

This Memorandum of Understanding/Service Agreement
made this ___ day of _____, 2022.

Between:

The Corporation of the Township of XXX (Hereinafter referred to as the "The
Township")

and

The Otonabee Region Conservation Authority (Hereinafter referred to as "ORCA")

Regarding the Provision of Plan Review and Technical Clearances Services

1. Introduction and Context

The role of all Conservation Authorities focuses on water related natural hazard prevention and management and includes flood and erosion control. The safety of persons and property from natural hazards and the protection, restoration and enhancement of the natural environment are matters of public interest to be addressed during the review of development applications and planning policy documents.

ORCA derives its authority under the *Conservation Authorities Act* and relevant regulations including Ontario Regulation 686/21 which describes the mandatory programs and services a conservation authority is required to provide.

ORCA is also considered a public body pursuant to Section 1 of the Planning Act and regulations made under the Planning Act.

The Township has been delegated the Municipal Plan Review function by the Province of Ontario. This places a responsibility on the Township to make local planning decisions that will determine the future of the community and developed in a manner that meets the existing and future goals of the community. Township In order to satisfy this function the Township relies on the external expertise of other agencies through an MOU or through contracting private professional firms to provide technical assistance where the Township may not have in-house expertise.

This Memorandum of Understanding/Service Agreement recognizes the expertise provided by ORCA in watershed management, and natural hazard and natural heritage planning and The Townships expertise in overall municipal planning to

effectively plan for the future of the Township.

This Agreement also serves as a guide to both The Township and ORCA in carrying out the Plan Review and Technical Clearances functions. In addition, it is intended to promote streamlining of the plan review process including communications and issue resolution.

2. Definitions

"Plan Review" is defined as the review of development applications/studies as set out in the *Planning Act* or other relevant legislation; identifying the need for and assessing the adequacy of technical surveys, studies and reports relating to both natural hazards and natural heritage; and specifying and clearing conditions of approval. It also includes the review of municipal planning documents, such as Official Plans and amendments.

"Technical Clearance" is defined as assessing technical reports submitted by the proponent to determine if the reports satisfy the conditions through a plan review process and clearing the conditions.

3. Purpose

The purpose of this Memorandum of Understanding/Service Agreement is to:

- a) Provide for effective and streamlined ORCA plan review and technical clearances support/expertise to assist The Township to make environmentally sound decisions on planning applications; consistent with the *Conservation Authorities Act, Planning Act* and other relevant provincial plans and provincial and local policies as they relate to the mandate of ORCA.
- b) Support and assist The Township to streamline the municipal plan review system where opportunities exist and to facilitate as much as possible the creation of a "one window" planning system operating from the Township.
- c) Clarify the roles and responsibilities of the ORCA planning and regulations program.
- d) Develop clear protocols for ORCA Township plan review communications and issue resolution.

4. Statement of Principles

This agreement shall be guided by the following principles:

- a) To foster a "client service", solutions-based approach in the delivery of the service(s) to meet the public and private needs of the watershed community.

- b) To ensure and enhance consistency and clarity around the respective roles and responsibilities performed by The Township and ORCA.
- c) To inform the Board, The Township and clients about the mandated roles and responsibilities performed by ORCA in the delivery of conservation services and programs throughout the watershed.
- d) To streamline all processes in review and technical clearance function and activities wherever possible within regulatory and discretionary timelines associated with the services; and incorporate "best practices and/or practical" approaches in the delivery of services and programs utilized by and in the conservation and municipal sectors.

5. Roles and Responsibilities of the Conservation Authority

ORCA will assist The Township, in its role as an approval authority, by providing plan review comments and technical clearances to The Township in a timely manner.

The comments and advice will be in the context of the requirements of the *Planning Act*, Provincial Policy Statement, provincial plans, and other applicable legislation as may be enacted or updated from time to time.

More specifically, ORCA's roles and responsibilities are described below:

a) ORCA's roles and responsibilities mandated under Ont. Reg. 686/21:

- i. Review all development applications or other matters submitted pursuant to the *Planning Act* and provide comments, technical support, or information to ensure that they are consistent with the Natural Hazards Policies found in Section 3.1 of the Provincial Policy Statement (but not including those policies related to hazardous forest fire types for wildland fires) as issued from time to time.
- ii. Review all development applications or other matters submitted pursuant to the *Planning Act* and provide comments, technical support, or information to ensure that they conform with any natural hazard policies included in a provincial plan issued under sec. 1 of the *Planning Act* (e.g., Growth Plan for the Greater Golden Horseshoe) as updated or amended from time to time.
- iii. When requested by the Township provide advice, technical support, training, and any information the Township requires to ensure that decisions under the *Planning Act* are consistent with the natural hazard policies in the policy statements and conforms with natural hazard policies included in a provincial plan.
- iv. Review all development applications or other matters submitted pursuant to the *Planning Act* to determine if the proposal relates to a significant drinking water

threat that is governed by a source water protection plan and the proposal's potential impact on any drinking water sources protected by the plan.

