this review and the information outlined in the table above staff is of the opinion that these policies do not need to be revised or updated at this time.

However, as noted in the comments on the *CA Act* review, the development review system would benefit from greater clarity and more expeditious timelines. To address Council's concern over achieving improved efficiency in the development review process, staff is recommending that consideration be given to entering into an MOU with the TRCA to develop and implement a Service Delivery Agreement for the purposes of streamlining the process. In addition, staff is recommending that in the upcoming MCR, an examination of the policies of VOP 2010 Chapter 3 be conducted to clarify any uncertainties regarding appropriate approval authority. This may include the following:

- a. Review and update definitions to include approval authority and applicable legislation, where appropriate.
- b. Create a table in Chapter 3 that identifies approval authorities and applicable legislation (as per table 2).
- c. Review and update preambles to include approval authority and applicable legislation, where appropriate.
- d. Review the notion of inserting explanatory texts within section headings.

This review would also examine the role of other regulatory agencies such as MNRF and DFO.

Deferring further review of VOP 2010 to the MCR is appropriate in that it will allow for the Province to complete and implement the results of its reviews of the Provincial Plans (Growth Plan, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan and the *Conservation Authorities Act* Review). The Wetland Conservation Strategy the Province is currently consulting on may also assign new responsibilities to municipalities and CAs. Knowledge of the revised provincial policies will help refine the scope of work, which can be built into the MCR process. This will ensure that these matters will not have to be revisited, resulting in extra cost to the City and stakeholders.

Moving to a Memorandum of Understanding

It is recommended that staff review the feasibility of developing an MOU with the TRCA to clarify working relationships, confirm performance expectations and ultimately streamline approval processes and other management/administrative relationships. This review would outline the benefits and constraints of developing an MOU and would define TRCA roles and responsibilities.

It is also recommended that this work be informed by further discussions with the York Chapter of the Building Industry and Land Development Association (BILD) and community stakeholders to ensure stakeholder interests are identified and addressed to the greatest extent possible. While greater clarity may be achieved as a result of the review of the *CA Act*, it will still rest with the City

and the TRCA to develop a viable working relationship that is efficient and provides timely responses. This is one area where the City can continue to pursue its objectives, notwithstanding the regulations of the day.

The City has an existing Public Works Management Agreement regarding the maintenance of land and infrastructure including easements, city trails, forest canopy, programming and educational stewardship initiatives with the TRCA. This MOU process will involve Public Works and opportunities for developing a similar agreement will be explored as Public Works updates the Management Agreement.

The TRCA has many years of experience working with other municipal partners through MOU and Service Delivery partnerships. These partnerships have been successful because the agreements provide a statement of principles and identify roles and responsibilities which reduce uncertainty and create efficiencies in all municipal matters. A Service Delivery Agreement could streamline the development review process by establishing set timelines for technical reviews. It should be noted that TRCA may have to retain additional staff and resources to meet the expectations of the agreement. As such there may also be financial implications for the City.

The TRCA also works with its municipal and provincial partners through regularly scheduled meetings to “triage” development proposals such as MNRF-TRCA monthly meetings, TRCA-municipal development review meetings and pre-consultation conferences on various matters relating to land use and infrastructure planning, e.g., TRCA staff regularly attend City of Vaughan Pre-Application Consultation meetings and meet with City staff as needed.

Departments in the Planning and Growth Management portfolio regularly interact with the TRCA in its regulatory, delegated authority, commenting, service provider and landowner roles. Potential areas of improvement are identified in Table 3 below.

Table 3: City departments impacted by TRCA's various roles in municipal planning matters and potential areas of service improvement

Departments	Potential areas of service improvement
Planning and Growth Management (Development Planning, Policy Planning and Environmental Sustainability, Development Engineering, Urban Design and Cultural Heritage, Parks Development, Building Standards, Office of the City Solicitor and Real Estate departments)	<ul style="list-style-type: none"> ▪ establish a Service Delivery Agreement to develop a screening and streamline procedures for the development review process where timelines are established for technical review of reports. This would eliminate unnecessary delays and duplication of efforts ▪ Clearly establish TRCA's roles and responsibilities ▪ schedule regular meetings with TRCA staff to discuss applications ▪ develop a streamlined environmental assessment process for City EA's where timelines are established for technical review of reports ▪ develop a watershed planning and management working group early in the planning process to manage the development of Secondary Plan and Block Plan processes ▪ discuss opportunities to advance shared objectives through programming and wise management of City and TRCA lands ▪ create a cross portfolio urban agriculture working group (parks, sustainability, and forestry) ▪ develop parks and trails partnerships ▪ streamline permitting process and approvals process for building permits and enhance compliance monitoring relationship ▪ jointly advance marketing efforts for the Kortright Centre and other conservation area programs to promote Vaughan

The City as currently staffed does not have the technical expertise and resources needed to deal with the Provincial and Regional obligations that currently rest with the TRCA. The City does not

have in-house specialized technical expertise in floodplain management, stormwater management (water resources engineers), geotechnical engineering, hydrogeology, fluvial geomorphology, ecology, and the integration of flood remediation and ecological protection and restoration. Therefore, maintaining a strong working relationship with the TRCA is important as the City relies on TRCA for a wide range technical analysis and input recognizing its commenting and delegated authority role under the PPS and its regulatory role under the *CA Act*. As such, the TRCA plays a significant role in protecting Vaughan's natural environment and planning our communities in an environmentally sustainable manner. It will be important to continue this working relationship.

In order to move ahead, it is recommended that the City initiate a process to develop an MOU with the TRCA. A City working group should be established with representation from each of the affected departments in order to identify multi-departmental interests and needs. This group would then work with TRCA to understand the responsibilities and obligations of signing an MOU including financial implications. If negotiations prove successful a draft agreement will be prepared for the consideration of Council. The Office of the Deputy City Manager of Planning and Growth Management would lead work on the Service Delivery Agreement. This work would rely upon a Senior Management Team working group of affected Directors and other staff. In this regard, a mandate and organizational structure will be developed to manage this project.

Comprehensive Zoning By-Law 1-88

The City's comprehensive Zoning By-law 1-88 (consolidated in 2015) includes zoning categories, definitions and zoning standards. Section 7.2.2 Rezoning of OS1 Lands makes reference to the TRCA. Lands zoned OS1 states "Notwithstanding any other provisions contained in this Section, any lands in the OS1 Open Space Conservation Zone shall only be rezoned when such lands are filled to the satisfaction of the Metropolitan Toronto and Region Conservation Authority and the City". The policy restricts the rezoning of OS1 and directs the approval authority to both the TRCA and the City.

Within a TRCA regulated Area, a building permit will not be issued to an applicant without a TRCA permit (Ontario Regulation 166/06), as per applicable *Building Code Act* legislation.

A comprehensive review of the Zoning By-law 1-88 will be commencing in Q1 2017 to update current terminology and bring zoning into conformity with VOP 2010. The By-law update may benefit from including an overlay of the TRCA's regulated area with associated provisions in the by-law making landowners aware of the CA regulation.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

As set out in the *CA Act*, the purpose of a CA is to develop programs that conserve, restore and properly manage natural resources. Accordingly, the purpose of a CA is directly related to "Cultivating an environmentally sustainable city", which is an identified term of council priority.

The following details the TRCA's direct involvement in the Term of Council Service Excellence Strategy priority projects:

- Improve municipal road network (**TRCA participates and provides the review of MTO, City and Region led environmental assessment processes, commenting role in the development review process**);
- Continue to develop transit, cycling and pedestrian options to get around the City (**TRCA participates in the review of City and Region led municipal class environmental assessment process, commenting role in review process; ; TRCA permits required for infrastructure crossings of regulated areas**);

- Facilitate the development of the VMC (**TRCA is working with the City and VMC landowners on integrating the restoration and remediation of the Black Creek corridor into the planning approval process (and OMB process) for the redevelopment and revitalization of the VMC.**
- Support the development of the hospital (**TRCA participated in the resolution of on-site stormwater management solutions**);
- Re-establish the urban tree canopy (**TRCA is contributing to protecting and enhancing the City's urban tree canopy through the development review process and also, actively working on restoration projects in the City**);
- Invest, renew and manage infrastructure and assets (**TRCA is a technical advisor on Green Infrastructure Technology and Stormwater Management**);
- Continue to ensure the safety and well-being of citizens (**TRCA regulates and manages floodplain and hazards lands including special policy areas and built-up areas in the City**);
- Update the Official Plan and supporting studies (**TRCA forms part of the technical advisory committee for the development of VOP 2010, they support the environmental policies in Chapter 3 and implement these policies in their review of applications and supporting studies and also attending Technical Advisory Committee meetings**);
- Continue to cultivate an environmentally sustainable city (**TRCA's mandate is consistent with these objectives**);
- Support and promote arts, culture, heritage and sports in the community (**TRCA has created a cultural environmental center such as the Living City Campus in Kortright. They have programs that service the community at large**);
- Continue to advance a culture of excellence in governance (**An MOU between the City and TRCA will create efficiencies within various departments of the City**); and,
- Enhance civic pride through a consistent city-wide approach to citizen engagement (**Residents in Vaughan have the opportunity to participate in TRCA environmental and stewardship programs within their own community**).
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Regional Implications

The Region has had a Partnership Memorandum for Planning Services with the TRCA and Lake Simcoe Region Conservation Authority since 2009. The purpose and roles and responsibilities of the memorandum clearly identifies principles and delegates specific responsibilities. Staff have been advised by the TRCA and the Region that the application of the principles of the agreement have been beneficial for both parties. Similar models have been established in other municipalities such as an MOU with the City of Markham for planning and technical services.

