

MEMORANDUM OF UNDERSTANDING BETWEEN
THE CORPORATION OF THE MUNICIPALITY OF TRENT LAKES
AND
THE KAWARTHA REGION CONSERVATION AUTHORITY
REGARDING THE PROVISION OF
ENVIRONMENTAL PLANNING SERVICES

1. Context

The fundamental provincial role of all Conservation Authority 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 planning applications and policy documents.

Specifically, the Conservation Authority derives their authority under Section 28 of the *Conservation Authority Act*, whereby the Conservation Authority is the approval authority for development and/or activity permits, under the “Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.

The Municipality has been delegated the Municipal Plan Review function by the Province of Ontario. The Conservation Authority have been delegated responsibility to review and comment on planning issues for conformity with Section 3.1 of the *Provincial Policy Statement*, and are also considered a public commenting body pursuant to Section 1 of the *Planning Act* and regulations made under the *Planning Act*.

This Partnership MOU recognizes the expertise provided by the Conservation Authority in watershed management, and natural hazard and natural heritage planning and the Municipality’s expertise in overall municipal planning including storm water management to effectively plan for the future of the municipality.

It serves as a guide to both the Municipality and Conservation Authority 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

In this document:

“Conservation Authority” means the Kawartha Region Conservation Authority.

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

“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.

“The Municipality” means the Municipality of Trent Lakes.

“The Province” means the Province of Ontario.

3. Purpose

The purpose of this Partnership MOU is:

- to establish a co-operative arrangement between the Municipality and the Conservation Authority to work together to improve the delivery of the Land Use Planning Review function to the residents of the Municipality; in this regard, the Conservation Authority is delegated the responsibility by the Province of Ontario to ensure that all *Planning Act* applications are consistent with Section 3.1 (Natural Hazards) of the *Provincial Policy Statement* (PPS) and to provide comments on a number of matters, including significant habitat of endangered and threatened species.

Schedule “A” provides a map of the watershed boundaries of the Conservation Authority. This schedule may be changed from time to time without the need to amend this agreement.

4. Goals

The goals of the partnership between the Municipality and the Conservation Authority are:

- To provide for Conservation Authority plan review and technical clearance expertise, and to assist the Municipality in making decisions on development applications and planning documents regarding matters of provincial interest;
- 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 communities;
- To contribute to the implementation of Municipality of Trent Lakes Official Plan Policies
- To ensure and enhance consistency and clarity around the respective roles and responsibilities performed by the Municipality and the Conservation Authority;
- To inform the Board, the municipality and clients about the delegated roles and responsibilities performed by the Conservation Authority in the delivery of conservation services and programs throughout the watershed;
- To streamline all processes in review and technical clearance function and activities wherever possible within regulatory and discretionary timelines associated with the services; and
- To incorporate “best practices and/or practical” approaches in the delivery of services and programs utilized by and in the conservation and municipal sectors.

5. Partnership Roles and Responsibilities:

- a) The Municipality will consult with the Conservation Authority on matters that affect shared mandates or interests. This includes, but is not limited to, inviting Conservation Authority to attend pre-consultation meetings with

development proponents and circulating planning applications and planning documents to the Conservation Authority.

- b) The Municipality will share any Municipality-owned data sources with the Conservation Authority subject to the appropriate data sharing agreements.
- c) The Conservation Authority will share any Authority-owned data sources with the Municipality subject to the appropriate data sharing agreements.
- d) The Conservation Authority will advise the Municipality of the technical information required for a complete application and may attend pre-consultation meetings for site-specific planning applications.
- e) The Conservation Authority will assist the Municipality through their Plan Review comments to the Municipality. The comments and advice will be in the context of the *Conservation Authority Act*, the *Planning Act*, the *Provincial Policy Statement*, the *Environmental Assessment Act*, the *Fisheries Act*, the *Clean Water Act*, and other applicable legislation as may be enacted from time to time.

