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PARTNERSHIP MEMORANDUM FOR PLANNING SERVICES BETWEEN THE REGIONAL MUNICIPALITY OF YORK AND THE CONSERVATION AUTHORITIES

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report dated July 17, 2009, from the Commissioner of Planning and Development Services.

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council approve the revised Partnership Memorandum between the Region and the Toronto and Region Conservation Authority and the Lake Simcoe Region Conservation Authority (the “Conservation Authorities”), referred to as *Attachment 1*.
2. The Regional Chairman and the Regional Clerk be authorized to execute the revised Partnership Memorandum, substantially in accordance with Attachment 1, subject to the approval of Legal Services as to form and content.
3. Staff continue to monitor the Partnership Memorandum, work with our partners at the Conservation Authorities, and report, as necessary, on future substantive changes.

2. PURPOSE

The purpose of this report is to reaffirm the Partnership Memorandum for planning services, between the Regional Municipality of York (the Region) and the Conservation Authorities, originally enacted in 2000.

3. BACKGROUND

Toronto and Region Conservation Authority and Lake Simcoe Region Conservation Authority provide the Region with plans review and technical environmental expertise

Until the mid 1990’s, the Provincial Ministries reviewed and commented on all development applications concerning a proposal’s conformity to the Provincial Policy Statements (PPS), which included natural heritage and natural hazard policies. Provincial Plans Review responsibility was transferred to the Regions and has been the responsibility of Regional governments since that time.

To respond to the transfer of Provincial Plans Review responsibilities, within York Region, in 2000 the Region and the Conservation Authorities formalized the Plans Review process through a Partnership Memorandum for Planning Services.

The Partnership Memorandum has been an effective tool in clarifying roles and responsibilities, and providing the Region with environmental expertise for plans review

The Partnership Memorandum establishes the parameters of the plans review and technical clearance expertise, regarding natural features and functions, which the Conservation Authorities provide the Region. The Conservation Authorities taking on the role as an environmental commenting agency on behalf of the Region is a best practice that has been working well, offering a full range of technical and professional expertise required to assess environmental issues for review of development applications. This expertise assists the Region when making decisions on planning applications, where the Region is the approval authority or a commenting agency.

Plans Review falls within the 'operating levy' portion of the Conservation Authorities' budgets

The plans review service, as articulated in this Partnership Memorandum, falls within the 'operating levy' portion of the CAs budgets. Conservation Authorities submit annual operating and capital budget requests to the Region as part of the Regional budget process. These requests are reviewed and evaluated by staff from Environmental Services, Transportation, Planning and Finance prior to the final allocation being determined for inclusion in the overall Regional budget. No additional costs, beyond the operating budget amounts will be incurred by the Region for the plans review service provided by the Conservation Authorities, and there is the continuing benefit to the Region, the Conservation Authorities, area municipalities, and the general public of the efficiencies of one agency providing this service through an arrangement such as the Partnership Memorandum.

TRCA also has an agreement for plans review and technical clearance with the Town of Markham

Similar to this Partnership Memorandum, TRCA has an agreement for plans review and technical clearance with the Town of Markham. The agreement solidifies the planning process already in place through the *Planning Act* and the *Conservation Authority Act*. Similar to the Region's Partnership Memorandum, the Town's agreement does not include any additional monetary compensation, but simply clarifies roles and responsibilities.

4. ANALYSIS AND OPTIONS

The 2000 Partnership Memorandum between the Region and the Conservation Authorities has been updated to reflect the revised PPS and includes many new Provincial Plans and Acts that have come into effect

The existing Partnership Memorandum, 2000, identifies the need to review and amend the Memorandum, on a periodic basis, to reflect changes in the programs of the parties or as a result of Provincial policies. The purpose of the original Memorandum was for the Region to receive plans review and technical expertise from the Conservation Authorities (CAs), for development applications, in accordance with the 1997 Provincial Policy Statements (PPS), related to natural heritage and natural hazard policies. The purpose has not changed and there have not been substantive changes to the Memorandum. The Memorandum continues to be an effective tool in clarifying roles and responsibilities.

Since 2000, the PPS has been revised and many new Provincial Plans and Acts with environmental focuses have come into effect, which the Region receives technical expertise from the CAs. For example, the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan and the Clean Water Act, just to name a few.