Conclusion

Staff review of the VOP 2010 policies has concluded that there is no language in the policies that grants the TRCA powers that are beyond the scope of its current responsibilities. The phrases "in consultation or in collaboration with" strictly mean that TRCA is a partner to provide technical advice and is a commenting body on various matters under the *Planning Act*, however, the City is the approval authority. The TRCA is in no way limited in exercising its rights under the *Planning Act*, the *Conservation Authorities Act* or any other applicable legislation to independently appeal or advocate any position on a planning decision to the OMB.

Staff recommend that these policies be reviewed further by Policy Planning and Environmental Sustainability and the Office of the City Solicitor during the forthcoming MCR, once changes to Provincial regulations are determined and where any further clarification can be provided. This will be particularly important if the results of the current Provincial Plan Review and the CA Act review modify the relationship between the CAs and the municipalities.

It is also recommended that staff review the feasibility of developing a MOU to include a Service Delivery Agreement with the TRCA. The Office of the Deputy City Manager of Planning and Growth Management would advance the development of a Service Delivery Agreement as part of this process. It is proposed that a working group comprised of the Senior Management Team, Directors and Managers involved in operations involving the TRCA, would work with the TRCA to understand the responsibilities and obligations of signing an MOU. This would include among other things, the financial and operational impacts. This measure may be the most effective method of securing immediate improvements in the City-TRCA operating relationship. Once drafted, such an agreement would be brought forward to the Corporate Management Team for review and would be the subject to Council consideration and approval. Staff will report back accordingly.

In order to move forward and to address Council's resolution and staff recommendation on areas for continuous improvement, it is recommended that the recommendations of this report be approved.

Attachments

1. The Policies and Procedures for Conservation Authority Plan Review and Permitting Activities (2010).
2. Regional Municipality of York Partnership Memorandum with the Conservation Authorities (2009).

Report prepared by:

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Respectfully submitted,

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**POLICIES AND PROCEDURES FOR CONSERVATION
AUTHORITY PLAN REVIEW AND PERMITTING
ACTIVITIES**

POLICIES AND PROCEDURES FOR CONSERVATION AUTHORITY PLAN REVIEW AND PERMITTING ACTIVITIES

The intent of this chapter is to describe the roles of Conservation Authorities (CAs) in the areas of municipal planning, plan review, and Conservation Authorities Act S. 28 permitting related to development activity and natural hazard prevention and management and the protection of environmental interests.

PART A - BACKGROUND

1.0 DESCRIPTION OF CONSERVATION AUTHORITY ROLES AND ACTIVITIES

Conservation Authorities (CAs) are corporate bodies created through legislation by the province at the request of two or more municipalities in accordance with the requirements of the *Conservation Authorities Act (CA Act)*. Each CA is governed by the CA Act and by a Board of Directors whose members are appointed by participating municipalities located within a common watershed within the CA jurisdiction. CA Board composition is determined by the CA Act according to the proportion of the population from participating municipalities within the watershed.

Section 20 of the *CA Act* sets out the objects for CAs to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. Section 21 of the CA Act outlines the powers of CAs including the power to establish watershed-based resource management programs and/or policies and the power to charge fees for services, the services for which are approved by the Minister of Natural Resources.

The fundamental provincial role for all CAs focuses on water related natural hazard prevention and management and includes flood and erosion control.

CAs may undertake the following roles and activities:

- i. Regulatory Authorities- Under Section 28 of the CA Act, subject to the approval of the Minister of Natural Resources and in conformity with the Provincial Regulation 97/04 governing the content, CAs may make regulations applicable to the area under its jurisdiction to prohibit, restrict, regulate or give required permission for certain activities in and adjacent to watercourses (including valley lands), wetlands, shorelines

of inland lakes and the Great Lakes-St. Lawrence River System and other hazardous lands

- ii. 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 CA Delegated Responsibilities (Appendix 1), CAs have 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 CAs to review and provide comments on municipal policy documents (Official Plans and comprehensive zoning by-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One-Window Plan Review Service
- iii. Resource Management Agencies- In accordance with Section 20 and 21 of the CA Act, CAs are local watershed-based natural resource management agencies that develop programs that reflect local resource management needs within their jurisdiction. Such programs and/or policies are approved by the CA Board of Directors and may be funded from a variety of sources including municipal levies, fees for services, provincial and/or federal grants and self-generated revenue.
- iv. Public Commenting Bodies- Pursuant to the *Planning Act*, CAs are 'public commenting bodies', and as such are to be notified of municipal policy documents and planning and development applications. CAs may comment as per their Board approved policies as local resource management agencies to the municipality or planning approval authority on these documents and applications.

CAs may also be identified as commenting bodies under other Acts and Provincial Plans as outlined under Section 2.0 of this document and Appendix 4.

- v. Service Providers- Individual CAs may enter into service agreements with federal and provincial ministries and municipalities to undertake regulatory or approval responsibilities and/or reviews (e.g. reviews under the *Fisheries Act* Section 35; septic system approvals under the Ontario Building Code).

CAs may also perform a technical advisory role to municipalities. as determined under the terms of service agreements. These services may 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. Landowners- CAs are landowners, and as such, may become involved in the planning and development process, either as an adjacent landowner or as a proponent. Planning Service Agreements with municipalities have anticipated that as CAs are also landowners this may lead to a conflict with the CA technical advisory role to municipalities. This potential conflict of interest is addressed by establishing a mechanism for either party to identify a conflict and implement an alternative review mechanism as necessary.

2.0 LEGISLATION

2.1 *Conservation Authorities Act*

2.1.1 Section 20 of the *CA Act* describes the objects of a CA, which are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development, and management of natural resources other than gas, oil, coal, and minerals.

2.1.2 Section 21 of the *CA Act* lists the powers which CAs have for the purpose of accomplishing their objects. The objects identified in the *CA Act* relevant to this chapter include:

- (a): to study and investigate the watershed and to determine a program whereby the natural resources of the watershed may be conserved, restored, developed and managed;
- (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
- (l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper;
- (m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;
- (m.1) to charge fees for services approved by the Minister (see Policies and Procedures manual chapter on CA fees);
- (n): to collaborate and enter into agreements with ministries and agencies of government, municipal councils, local boards and other organizations;
- (p) to cause research to be done;
- (q) generally to do all such acts as are necessary for the due carrying out of any project. R.S.O. 1990, c. C.27, s. 21; 1996, c. 1, Sched. M, s. 44 (1, 2); 1998, c. 18, Sched. I, s. 11.

2.1.3 Pursuant to Section 28 (1) of the CA Act and in accordance with Ontario Regulation (O. Reg.) 97/04 “Content of Conservation Authority Regulations under Subsection 28(1) of the Act: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses” (i.e. Generic or Content Regulation)”, “subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,

(b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;

(c) prohibiting, regulating, or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

2.1.4 Section 28 (25) of the CA Act defines development as meaning:

- a) the construction, reconstruction, erection, or placing of a building or structure of any kind
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure
- c) site grading
- d) the temporary or permanent placing, dumping, or removal of any material originating on the site or elsewhere

Note: This definition for “development” differs from the definition that is contained in the PPS, 2005 (see Section 2.2.5). The relevant definition needs to be applied to the appropriate process.

2.1.5 CA Act S. 28 and the Green Energy Act

Conservation Authorities review renewable energy project proposals within their regulated areas as per the provisions of CA Act sections 28. (1)(b) and (c). Permission of the CA is required for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland.

As per Section 28. (13.1), permission will be granted, with or without conditions, for development related to a renewable energy project unless it is in the opinion of the Conservation Authority, the control of flooding, erosion, dynamic beaches or pollution will be affected by the development or activity. Where possible, CA permit application review and decision-making will be concurrent with the review and issuance of approvals from provincial Ministries. The timelines for permit

applications related to renewable energy projects may differ from the timelines prescribed in this document due to the alignment with provincial Ministries.

2.2 *Planning Act*

2.2.1 Section 3(1) of the *Planning Act* provides for the issuance of policy statements on matters relating to municipal planning that are of provincial interest (e.g. *PPS, 2005*). Through the Minister's delegation letter and the accompanying MOU (Appendix 1), specific responsibilities have been delegated to CAs to ensure that decisions on development applications by planning approval bodies made pursuant to the *Planning Act* are consistent with the natural hazard policies of the *PPS, 2005*.

2.2.2 Section 3(5) and 3 (6) of the *Planning Act* requires that in respect of the exercise of any authority that affects a planning matter including comments, submissions, advice and decisions of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Ontario Municipal Board, shall be consistent with provincial policy statements that are in effect on the date of the decision and conform with and not conflict with provincial plans (e.g. Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe, Oak Ridges Moraine Conservation Plan, Central Pickering Development Plan, Lake Simcoe Protection Act etc.) that are in effect on that date (See Appendix 4 for listing).

2.2.3 Section 26 of the *Planning Act* requires municipalities to revise Official Plans every five years to ensure the Municipal Official Plans do not conflict with and must conform to provincial plans and have regard to provincial interests as outlined in Section 2 of the *Planning Act* and are consistent with provincial policy statements issued under Section 3 (1).

2.2.4 Development, as defined in the *PPS*, means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process
- b) works subject to the *Drainage Act*; or
- c) for the purposes of policy 2.1.3(b), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.4(a).

2.3. *Other Acts*

While the primary purpose of this chapter is to address the roles of CAs under the *Planning Act* and the *CA Act*, CAs may have responsibilities under additional

legislation including the federal *Fisheries Act* and the *Clean Water Act*. In addition to these pieces of legislation, there are various authorizations, approvals, permits, etc., which may be required from other agencies. It should be noted that a CA Act Section 28 permission, if granted for work, does not exempt the applicant from complying with any or all other approvals, laws, statutes, ordinances, directives, regulations, etc. that may affect the property or the use of same.