Additionally, comments will also take into consideration the recommendations of the applicable lake management plans, watershed plans or other environmental management plans and Conservation Authority policy documents. More specifically, Conservation Authority shall provide comments on the following matters:

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

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

- ii. requirements under the *Federal Fisheries Act, the Conservation Authority Act*, or any other applicable legislation;
 - iii. the need for and adequacy of stormwater management plans from a watershed management perspective;
 - iv. floodplain management and opportunities for flood remediation; and
 - v. information and analysis of natural hazards and water management such as flooding, erosion, unstable slopes and soils, and shoreline hazards existing on or in proximity to a proposed development site or within a study area.
- f) Nothing in this Partnership MOU prevents the Conservation Authority from commenting to the Municipality as they would normally exercise their rights under the *Planning Act, the Conservation Authority Act* or other applicable legislation.
- g) The Conservation Authority may assist the Municipality in the technical aspects of applying innovative and sustainable development standards as a best management practice.
- h) The protocol for issue resolution and plan review communications is agreed to be based on the following principles:
- i. Any disputes will be resolved in a collaborative manner between Conservation Authority and Municipal Staff.
 - ii. Each party should clearly articulate their expectations with clear lines of communication and respect for each party's interest.
 - iii. Before proceeding to any formal dispute resolution mechanisms involving the Conservation Authority Board of Directors or Municipal Council, the Conservation Authority and Municipal Staff should use their best efforts to jointly develop a written issue statement, describing the facts and events leading to the dispute and potential resolution options.

6. Lands outside of Conservation Authority Watershed Boundaries

Under this MOU, the Conservation Authority agrees to provide plan review and technical clearance expertise, and to assist the Municipality in making decisions on development applications regarding matters of provincial interest on lands outside the regulated watershed boundary of the Kawartha Region Conservation Authority (if requested by Municipal Staff) as delineated on Schedule "A" to this agreement. This Schedule may be changed from time to time without the need to amend this agreement.

7. Implementation

- a) This Partnership MOU will come into effect upon endorsement by Municipality Council and the Boards of the Conservation Authority.
- b) To review this agreement every 5 years or as deemed necessary by the parties of this agreement.
- c) To explore further opportunities, on an ongoing basis, to streamline the plan review system as it relates to provincial and regional/ local interests.
- d) The Municipality and the Conservation Authority agree to explore further opportunities to improve the sharing of data.
- e) The Conservation Authority will recover all or a portion of the costs, resulting from performing the Plan Review function under this Partnership Memorandum from development proponents, pursuant to the Ministry of Natural Resources Policies and Procedures Manual.
- f) The Municipality and Conservation Authority may seek additional technical expertise in matters of Provincial or Municipal interest, from third parties as required (e.g. peer review of an Environmental Impact Study), the cost of which would be at the expense of the proponent of the planning application.
- g) Where planning matters have been appealed to the Ontario Municipal Board, Conservation Authority will participate in hearings sufficient to defend their responsibilities, interests and mandates. Where appropriate, the Municipality and Conservation Authority will work together to ensure an efficient use of resources when participating at hearings. Notwithstanding this clause, the

Conservation Authority is in no way limited from independently appealing a planning decision to the Ontario Municipal Board.

8. Screening of Applications

All parties to this MOU concur that the screening of applications is desirable. This process would ensure that only the appropriate applications are circulated to the Conservation Authority. Although this MOU does not contain specific provisions for screening, both the Municipality and the Conservation Authority are committed to this end to ensure the best possible service.

9. Fees for Third Party (General Public) Initiated Planning Applications

Pursuant to Section 21 of the *Conservation Authority Act*, a Conservation Authority may charge fees for service.

For the review and provisions of comments for all third party initiated planning applications, a fee will be assessed by the Conservation Authority as outlined in Schedule "B". This fee schedule may be changed from time to time without the need to amend this agreement.

The Municipality will collect the preliminary Analysis Fee at the time an application is submitted (in the form of a separate fee to be forwarded to the Conservation Authority with the application). The individual Conservation Authority will collect the remaining fees as required.