- v. Review all development applications or other matters submitted pursuant to the *Planning Act* that may affect the Authority as an owner of land.
- vi. Review all development applications or other matters submitted pursuant to the *Planning Act* to identify the need to obtain and be responsible for the provision of permits related to sec. 28 and 28.0.1 of the *Conservation Authorities Act* as it may be amended from time to time.

b) ORCA's roles and responsibilities as a service provider to the Township:

- i. Review and provide comments, technical support or information on municipal policy documents and planning and development applications submitted pursuant to the *Planning Act* to ensure that they are consistent with the Natural Heritage Policies found in Section 2.1 and 2.2 of the Provincial Policy Statement as issued from time to time.
- ii. Review and provide comments, technical support or information on municipal policy documents and planning and development applications submitted pursuant to the *Planning Act* to ensure conformance to those natural heritage and key hydrologic policies included in a provincial plan issued under sec. 1 of the *Planning Act* (e.g., Growth Plan for the Greater Golden Horseshoe) as updated or amended from time to time.
- iii. Provide advice when new or amended "Special Policy Areas" (SPA's) or 2-zones flood plains are being proposed by The Township.
- iv. Assist the Township, on request, in an advisory or project management role, in the technical aspects of environmental resource management, including but not limited to the review of storm water management reports, watershed or sub-watershed plans or studies, etc.
- v. Attend the Ontario Land Tribunal with The Township staff, with respect to the plan review and technical clearance services provided for in this agreement.
- vi. Participate in Township led pre-consultation meetings related to proposed development applications and identify potential issues and study requirements applicable to any proposal.

c) ORCA's roles and responsibilities as a service provider to the municipalities of the Otonabee-Peterborough Source Protection Authority including:

- i. Review and provide comments, technical support or information on planning and development applications submitted under the *Planning Act* pursuant to

the Authority's duties and responsibilities to enforce Part IV of the *Clean Water Act*.

6. Roles and Responsibilities of The Township

The Township will:

- a) Circulate municipal planning documents and planning and development applications submitted pursuant to the *Planning Act* as required by the legislation.
- b) When appropriate, invite ORCA to attend pre-consultation meetings at no cost to The Township, with development proponents especially when applications may trigger a related permit application under the Conservation Authorities Act C.28.
- c) Share any Township owned information or data sources, deemed appropriate by the parties, with ORCA, provided that the data sources are not restricted under third party licensing.

7. Implementation

To ensure the efficient and effective implementation of this agreement The Township and ORCA agree:

- a) To explore further opportunities, on an ongoing basis, to streamline the plan review system as it relates to provincial and regional/local interests, clarify pre-complete application requirements, etc.
- b) To participate jointly in pre-consultation as requested and coordinated by the Township for new development proposals. Specifically, pre-consultation will be arranged when an application may trigger a related permit application under the Conservation Authorities Act, and where ORCA's advice about technical information required for a complete application is required.
- c) To share any Authority or Township owned information or data sources, deemed appropriate by the parties, with each other, provided that the data sources are not restricted under third party licensing.
- d) That ORCA will collect review fees for all third party generated severance, Official Plan Amendments and subdivision/condominium applications required to recover ORCA costs for plan review and technical clearance services.
- e) That fees for plan review and technical clearance services will be set by ORCA, as approved by the ORCA Board of Directors, and reflected in the approved planning Fee Schedules, and any approved revised schedules will be provided to The Township as they occur.

- f) That once ORCA it is in receipt of a complete submission, as deemed by Township Staff and payment of required fees, ORCA will commit to have a response within 30 days. If ORCA is unable to meet the 30-day response time due to work volume, they are required to advise The Township and provide an alternative date for completion. ORCA staff will require approval of such alternative dates by their CAO/Secretary-Treasurer prior to advising the municipality. Attached as Appendix A is a reporting spreadsheet which ORCA shall complete and submit quarterly to the Township.
- g) To meet the requirements of the Municipal Freedom of Information and Protection and Privacy Act, R.S0.1990, chapter M.56.

8. Term

The Township and ORCA agree to review this agreement every 5 years, or sooner as directed by Township Council or the ORCA Board of Directors. The five-year review shall commence six months prior to the 5th anniversary of the agreement.

9. Termination

Either party may terminate this agreement at any time upon delivering 6 months written notice of termination.

Any notice of termination to be given pursuant to this agreement shall be delivered to the parties at the following addresses:

Township of ???
 XXXX
 XXXX
 Attn: Chief Administrative Officer

Otonabee Region Conservation Authority
 250 Milroy Drive
 Peterborough, ON K9H 7M9
 Attn: Chief Administrative Officer

The Agreement

In witness whereof the parties hereto have executed this Agreement u n d e r their respective corporate seals and by the hands of their proper officers' thereunto duly authorized.

Dated at the Peterborough this ____ day of _____, 2022.

The Corporation of the Township XXX

The Otonabee Region Conservation Authority

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Appendix A – Response Time Report

On a quarterly basis ORCA shall report to The Township the number of applications reviewed and percentage of responses provided within the 30-day response time standard.

Municipality	Committee of Adjustment		Zoning By-Law and Official Plan Amendments		Site Plan Control Applications	
	# reviewed	% met target	# reviewed	% met target	# reviewed	% met target
Asphodel Norwood						
Cavan Monaghan						
Douro Dummer						
Otonabee South Monaghan						
Selwyn						
Total						