2.3.1 *Fisheries Act*

CAs may have individual agreements with Fisheries and Oceans Canada (DFO) to review proposed works for its potential harmful alteration, disruption or destruction (HADD) of fish habitat pursuant to Section 35 of the federal *Fisheries Act*.

There are three different levels of agreements:

- Level 1 screening where the CA conducts the initial review of the project to identify any impacts to fish and fish habitat and if potential impacts to fish and fish habitat are found, the project is forwarded to the local DFO district office for further review;
- Level 2 screening and mitigation planning where in addition to the above, the CA determines how the proponent can mitigate any potential impacts to fish and fish habitat and if mitigation is not possible the project is forwarded to the local DFO district office for further review; and,
- Level 3 full mitigation and compensation planning, where in addition to all of the above, the CA works with the proponent and DFO to prepare a fish habitat compensation plan and the project is then forwarded to the local DFO office for authorization under the federal *Fisheries Act*.

CAs do not possess the authority to grant an authorization for a HADD of fish habitat. Applications requiring an authorization for a HADD are referred by the CA to DFO for approval.

2.3.2 *Clean Water Act*

CAs have a role in the Ministry of the Environment (MOE) led provincial initiative under the *Clean Water Act* (CWA)(2006) in exercising and performing the powers and duties of a source protection authority for a source protection area established by CWA regulation. In acting as source protection authorities under the CWA, during the source protection plan development phase, tasks include:

- Collection, analysis and compilation of technical and scientific information and data (watershed characterizations, water budgets, etc.)

- Local engagement, consultation, information management and communications
- Key supporting role to respective source protection committees which includes funding
- Coordinating technical work with municipalities and others

Once the first source protection plan is approved, the Minister of the Environment will specify a date by which a review of the plan must begin and the source protection authority ensures that the review and those that follow are conducted in accordance with the CWA and the regulations

2.3.3 *Environmental Assessment Act (EA Act)*

The purpose of the *Environmental Assessment Act* is the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment. CAs review and comment on Class and Individual Environmental Assessments that occur within their jurisdiction under the *EA Act*. CAs bring local environmental and watershed knowledge into the review and assessment process.

It is a requirement for proponents to identify and consult with government agencies and may include CAs if the proposed project may have an impact on an item related to the CA's areas of interest (e.g. regulatory authority or as service providers-see section 1.0). The MOE is responsible for the administration of the *Environmental Assessment Act* and ensuring that proponents meet the requirements of this Act. The Minister of Environment is the approval authority for decisions under the *Environmental Assessment Act*.

CAs as landowners may also be the proponent under the *EA Act* for proposed projects that may occur on CA lands. The *Class Environmental Assessment for Remedial Flood and Erosion Control Projects* (Class EA) establishes a planning and approval process for a variety of remedial flood and erosion control projects that may be carried out by CAs. This Class EA sets out procedures and environmental planning principles for CAs to follow to plan, design, evaluate, implement and monitor a remedial flood and erosion control project so that environmental effects are considered as required under the *Environmental Assessment Act*. Approval of this Class EA allows CAs to undertake these projects without applying for formal approval under the *Environmental Assessment Act*, on the condition that the planning and design process outlined in the Class EA is followed and that all other necessary federal and provincial approvals are obtained.

2.3.4 *Aggregate Resources Act (AR Act)*

The purposes of the *AR Act* are to provide for the management of the aggregate resources of Ontario; to control and regulate aggregate operations on Crown and private lands; to require the rehabilitation of land from which aggregate has been excavated; and to minimize adverse impact on the environment in respect of aggregate operation.

Under *CA Act* Section 28 (11), areas licensed for aggregate extraction under the *AR Act* are exempt from CA permitting activities. However, CAs may bring local environmental and watershed knowledge into the application review process. CAs are afforded an opportunity to review and provide comments directly, or through their participating municipalities, to MNR on applications submitted under the *AR Act*, during the application review and consultation process. MNR is the approval authority for license applications submitted pursuant to the *AR Act*, whereas municipalities are the approval authorities with respect to applications submitted pursuant to the *Planning Act*.

As with other applications submitted pursuant to the *Planning Act*, CAs may review Official Plan amendments, zoning bylaw amendments and other applications for proposed new or expanded aggregate operations submitted pursuant to the *Planning Act*, and comment in an advisory capacity to municipalities making decisions on *Planning Act* applications.

2.3.5 *Drainage Act*

The Drainage Act is administered by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and is implemented by the local municipality. The Drainage Act defines the terms by which a drainage project may be initiated and prescribes the various stages of the procedure (e.g. engineer's report, consultation, appeals, construction) that must be followed by municipalities in the development of this municipal drainage infrastructure. The local municipality is also responsible for the maintenance, repair and management of the drainage systems that are developed through this procedure.

CAs are involved with drainage matters in three ways:

- 1) Since 1949, drainage petitions for new drains and improvements to existing drains are circulated to CAs for comment as required under the Drainage Act S. 4 and S. 78 respectively. CAs may request an environmental appraisal for new drainage works. Once an engineer's report has been drafted for the proposed drainage works, the Drainage Act provides CAs with a right to appeal the proposed project to the Drainage Tribunal.
- 2) CAs under agreement with Fisheries and Oceans Canada (DFO) undertake *Fisheries Act* Section 35 authorization reviews under a drainage class system. While CAs do not give final approval on authorization requests, they review applications and form recommendations that are forwarded to DFO for approval decisions.

- 3) As some drains meet the definition of a 'watercourse' under Section 28 of the CA Act, CA permissions (permits) may be required for new drainage works and drain improvements, maintenance and repair activities. Please refer to the Drainage Act and (CA) Regulation Protocol (under development 2010) for more details.

2.3.6 Ontario Water Resources Act (OWRA)

Under the OWRA, Certificates of Approval are required for stormwater management infrastructure from MOE as the approval authority. CAs often undertake a public commenting role on Certificates of Approval applications.

SUMMARY TABLE: CA Roles, Relevant Reference Sections and Legal Authority

Role	Relevant Section in this document	Legal Authority-legislation (or other)
Regulatory Authorities	Section 3.7 Section 6.0 (6.2, 6.3, 6.5, 6.6, 6.7) Section 7.0 Section 8.0 Appendix 2c Appendix 3	CA Act S. 28 O. Reg 97/04 O. Regs 42/06, 146/06 to 179/06, 181/06, 182/06, and 319/09.
Delegated 'Provincial Interest' in Plan Review	Section 3.0 (3.1, 3.2, 3.7) Section 6.0 (6.1,6.2,6.3,6.4, 6.5, 6.8) Section 8.0 Appendix 1 Appendix 2 a and b	CO/MNR/MMAH MOU of CA Delegated Responsibilities Section 3.1 of the Provincial Policy Statement
Resource Management Agencies	Section 3.0 (3.4, 3.6, 3.8) Section 4.0 Section 6.0 (6.5, 6.8, 6.9,6.10) Section 8.0	CA Act S. 20 and S. 21 CA Board Approved policies and programs
Public Commenting Bodies	Section 3.0 (3.3,3.4,3.6,3.7) Section 6.0 (6.2,6.5,6.6,6.8,6.9, 6.10)	Planning Act: S. 17.15, 17.20, 17.21 Other legislation: Clean Water Act S. 4.2, S. 6, S. 7.6, S. 10.1 etc. Drainage Act S. 4, S. 5.1, S. 6.1, S. 10.2, S. 10.8, S. 41.1, S. 49, S. 74, S. 78.2, Aggregates Resource Act Environmental Assessment Act Provincial Plans (see appendix 4)
Service Providers	Section 3.0 (3.4,3.5, 3.7, 3.8) Section 4.4 Section 6.0 (6.2, 6.3, 6.5, 6.6,6.7,6.8,6.9) Section 8.0	CA Act S. 21 Federal Fisheries Act via Agreements MOUs (Municipal and other agency)
Landowners	Section 3.0 (3.8)	CA Act S. 21, and S. 29

PART B – POLICY

3.0 GENERAL

3.1 CAs have been delegated responsibility to review municipal policy documents and applications under the *Planning Act* to ensure that they are consistent with the natural hazards policies Section 3.1 of the *PPS, 2005*. CAs have not been delegated responsibilities to represent or define other provincial interests on behalf of the Province under the *Planning Act*, the *PPS, 2005* or other provincial legislation (e.g. *Endangered Species Act, 2007*) or provincial plans (e.g. Oak Ridges Moraine Conservation Plan, etc.).

3.2 Under the CO/MNR/MMAH MOU on CA Delegated Responsibilities, CAs have a commenting role in approval of new or amended ‘Special Policy Areas’ for flood plains under Section 3.1.3 of the *PPS*, where such designations are feasible. Special Policy Areas (SPAs) are areas within flood plain boundaries of a watercourse where exceptions to the development restrictions of the natural hazards policy (3.1) in the Provincial Policy Statement (*PPS*), 2005, may be permitted in accordance with technical criteria established by the MNR.

CAs provide supportive background and technical data regarding existing and proposed SPAs. New SPAs and any proposed changes or deletions to existing boundaries and/or policies are approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, with advice from CAs, prior to being designated by a municipality or planning approval authority.

3.3 CAs are considered public commenting bodies pursuant to Section 1 of the *Planning Act* and regulations made under the *Planning Act*. As such, CAs must be notified of municipal policy documents and applications as prescribed. To streamline this process, CAs may have screening protocols with municipalities, normally through service agreements, which identifies those applications that CAs should review.