10. The Agreement

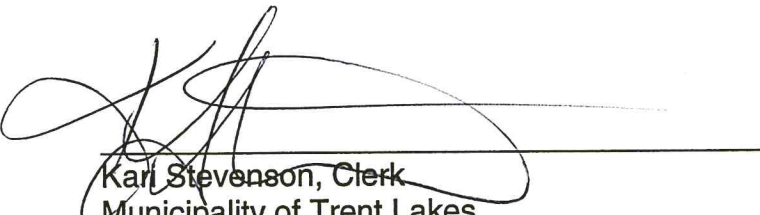
IN WITNESS WHEREOF, the said parties hereto have hereunto affixed their corporate seals, attested by the hands of their proper officers, duly authorized in that behalf.



M. Majchrowski
CAO, Kawartha Region Conservation Authority



Bev Matthews, Mayor
Municipality of Trent Lakes

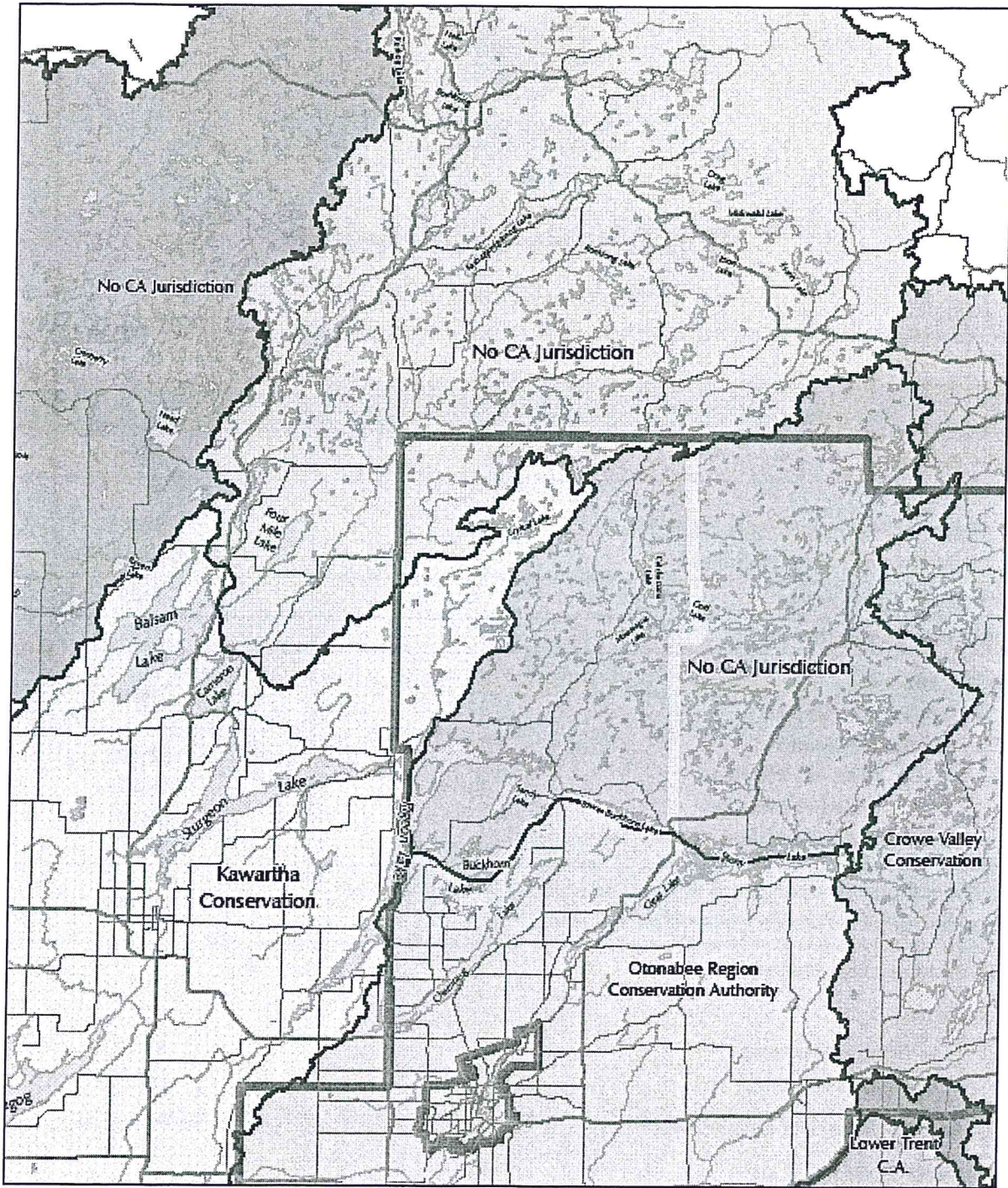





Karl Stevenson, Clerk
Municipality of Trent Lakes

Dated this 5th day of September, 2017

SCHEDULE "A"