In partnership with Regional and Conservation Authority staff, a revised Partnership Memorandum has been prepared (refer to *Attachment 1*) which maintains the principles established through the original Memorandum and provides updates which include:

- the Region's vision towards sustainability
- the various Provincial Plans and Acts that have come into effect since 2000
- an education component for Region and CA staff
- confirmation of roles and responsibilities.

A brief description of the changes to the Memorandum is provided at the beginning of each Section of the Memorandum (these descriptors will not be included as part of the final executed Memorandum).

Overall, the revised Partnership Memorandum speaks to and reaffirms the positive working relationship between the Region and the CAs with respect to the responsibilities of the Memorandum.

The Region will continue to monitor the Partnership Memorandum and report, as necessary, on substantive changes

The Partnership Memorandum is being revised to reflect the new Provincial Plans and Acts that have come into force since the execution of the original Memorandum. The Region will continue to monitor the Partnership Memorandum and report, as necessary, on any changes in programs of the parties or as a result of changes to Provincial policies

that impact environmental issues. Minor housekeeping amendments, not substantive in nature, can be managed at a staff level.

Conservation Authorities anticipate executing the Partnership Memorandum by the Fall of 2009

Concurrent to this report, the CAs are proceeding to obtain authority to execute this Partnership Memorandum. Subject to this report being approved by Regional Council, it is anticipated that the Region and the CAs will be in a position to formally execute this Memorandum in the Fall of 2009. There has been extensive consultation with the CAs, and appropriate Regional staff, leading up to these revisions.

Relationship to Vision 2026

Vision 2026: Towards a Sustainable Region, the Strategic Plan of York 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.

5. FINANCIAL IMPLICATIONS

Under this Partnership Memorandum, the Conservation Authorities provide the Region with plans review and technical expertise on environmental features and functions, which is captured within the CAs budget under 'operating levy'. No additional costs, beyond the operating budget amounts will be incurred by the Region for the plans review service provided by the Conservation Authorities, and there continues to be significant efficiencies gained by the Region with respect to the Partnership Memorandum in environmental resources and expertise.

6. LOCAL MUNICIPAL IMPACT

This report does not have any direct financial impacts to the local municipalities.

On development applications where the Region is a commenting agency, the Partnership Memorandum ensures continued expert review and comment is provided to our area municipalities on plans review and technical clearance.

7. CONCLUSION

The existing service arrangement set out in the Partnership Memorandum between the Region and the Conservation Authorities continues to work well. Conservation Authorities are best positioned to provide environmental review services in an effective

and efficient manner. The revised Partnership Memorandum reaffirms the parameters of the plans review and technical clearance expertise which the Conservation Authorities will continue to provide the Region. The revisions add clarity to the roles and responsibilities of Regional and Conservation Authority staff and identify the various Provincial Plans and Acts that have come into effect since 2000, which affect the partnership between the Region and the CAs.

For more information on this report, please contact Maria Leonis, Planner at (905) 830-4444, Ext.1568 or Heather Konefat, Director of Community Planning at Ext. 1502.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report).

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 (New section has been added to the original Memorandum, highlighting the Region's vision towards sustainability)

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 (The original Memorandum has been reworded to provide greater clarity of 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: (The original Memorandum responded to the transfer of Provincial Plan Review responsibilities. This Section is updated to clarify the relationship between the Region and the CAs with regards to the Memorandum undertakings)

- 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 exists.

4. STATEMENT OF PRINCIPLES (New section has been added to the original Memorandum, to highlight the Conservation Authorities mandate. This Section is also updated to reference the revised PPS and new Provincial Plans and Acts that have come into effect since 2000)

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 original Memorandum has been updated to include reference to the York Region Official Plan, and a specific list of features/functions has been deleted from the original Memorandum, and replaced by Natural Heritage and Hazard provisions that collectively include all regulated features/functions, in accordance with the revised PPS.)

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 original Memorandum has been updated to delete a redundant fee process, that has been streamlined overtime for administration by the CAs)

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 day of September, 2009.

Authorized by Clause
_____ of Report _____
of the Regional Planning
and Economic
Development Committee,
and Adopted by Regional
Council at its meeting held
on _____, ___, 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