3.4 In addition to CAs’ legislative requirements and mandated responsibilities under the CA Act, Section 28 Regulations as regulatory authorities, and Section 3.1 of the *PPS* as delegated plan reviewers for provincial interest, the CAs’ role as watershed-based, resource management agencies also allows CAs to review municipal policies, planning documents and applications pursuant to the *Planning Act* as a ‘public commenting body’ as outlined in the CO/MNR/MMAH MOU on CA Delegated Responsibilities. (Appendix 1)

To inform their review of municipal planning documents and planning applications, under the *Planning Act*, CAs may develop policies and strategies related to their CA Board mandates and agreements for technical services with municipalities and other levels of government. Such CA policies are advisory

and may be incorporated into an Official Plan in which case they become adopted as municipal policy. When providing comments to municipalities or planning approval authorities, CAs should identify the role(s) and legislative authority under which they are doing so (e.g. *PPS, 2005, CA Act* Section 28 Regulations, *Federal Fisheries Act*, advisory, etc.).

3.5 Where CAs have entered into an agreement with municipalities or other levels of government for any technical services, CAs should provide the technical services (e.g. providing natural heritage advice), as prescribed by the agreement. Technical service agreements with municipalities may cover a broad range of issues, including stormwater management, natural heritage features and systems advice, groundwater monitoring, etc. These agreements may also include a process to resolve disputes that may occur in the delivery of the services between the municipality and a conservation authority.

3.6 In some cases, provincial plan (e.g. Oak Ridges Moraine Conservation Plan; Greenbelt Plan; Lake Simcoe Protection Plan, Central Pickering Development Plan) requirements may exceed CA regulatory requirements and such greater requirements take precedence. For example, the provincial plans may have greater requirements for vegetation buffers or more restrictions on the uses permitted than the CA regulatory requirements.

A typical requirement of the legislation for those plans is that comments, submissions, or advice provided by CAs, that affect a planning matter within those areas, shall conform with the provincial plan (refer to 6.9). Similarly, where there are regulations (including *CA Act* Section 28 and the *Fisheries Act*) that are more restrictive than those contained in these provincial plans, the more restrictive provisions prevail.

3.7 The “principle of development” is established through *Planning Act* approval processes, whereas the *CA Act* permitting process provides for technical implementation of matters pursuant to Section 28 of the *CA Act*. The scope of matters that are subject to *CA Act* S. 28 regulations is limited to the activities in areas set out under Section 28(1) and Section 28(5) of the *CA Act*.

CAs should ensure that concerns they may have regarding the establishment of the “principle of development” are conveyed to the municipality/planning approval authority during the preparation of a municipal Official Plan, secondary plan or Official Plan amendment, or during the *Planning Act* approvals process and not through the *CA Act* S. 28 permitting process.

An established ‘principle of development’ does not preclude the ability of the CA (or MMAH as per the MOU) to appeal a planning matter to the Ontario Municipal Board (OMB) (e.g., based on newer technical information relevant to the PPS). It is recognized that there may be historic planning approval decisions that were made in the absence of current technical information which could now preclude

development under the *CA Act* regulations. Where possible, if an issue remains unresolved, the CA should work with the proponent and the municipality to pursue a resolution.

3.8 CAs may provide a number of other programs and services (extension services, community relations, information, education services and permissions under other legislation) that may or may not be linked to applications made pursuant to the *Planning Act* or *CA Act* S. 28 regulation permissions. These programs and services are not governed by this chapter.

4.0 CONSERVATION AUTHORITY POLICY FORMATION AND CONSULTATION

4.1 CAs should give public notice and undertake public and stakeholder consultation prior to submission for CA Board approval of all proposed policies, watershed and subwatershed plans, guidelines or strategies that are intended to be used by the CA to comment on future land use and land use planning and inform CA review of applications made pursuant to the *Planning Act*. The CA is only responsible for coordinating consultation where it has been delegated as the lead for the watershed or subwatershed planning processes by the participating municipality or municipalities..

4.2 CAs should give public notice and undertake public consultations prior to submission for CA Board approval of proposed service delivery policies and procedures for *CA Act* Section 28 permit applications (e.g. complete applications).

4.3 The public should be provided the opportunity to speak to the proposed policies and guidelines referenced in 4.1 and 4.2 at the relevant CA Board meetings.

4.4 CAs should make any agreements between the CA and participating municipalities or other government agency publicly accessible (e.g. posted on the CA's website where available).

5.0 APPLICATION PROCESSES

Attached are **three charts** which illustrate the application processes under both the *Planning Act* and the *Conservation Authorities Act* S. 28 and practices to promote effective and efficient processes between them:

- municipal planning application process with CA review (e.g. stand-alone site plan control) (Appendix 2a)
- municipal planning application process (e.g. subdivision) with CA review and requirement for *CA Act* S. 28 permit(s) (Appendix 2b)

- stand-alone CA Act S. 28 “Development, Interference with Wetlands, Alterations to Shorelines and Watercourses” regulation permit application process (Appendix 2c)

6.0 POLICIES AND PROCEDURES FOR MUNICIPAL PLAN REVIEW BY CONSERVATION AUTHORITIES

6.1 ‘Provincial Interest’ Memorandum of Understanding of CA Delegated Responsibilities

Through the Minister’s delegation letter and under the accompanying MOU signed in 2001, CO, MNR and MMAH agreed to support the provisions of the MOU as an appropriate statement of the roles and responsibilities of the relevant Ministries and CAs in the implementation of the *PPS* and now continued in the *PPS, 2005*.

Pursuant to the delegation letter and the MOU, CAs have been delegated the responsibility to review municipal policy documents and planning and development applications submitted pursuant to the *Planning Act* to ensure that they are consistent with the natural hazards policies found in Section 3.1 of the *PPS, 2005*. These delegations do not extend to other portions of the *PPS, 2005* unless specifically delegated or assigned in writing by the Province. For further detail, please refer to the MOU in Appendix 1.

Note: At the time of signing, the 2001 CO/MNR/MMAH MOU stipulates that plan review was to determine whether application had “regard to” Section 3.1 of the *PPS, 1997*, while the amendment made to the *Planning Act* 3 (5) and 3 (6) by the *Strong Communities (Planning Amendment) Act* (Bill 51) and described in S. 4.2 of the *PPS, 2005* changes this wording, “to be consistent with” the policies outlined in the *PPS, 2005*.

6.2 The *PPS, 2005* provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The policies of the *PPS* may be complemented by provincial plans or by locally-generated policies regarding matters of municipal interest. Provincial plans and municipal Official Plans provide a framework for comprehensive, integrated and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

CAs are encouraged to develop watershed and subwatershed management plans to inform municipalities in the municipalities creation and updating of Official Plan policies*. Watershed plans may also provide technical information and recommendations for municipalities when making decisions on planning applications.

In carrying out their delegated responsibilities, CAs should identify natural hazard lands for protection in Official Plans and comprehensive zoning by-laws. This will ensure that development is directed away from areas of natural hazards where there is an unacceptable risk to public health or safety or of property damage (Section 3.1, *PPS*, 2005). The understanding by all parties as to the establishment of the “principle of development” by *Planning Act* approval process and the location of proposed works at the planning stage, as per section 3.7 of this Chapter, allows the CA to focus on technical requirements and site constraints at the *CA Act* S. 28 permitting review process.

*Footnote: in some areas of the province (e.g., Oak Ridges Moraine Conservation Plan Area) there is a requirement for every municipality to prepare a watershed plan and to incorporate the objectives and requirements of the watershed plan into the Official Plan if the municipality wishes to permit major development within that watershed.

6.3 CAs should collaborate with municipalities to recommend policies and provisions for inclusion into Official Plan policies for complete planning application requirements so that information or studies needed by the CA for reviewing *Planning Act* applications from the delegated responsibility for natural hazards policies found in Section 3.1 of the *PPS* is addressed early in the process.

6.4 CAs should ensure that all concerns relevant to their delegated responsibilities for natural hazards are made available to municipalities and planning approval authorities under the *Planning Act* during the application review process.

In participating in the review of development applications under the *Planning Act*, CAs should, at the earliest opportunity:

- (i) ensure that the applicant and municipal planning authority are also 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.

6.5 CAs should confer with municipalities to recommend policies and provisions for potential inclusion into Official Plans and comprehensive zoning by-laws that may be complementary to their CA Board-approved policies as resource management agencies and other planning responsibilities as outlined in Section 1.0 to ensure that municipal land use decisions may address them.

6.6 Recognizing that there is no requirement for municipalities to invite CAs to pre-consultation meetings, CAs should also contact municipalities, where appropriate, to ensure that the CAs are involved in pre-consultation and attend associated meetings on *Planning Act* applications, especially where such

applications may trigger a related permit application under the *CA Act* S. 28. Technical service agreements between municipalities and individual CAs may formalize arrangements for CA involvement in pre-consultation. As coordinated by the municipality or planning approval authority, depending on the scope of the project, pre-consultation could include staff from the following parties: CAs, the municipality (for example, planning and engineering staff), the applicant, consultants, the developer (owner) and may be supplemented by staff from provincial ministries, Parks Canada and any other government agencies.

6.7 If involved in providing a technical advisory role, CAs and municipalities should establish formal technical service agreements. CAs should ensure that the service agreement with a municipality addresses obligations of the CA to participate in pre-consultation and other meetings; how the CA may participate in OMB hearings or other tribunals; how the parties or participants may be represented at hearings for the purpose of legal representation; and, limits on the CA's ability to represent the municipality's interests. Service agreements or contracts should specify that regular reviews by the parties of the agreement or contract are required and should be publicly accessible (e.g. posted on the respective CA and municipal websites).

6.8 CAs shall operate in accordance with the provisions of the CO-MNR-MMAH MOU when undertaking their roles in plan review. This will include informing a municipality as to which of their CA comments or inputs, if any, pertain to the CA's delegated responsibilities for the provincial interest on natural hazards and which set of comments are provided on an advisory basis or through another type of authority (e.g. as a 'resource management agency' or as a 'service provider' to another agency or the municipality).