(Map of Kawartha Conservation Watershed Boundary within Municipal Boundary)



-  C.A. Boundaries
-  County of Peterborough
-  Municipality of Trent Lakes



Produced by Kawartha Conservation under License
with the Ontario Ministry of Natural Resources.
© Queen's Printer for Ontario, 2015.



SCHEDULE "B"
(subject to periodical update)



**KAWARTHA
CONSERVATION**
Discover • Protect • Restore

Plan Review Fee Schedule

(Effective October 1, 2014)

Please be advised that the Plan Review Fee Schedule is to be read in conjunction with the Notes following the table.

Planning Application Type	Fee
Minor Variance	\$340
Severance:	
• Minor (Lot line adjustments/additions)	\$105
• Major (Lot creation, lot severance)	\$310/lot creation
Zoning By-Law Amendment	\$385
Official Plan Amendment	\$385
Site Plan Approval:	
• Single Lot Residential	\$410
• Multiple Residential	
o Minor (≤5 hectares)	\$2,580
o Major (>5 hectares)	\$5,150
• Commercial/Industrial/Institutional Development	\$5,150
Site Plan Amendments (red-line revisions will be evaluated on a case-by-case basis, fees negotiated accordingly based on staff time)	\$1,030
Subdivision or Condominium:	
• Draft Plan	
o Minor (≤5hectares)	\$5,150
o Major (>5 hectares)	\$10,300
• Clearance of Draft Plan Conditions Per Phase	\$1,540/hectare
• Reactivation Fee > 5 years	
o Minor (≤5hectares)	\$5,150
o Major (>5 hectares)	\$10,300
• Revision Fee (change to concept and/or layout)	\$310 PLUS \$1,030 per technical report

Golf Course	\$4,640
Driving Range	\$520
Aggregate Operation	\$2,580
Other Fees	
Proposal Review/Request for Information	
• Single Residential or Agricultural Development	\$205
• Multiple Residential/ Commercial/Industrial/Institutional Development	\$520
Real Estate Inquiry	\$205
Additional Site Visit	
• Applicant Driven Consultation	\$205
• Information Acquisition to Complete Application	\$410
Detailed Technical Review	
Review of Reports (not covered by initial planning fee)	
• Minor (single lot residential)	\$520
• Major (commercial/industrial/institutional/multiple residential)	\$1,030
Peer Review	Cost paid by applicant

Notes:

1. Consolidated Planning Act Applications: will be subject to only the higher of the application fees – not the aggregate – if submitted within 3 months, with the exception of Site Plan Approval application for a driving range, in which case a \$518 fee would apply PLUS Detailed Technical Review fee, as required.
2. Kawartha Region Conservation Authority (Kawartha Conservation) reserves the right to collect a fee for the review of technical reports/studies (i.e., Detailed Technical Review fee OR Peer Review fee listed above) if review costs exceed initial Planning fee.
3. For Clearance of Draft Plan Conditions, environmental or hazard lands are not included in determining the per hectare fee.
4. Clearance of Draft Plan Condition fees will be charged per phase upon request for clearance.
5. Three resubmissions of a technical report(s) are included in the initial Planning fee, after which a detailed technical review fee will be applied to each subsequent resubmission of the report(s).
6. Peer Review fees will be recovered when a report contains information that is beyond the scope of the Authority's in-house technical expertise (e.g., hydrogeological analysis) OR to come to a third-party resolution where there is a conflict.
7. Kawartha Conservation reserves the right to increase fees without notice to address year to year increases that may occur from inflationary increases in operating costs.