6.9 MNR has natural heritage responsibilities under the *PPS 2005* and some provincial plans (as outlined in appendix 4) for the delineation and technical support in the identification of natural heritage systems, the identification or approval of certain natural heritage features as significant or key features, and the identification of criteria related to these features. As part of the CA commenting or technical advisory function, some CAs identify natural heritage features and systems through the initial plan review process. CA developed natural heritage systems are advisory unless corresponding designations and policies are incorporated into the municipal Official Plan (i.e., municipality has the decision-making authority under the *Planning Act*). Where service agreements are in place with participating municipalities, CAs are encouraged to collaborate with local MNR District offices to ensure the appropriate and best available information on natural heritage is provided to a municipality. MNR is responsible for notifying municipalities and CAs when there is new information about a feature for which MNR has responsibilities; for example, a wetland is evaluated and approved as a provincially significant wetland (PSW), so that advice can be given and decisions made accordingly.

Where provincial plans and associated guidance materials apply, CA comments shall reflect the policy direction contained in these provincial plans or guidance materials as these pertain to matters relating to natural heritage systems and features, including:

1. Definitions of "significant" features;
2. Minimum setbacks for these defined features;
3. Outlining a process for determining whether the minimum setbacks are adequate and, if not, recommend appropriate setbacks;
4. Specifying permitted uses, set backs and policies within identified significant features;
5. Delineation of natural heritage systems.

6.10 CAs may provide input, as a public commenting body or 'resource management agency', on matters of local or regional interest within their watershed with respect to natural heritage with participating municipalities and liaise with the MNR regarding natural heritage interests including and beyond those covered by 6.9 (those of "provincial interest") to promote sharing of the most up-to-date natural heritage information and to promote coordinated planning approaches for these interests.

7.0 CONSERVATION AUTHORITIES ACT SECTION 28 PERMITTING

7.1 Background Information

Pursuant to Section 28 of the *CA Act*, under Ontario Regulation 97/04 "Content of Conservation Authority Regulations under Subsection 28 (1) of the Act: "Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses" (Generic or Content Regulation), each CA has developed individual regulations approved by the Minister that identify and regulate certain activities in and adjacent to watercourses (including valley lands), wetlands, shorelines of inland lakes and hazardous lands'. In general, permissions (permits) may be granted where, in the opinion of the CA, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land is not impacted..

An application for a CA Act S. 28 permission (permit) is made, usually by the landowner or an agent on behalf of a landowner or an infrastructure manager and owner such as a Municipal Corporation. Information required to support an application is outlined in Appendix 3.

When the O. Reg 97/04 (the Content or Generic Regulation) was developed, three related procedural guidelines were prepared to assist in delivering the individual CA regulations:

1. Guidelines for developing schedules of regulated areas
2. Section 28(12) *CA Act* Hearings Guideline
3. Approvals Process Guideline

These and other future MNR approved guidelines or protocols may be used in implementation of the Regulation (e.g. *Drainage Act* and Regulation Protocol currently being prepared for 2010).

7.2 Pre-consultation on Permission (Permit) Applications

7.2.1 Pre-consultation is encouraged to provide clarity and direction, to facilitate receipt of complete applications and to streamline the CA Act S. 28 permission (permit) review and decision making process. To meet these objectives, depending on the scale and scope of the project, pre-consultation may include staff from the following parties: CAs, the municipality (for example, planning and engineering staff), the applicant, consultants, the developer and owner, and may be supplemented by staff from provincial ministries, Parks Canada and any other appropriate government agencies; and may occur concurrently with *Planning Act* pre-consultation.

7.2.2 CAs may request pre-consultation, prior to the submission of a permission (permit) application, to provide an opportunity for CAs and applicants to determine complete application requirements for specific projects. Applicants are encouraged to engage in pre-consultation with CAs prior to submitting an application.

7.2.3 Applicants may request CAs to undertake pre-consultation, prior to the submission of a permission (permit) application, to provide an opportunity for CAs and applicants to determine complete permit application requirements for specific projects. CAs should engage in pre-consultation in a timely manner so as not to delay the proponent's ability to submit an application.

7.2.4 In order to determine complete application requirements, applicants should submit in writing adequate information for pre-consultation, such as property information (lot number, concession number, township, etc.), a concept plan of the proposed development which shows the property limit, and a description of what is being proposed (i.e. what is being planned and when the work will take place).

7.2.5 CAs should identify and confirm complete application requirements for specific projects, in writing, within 21 days of the pre-consultation meeting. However, substantial changes to a proposal or a site visit after pre-consultation may warrant further pre-consultation and/or necessitate changes to the complete application requirements.

7.3 Complete Permission (Permit) Application

7.3.1 CAs are encouraged to develop written, CA Board-approved, publicly accessible, procedures and guidelines or checklists that define the components

of a complete application, and reflect recommended timelines to process applications and provide comments in response (see Appendix 3 for examples of Section 28 Regulation information requirements).

7.3.2 CAs are to notify applicants, in writing, within 21 days of the receipt of a permission (permit) application, as to whether the application has been deemed complete or not.

7.3.3 If a permission (permit) application is deemed incomplete, CAs should provide the applicant with a written list of missing and needed information when notifying the applicant that the application has been deemed incomplete.

7.3.4 If not satisfied with the decision on whether an application is deemed complete, the applicant can request an administrative review by the CA General Manager (GM) or Chief Administrative Officer (CAO) and then if not satisfied, by the CA Board of Directors. This review will be limited to a complete application policy review and will not include review of the technical merits of the application.

7.3.5 During the review of a 'complete application', a CA may request additional information if the CA deems a permission (permit) application does not contain sufficient technical analysis. Delays in timelines for decision making may occur due to CA requests for additional information to address errors or gaps in information submitted for review (refer to 7.4.3). Thus, an application can be put "on hold" or returned to the applicant pending the receipt of further information. If necessary, this could be confirmed between both parties as an "Agreement to Defer Decision".

7.4 Decision Timelines for Permissions (Permits)

7.4.1 From the date of written confirmation of a complete application, CAs are to make a decision (i.e. recommendation to approve or referred to a Hearing) with respect to a permission (permit) application and pursuant to the *CA Act* within 30 days for a minor application and 90 days for a major application.

Major applications may include those that:

- are highly complex, requiring full technical review, and need to be supported by comprehensive analysis
- do not conform to existing CA Board-approved Section 28 policies

7.4.2 If a decision has not been rendered by the CA within the appropriate timeframe (i.e. 30 days for minor applications / 90 days for major applications) the applicant can submit a request for administrative review by the GM or CAO and then if not satisfied, by the CA Board of Directors.

7.4.3 Subsequent to receipt of a complete application, delays in timelines for decision making on a permission (permit) may occur due to CA requests for

additional information to address errors or gaps in technical information submitted for review (refer to 7.3.5). Through an “Agreement to Defer Decision” between the applicant and the CA, applications can be put “on hold” or returned to the applicant pending the receipt of further information to avoid premature refusals of permissions (permits) due to inadequate information.

7.5 Hearings and Appeals

7.5.1 If the decision is “referred to a Hearing of the Authority Board” the *MNR/CO Hearings Guidelines* (approved 2005) referenced in Section 7.1 will be followed. Copies of the Hearing Guidelines can be obtained by contacting the Integration Branch of the Ministry of Natural Resources.

As per the guidelines and subsections 28 (12), 28 (13), 28 (14) and 28 (15) of the *CA Act* and in summary:

After holding a hearing, the CA shall: refuse the permission (permit); grant the permission with conditions; or, grant the permission without conditions. If the CA refuses permission or grants permission subject to conditions, the CA, shall give the person who requested permission written reasons for the decision.

A person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the written reasons appeal in writing to the Minister of Natural Resources.

The Office of the Mining and Lands Commissioner (OMLC) has been delegated the authority, duties and powers of the Minister of Natural Resources under the *Ministry of Natural Resources Act O. Reg. 571/00* to hear appeals from the decisions of CAs made under *CA Act S. 28* regarding a refusal to grant permission (permit) or with respect to conditions imposed on a permission (permit) granted by the CA. The Mining and Lands Commissioner (MLC) may: refuse the permission; or, grant the permission, with or without conditions.

If the applicant does not agree with the MLC decision, under the *Mining Act* an appeal can then be made to the Divisional Court, a Branch of the Superior Court of Justice.

7.6 Expiry of Permission (Permit)

By regulation, a permission (permit) shall not be extended. The maximum period of validity of a permission (permit) is 24 months. If the works covered by the application are not completed within the legislated timeframe, the applicant must reapply and delays in approval may result. Typically, the policies in place at the time of the re-application will apply.

7.7 CA Act S. 28 Permission (Permit) Review Procedures

7.7.1 CA Act S. 28 permission (permit) review procedures should be determined in such a manner as to ensure applicants receive due process.

7.7.2 When developing CA permission (permit) review procedures, CAs should consider:

- the timely delivery of services through efficiency of process and adherence to timelines as outlined;
- the “best practices” and procedures used by neighbouring CAs, to promote consistency;
- the nature and level of procedures used by local municipalities and other agencies and ministries for related application reviews to prevent duplicative procedures and to promote consistency;
- the setting of application review procedures is dependent on the complexity of applications and the level of effort required to administer the application.

8.0 SERVICE DELIVERY ADMINISTRATION

8.1 CAs shall develop policies, procedures and guidelines for their municipal plan review activities and for CA Act S. 28 permitting activities (i.e. administration of the regulation and review of applications) with regard to the best practices outlined in this Policies and Procedures chapter. The CA documents should be approved by their Board of Directors and made available to the public.

8.2 Fees

See separate chapter regarding fees in the Policies and Procedures Manual.

8.2.1 Fees for planning services should be developed in conjunction with the appropriate planning authorities and are set to recover but not exceed the costs associated with administering and delivering the services on a program basis.

8.2.2 Fees for permitting services should be developed and are set to recover but not exceed the costs associated with administering and delivering the services on a program basis.

9.0 ADHERENCE TO POLICIES

9.1 All CAs are required to adhere to these policies and procedures.

9.2 MNR reserves the right to audit CAs for adherence to these policies and procedures and to review the effectiveness of the policies and procedures with regard to implementation of provincial policies and protection of the provincial interest.

APPENDICES

As identified in body of the chapter:

- 1. CO-MMAH-MNR Delegated Responsibilities MOU**
- 2. Schematics of Application processes under both the *Planning Act* and the *Conservation Authorities Act***
- 3. Information Requirements – Section 28 Regulation Application**
- 4. Provincial Plans and Associated Guidelines/Technical Papers**

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

Minister

Ministère des
Richesses
naturelles

Ministre

Queen's Park
Toronto, Ontario
M7A 1W3
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.

- 2 -

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.

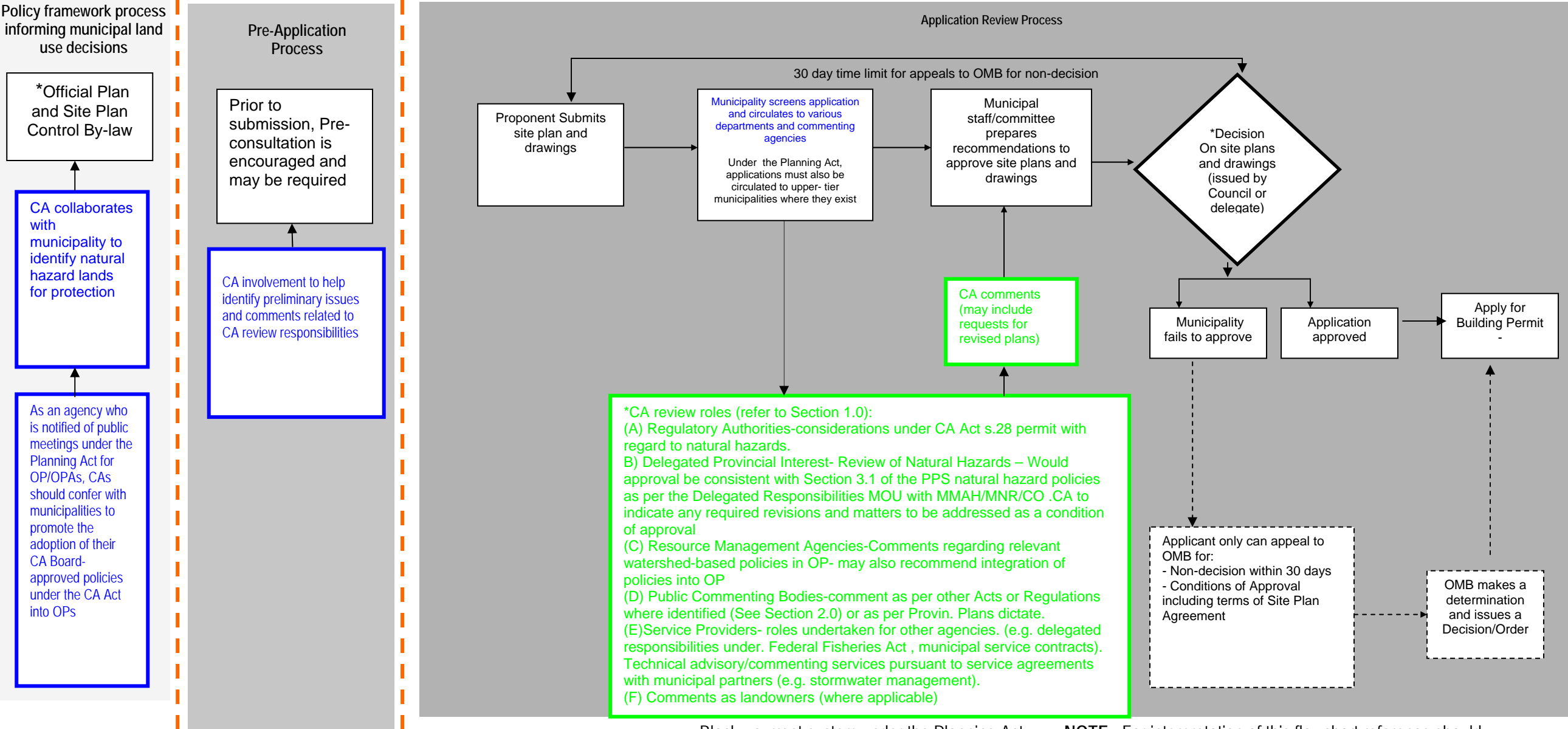
Yours sincerely,



Howard Hampton
Minister

**Appendix 2: Schematics of Application processes under both the *Planning Act*
and the *Conservation Authorities Act***

Appendix 2(a): Municipal Planning process for Site Plan Control with CA Review in a non- CA regulated area (i.e. Section 28 does not apply)

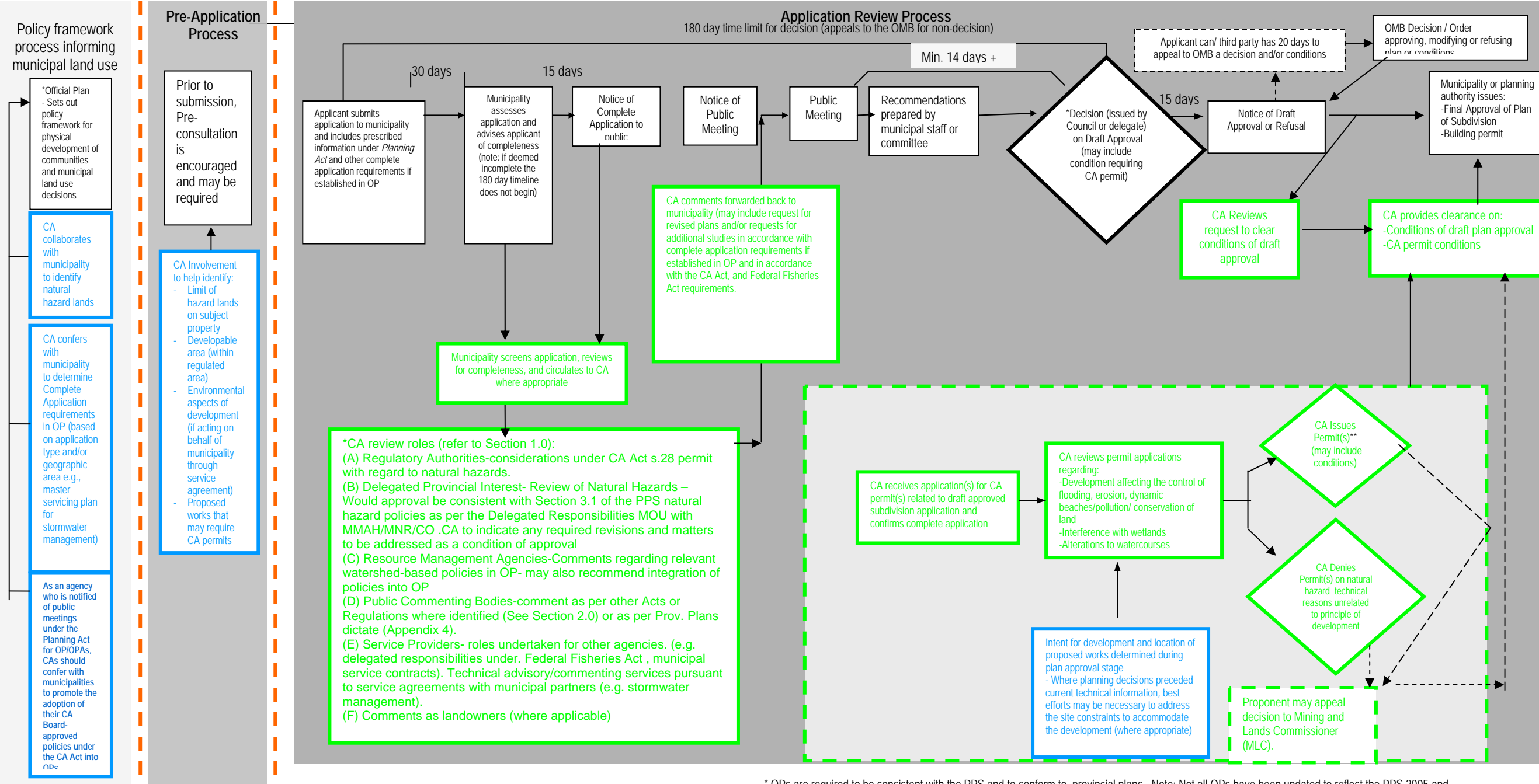


*OPs are required to be consistent with the PPS and conform to or not conflict with applicable provincial plans. Note: Not all OPs have been updated to reflect the PPS 2005 and provincial plans, yet advice and decisions on planning matters must be consistent with the PPS and conform to applicable provincial plans.

Black - current system under the Planning Act
Green highlight – current CA role/input
Blue highlight – proposed best practices

NOTE: For interpretation of this flowchart reference should be made to the full Policies and Procedures chapter

Appendix 2(b): Municipal Planning Application Process for Plan of Subdivision with CA Review and Requirement for CA Permit(s) (i.e. within a CA Regulated Area)



NOTE: For interpretation of this flowchart reference should be made to the full Policies and Procedures chapter

Black - current system under the Planning Act

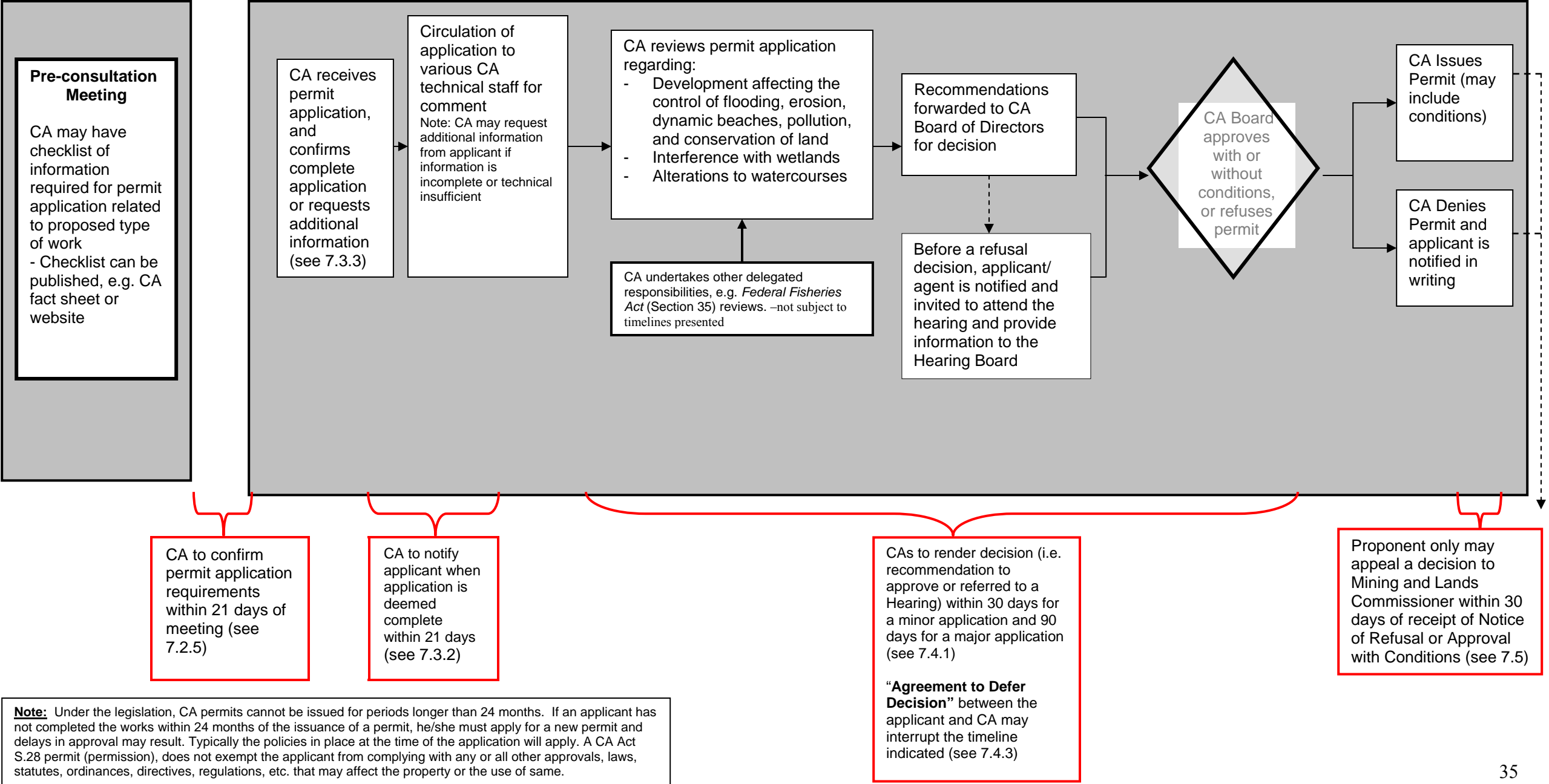
Green highlight – current CA role/input

Blue highlight – proposed best practices

* OPs are required to be consistent with the PPS and to conform to provincial plans. Note: Not all OPs have been updated to reflect the PPS 2005 and provincial plans, yet all advice and decisions on planning matters must be consistent with the PPS and conform to applicable provincial plans.

** Under legislation, if an applicant has not completed the permitted works within 24 months, they must reapply. CA permits cannot be extended for periods longer than 24 months. Generally, policies in place at time of re-application will apply to permit decisions.

Appendix 2(c): Stand-Alone CA Act S. 28 “Development, Interference with Wetlands, Alterations to Shorelines and Watercourses” Regulation Permit Application Process



Appendix 3: Information Requirements – Section 28 Regulation Application

Specific information is required from the applicant in support of a permit application.

Two examples are set out below.

Permission to Develop

A signed application may contain, but is not limited to the following information:

1. four copies of a plan of the area showing the type and location of the development
2. the proposed use of the buildings and structures following completion of the development
3. the start and completion dates of the development
4. the elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after development
5. drainage details before and after development
6. a complete description of the type of fill proposed to be placed or dumped
7. signed land owner authorization for the CA to enter the property (may not be applicable for works completed under the Drainage Act-see Drainage Act protocol for more details)
8. technical studies/plans as required to meet the regulatory provisions of CA Act S.28 (NOTE: this is dependant on the proposed extent of intrusion into a regulated area and/or the associated potential negative impacts. Major applications generally require more complex technical studies).
9. submission of the prescribed fee set by the CA for review of the application.

Permission to Alter

A CA may grant a person permission to straighten, change, divert, or interfere with an existing channel of a river, creek, stream, or watercourse or to change or interfere with a wetland. A signed application may contain, but is not limited to the following information:

1. four copies of a plan of the area showing plan view and cross-section details of the proposed alteration
2. a description of the methods to be used in carrying out the alteration
3. the start and completion dates of the alteration
4. a statement of the purpose of the alteration
5. signed land owner authorization for the CA to enter the property (may not be applicable for works completed under the Drainage Act-see Drainage Act protocol for more details)
6. technical studies/plans as required to meet the regulatory provisions of CA Act S.28 (NOTE: this is dependant on the proposed extent of intrusion into a regulated area and/or the associated potential negative impacts. Major applications generally require more complex technical studies).
7. submission of the prescribed fee set by the CA for review of an application.

When all of the information listed above is received in a form satisfactory to the CA, and a pre-consultation or site assessment is conducted as necessary, an application will then be deemed to be complete. An application can be put “on hold” or returned to the applicant pending the receipt of further information.

Appendix 4a: Provincial Plans and Associated Guidelines or Technical Papers

1. Greenbelt Plan, 2005

- 1) Greenbelt Technical Paper 1: Technical Definitions and Criteria for Key Natural Heritage Features in the Natural Heritage System of the Protected Countryside Area of the of the Greenbelt Plan, 2005 (Draft posted in the EBR on Sept. 19, 2008 (EBR Registry Number: 010-4559)
- 2) Greenbelt Technical Paper 2: Technical Definitions and Criteria for Significant Woodlands in the Natural Heritage System of the Protected Countryside Area of the Greenbelt Plan, 2005 (Draft posted in the EBR on Sept. 19, 2008 (EBR Registry Number: 010-4559)
- 3) Greenbelt Technical Paper 3: Technical Process for the Identification of Significant Habitat of Endangered, Threatened and Special Concern Species in the Natural Heritage System of the Protected Countryside Area of the Greenbelt Plan, 2005, (Draft posted in the EBR on Sept. 19, 2008 (EBR Registry Number: 010-4559)

2. Oak Ridges Moraine Conservation Plan, 2002

Following technical papers are available online:

- 1) Identification of Key Natural Heritage Features
- 2) Significant Wildlife Habitat
- 3) Supporting Connectivity
- 4) Landform Conservation
- 5) Identification and Protection of Vegetation Protection Zones for Areas of Natural and Scientific Interest (ANSI, Life Science)
- 6) Identification of Significant Portions of Habitat for Endangered, Rare and Threatened Species
- 7) Identification and Protection of Significant Woodlands
- 8) Preparation of Natural Heritage Evaluations for all Key Natural Heritage Features
- 9) Watershed Plans
- 10) Water Budgets
- 11) Water Conservation Plans
- 12) Hydrological Evaluations for Hydrologically Sensitive Features
- 13) Subwatersheds - Impervious Surfaces
- 14) Wellhead Protection - Site Management and Contingency Plans
- 15) Recreation Plans and Vegetation Management Plans
- 16) Sewage and Water System Plans
- 17) Stormwater Management Plans

4. Lake Simcoe Protection Plan, 2009

5. Central Pickering Development Plan, 2006

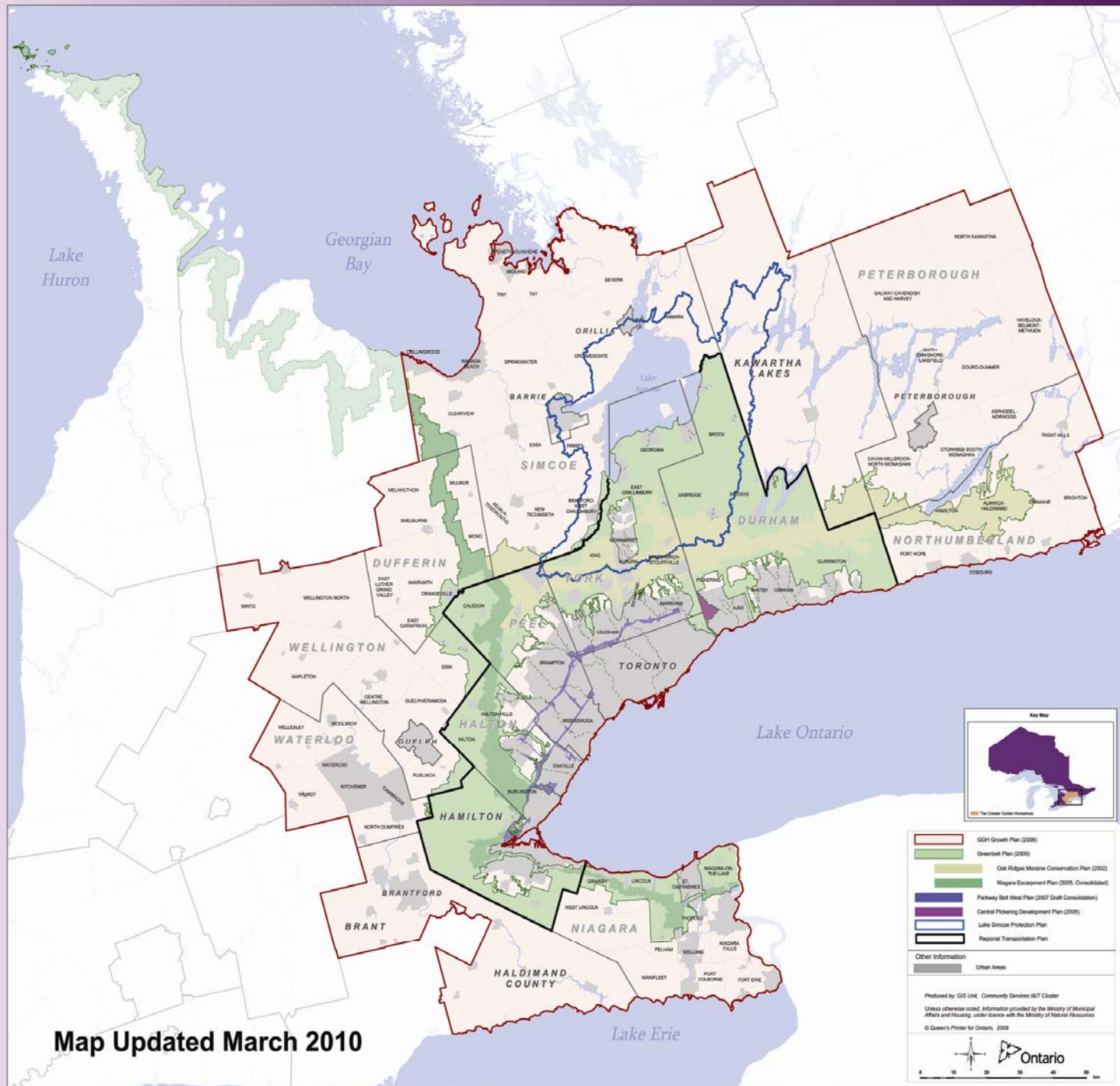
6. Niagara Escarpment Plan (Office consolidation, March 11, 2010)

7. Parkway Belt West Plan (Consolidated to June 2008)

8. Growth Plan for the Greater Golden Horseshoe, 2006

9. Source Protection Plans (pending completion 2012)

Appendix 4b: Provincial Plans Map



PARTNERSHIP MEMORANDUM

FOR

PLANNING SERVICES

BETWEEN

THE REGIONAL MUNICIPALITY OF YORK

AND

THE CONSERVATION AUTHORITIES

**(LAKE SIMCOE REGION CONSERVATION AUTHORITY AND
TORONTO AND REGION CONSERVATION AUTHORITY)**

1. CONTEXT

Vision 2026: Towards a Sustainable Region, the Strategic Plan of the Regional Municipality of York (the “Region”) recognizes that it is everyone’s duty to protect the legacy of York Region’s natural environment and heritage by integrating and balancing the three elements of environmental protection, economic growth and social equity. Furthermore, it is the goal of the York Region Official Plan to identify, protect and restore definable natural areas and functions.

The protection, restoration and enhancement of the natural environment, and the safety of persons and property, is carried out in part through the review of, and preparation of comments on development applications, is a shared responsibility with the Region, its Local Municipalities and the Conservation Authorities. This Partnership Memorandum serves to guide the Conservation Authorities in assisting the Region to carry out their shared responsibility to foster an ecosystem approach to sustainable living and thereby achieve the goals set out in the York Region Strategic Plan and Official Plan.

2. DEFINITIONS

“Plan Review” is defined as:

- a) the review of development applications as set out in the *Planning Act*;
- b) identifying the need for technical surveys, studies and reports; and
- c) specifying conditions of approval.

“Technical Clearance” is defined as:

- d) assessing technical reports submitted by the proponent to determine if the reports satisfy the conditions specified; and
- e) clearing conditions of approval.

3. THE PURPOSE of this Partnership Memorandum is to:

- a) establish the parameters of the plan review and technical clearance expertise that the Conservation Authorities will provide to assist the Region when making decisions on planning applications, where the Region is the approval authority or a commenting agency; and,
- b) streamline the municipal planning system where opportunities exist.

4. STATEMENT OF PRINCIPLES

Notwithstanding the purpose of this Partnership Memorandum and the Roles and Responsibilities set out in Section 5, it is recognized that the Conservation Authorities will continue to fulfill their own mandate and provide the Region comments in the context of:

- a) the Conservation Authorities will review and provide comments and advice in the context of the Provincial Policy Statement, the *Conservation Authorities Act*, the *Environmental Assessment Act*, the *Fisheries Act*, the *Oak Ridges Moraine Act* and the Oak Ridges Moraine Conservation Plan, the *Planning Act*, the *Greenbelt Act* and the Greenbelt Plan, the *Clean Water Act*, the *Lake Simcoe Protection Act* and the Lake Simcoe Protection Plan, the York Region Official Plan policies and land use designations of approved Local official plans, other guiding municipal and Conservation Authority documents and other applicable legislation as may from time to time be enacted;
- b) the Conservation Authorities will review and provide comments and advice in the context of the goals of effective watershed management and environmental protection and enhancement, including air and water quality, biodiversity and sustainable living, which requires the appropriate consideration of provincial, regional and local natural resources as identified through official and secondary plans, municipal studies, watershed and subwatershed studies, or a site specific proposal;
- c) the Conservation Authorities will continue to provide comments and recommendations as outlined in Section 5, on planning matters circulated by the Region such as regional and local official plans and policy amendments and municipal studies; and
- d) nothing, in this Partnership Memorandum, precludes the Conservation Authorities from commenting to the Region as they would normally exercise their rights under the *Planning Act*, the *Conservation Authorities Act*, or other applicable legislation.
- e) the Region and the Conservation Authorities may seek additional technical expertise in matters of Provincial or Regional interest, from third parties, as required.

5. ROLES AND RESPONSIBILITIES

The Region and the Conservation Authorities agree that:

- a) the Region is responsible for ensuring consistency with Provincial policies and Regional Official Plan policies, with respect to any planning applications for which the Region has approval authority or otherwise comment on;
- b) any information or data sources provided by the Province or generated through municipal or watershed studies will be shared;
- c) the Conservation Authorities will provide the Region with plan review and technical clearance services which will ensure consistency with Natural Heritage and Natural Hazard policies of the applicable Provincial Policy Statement, where the Region does not have appropriate internal services available, in accordance with Provincial Policy Statements and all other applicable provincial planning legislation (refer to Section 4a), as articulated and expanded on in the Regional Official Plan, in a timely fashion, and will make recommendations to the approval authority on development applications, on behalf of the Region, and copy the Region on all correspondence;
- d) the Conservation Authorities will identify or interpret features/functions, and establish requirements and conditions, to determine the need for and adequacy of studies (including environmental impact studies) which assess impacts and propose mitigation measures to the Region or on behalf of the Region, as appropriate; and
- e) the Conservation Authorities will assist the Region in the technical aspects of applying sustainable alternative development standards as a best management practice.

6. IMPLEMENTATION

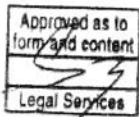
The Region and the Conservation Authorities agree:

- a) to review and amend this Partnership Memorandum on a periodic basis to reflect changes in programs of the parties or as a result of changes in provincial policies or as a result of subsequent discussions;
- b) to ensure staff is aware of this Partnership Memorandum, as required;

- c) to explore further opportunities to streamline the plan review system as it relates to Provincial and regional/local interests;
- d) to make provisions, on a general basis, for Conservation Authority staff to attend Ontario Municipal Board hearings, upon the request of Regional staff, with respect to the plan review and technical clearance services provided pursuant to this Partnership Memorandum, at no cost to the Region. Notwithstanding this clause, the Conservation Authorities are in no way limited from independently appealing a decision to the Ontario Municipal Board;
- e) that fees for plan review and technical clearance services will be set by the Conservation Authorities;
- f) that the Conservation Authorities will be responsible for collecting any Processing/Approvals and/or Final Clearance Fees as required; and
- g) that the Conservation Authorities provide the Region with an approved Schedule of Fees and any approved revised schedules as they occur.

IN WITNESS WHEREOF the parties hereto have affixed their seals properly attested, this 30th day of September, 2009.

Authorized by Clause
10 of Report 6
of the Regional Planning
and Economic
Development Committee,
and Adopted by Regional
Council at its meeting held
on September 24, 2009.



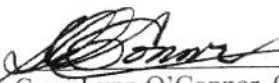
THE REGIONAL MUNICIPALITY OF YORK


Bill Fisch, Chair

(c/s)


Denis Kelly, Clerk

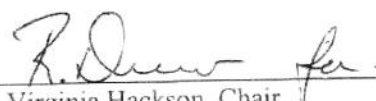
**TORONTO AND REGION CONSERVATION
AUTHORITY**


Gerri Lynn O'Connor, Chair

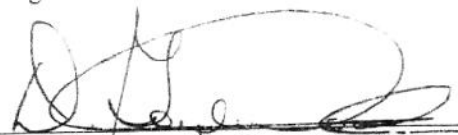
(c/s)


Brian Denney, Chief Administrative Officer

**LAKE SIMCOE REGION CONSERVATION
AUTHORITY**


Virginia Hackson, Chair

(c/s)


D. Gayle Wood, Chief Administrative
Officer/Secretary-Treasurer