

**MEMORANDUM OF UNDERSTANDING FOR PLAN REVIEW SERVICES BETWEEN:
The Corporation of the City of Brantford (herein referred to as the "City")
AND
The Grand River Conservation Authority (herein referred to as the "GRCA")**

Preamble

WHEREAS in 1996 municipalities were delegated Municipal Plan Review responsibility by the Province of Ontario.

AND WHEREAS a Memorandum was entered into in 1996 between the City of Brantford and the Grand River Conservation Authority to coordinate responsibilities with respect to natural heritage and hazard land protection.

AND WHEREAS in 2001, Conservation Ontario on behalf of all Conservation Authorities entered into a Memorandum of Understanding with the Province of Ontario to provide technical comments to the Upper and Lower Tier Municipalities with respect to Natural Hazards as outlined in the Provincial Policy Statement.

AND WHEREAS this Memorandum of Understanding is an update to the 1996 agreement and a reflection of the 2001 Memorandum of Understanding with the Province.

1. Purpose

The purpose of this Memorandum of Understanding is to supersede and replace the August 27, 1996 Memorandum of Agreement between the City and the GRCA for the provision of specified plan review and technical clearance services to the City.

2. Roles and Responsibilities

- a The City and the GRCA mutually agree that:
 - I. the GRCA has the expertise to provide the plan review and technical clearance services to the City identified in this Memorandum of Understanding and that the City is relying on said expertise. The parties acknowledge that the City remains the approval authority for those planning applications for which the City is so designated by statute and which authority has not been otherwise delegated by the City;
 - II. nothing in this Memorandum of Understanding preclude, the GRCA from commenting to the City from a GRCA perspective, as it normally would on an application circulated by the City under the Planning Act;

- III. a protocol has been developed, included as Schedule 3, whereby the City will prescreen applications in order to further streamline the review process;
- IV. the City and the GRCA will continue to engage in information/data sharing opportunities and responsibilities where permitted by law;
- V. this Memorandum of Understanding may be amended by mutual agreement of the parties, in writing, from time to time to reflect changes in the programs of parties to this Memorandum of Understanding, or as a result of changes in provincial policies, or as a result of subsequent discussions between the parties hereto; and,
- VI. any party to this Memorandum of Understanding may terminate this agreement, as it pertains to its involvement, at any time, in writing to the other parties to the agreement, with a minimum of 120 calendar days' notice.

3. The City commits to:

- I. circulate to the GRCA those applications listed in Schedule 1 for comment as per the items in Schedule 2 and in accordance with a prescreening protocol included as Schedule 3;
- II. transfer appropriate policy statement, guidelines, manuals, maps, information, data and criteria from the City to the GRCA, and transfer said material to the GRCA as it is received from the Province of Ontario, or make arrangements to have said material transferred directly from the Province to the GRCA;
111. notify the applicant of the fee structure for the relevant application established by the GRCA at the time an application is accepted. Where possible, the City will attach the required GRCA fee with the circulated request for comments;
- IV. retain consultants other than the GRCA to provide the plan review and technical clearance services identified in this Memorandum of Understanding, when, in the opinion of the City and where applicable, utilizing the GRCA as specified in this Memorandum of Understanding could result in a conflict of interest for the GRCA or where otherwise determined by the City that it would be in the best interest of the planning process.

4. The GRCA commits to:

- I. provide the City with those services listed in Schedule 2 at no cost to the City, on a fee for service basis to the applicant;
- II. provide its comments to the City on receipt of an application from the City or request an extension with reasons, for applications identified on Schedule 1 and within the specified City review timeframe, unless an alternative timeframe is agreed upon
- iii. comment on whether the application complies with the Provincially approved City of Brantford Official Plan in the plan review services ii provides the City
- IV. participate in pre-consultation meetings for potential planning applications upon the request of the City;
- V. consider all relevant guidelines in the plan review and technical clearance services it provides the City;

- IV. not disseminate any data, maps, information or other documents either received directly from the City or identified as "City data" by the City, except as otherwise licensed or agreed upon by the licensing party/owner of the data;
- V. make provision for staff to attend Ontario Municipal Board (OMB) hearings, upon the request of the City, with respect to plan review and technical clearance services provided pursuant to this Memorandum of Understanding. The City will provide legal representation at the OMB hearing at the cost of the City. Should the GRCA attend the hearing for matters outside this Memorandum of Understanding, the GRCA will be responsible for retaining and paying for their own legal representation.

5. TIMEFRAME FOR IMPLEMENTATION


This Memorandum of Understanding will take effect on July 24, 2017

The parties have duly executed this Memorandum of Understanding.

DATED this 24 day of July, 2017.

THE CORPORATION OF THE CITY OF BRANTFORD

Per,




MAYOR, Acting



CLERK

THE GRAND RIVER CONSERVATION AUTHORITY

Per,



C.A.O.

SCHEDULE 1

CIRCULATION STATUS BY APPLICATION TYPE AND DEFINITIONS

1. The City will circulate all applications for Subdivision and Condominium to the GRCA.
2. The City will circulate the following types of development/planning applications to the GRCA for comment as per the items in Schedule 2 and in accordance with a prescreening protocol included in Schedule 3:
 - I. Consents;
 - II. Official Plan Amendments;
 - III. Zoning By-Law Amendments;
 - IV. Minor Variances; and
 - V. Site Plans.

SCHEDULE 2

REVIEW FUNCTION RE RESPONSIBILITIES

Features/ Functions	Review Agencies	
	City	GRCA
Significant Wildlife Habitat (1)	Lead Plan Review Technical Review	Plan Review
Threatened/Endangered Species (1)	Lead Plan Review Technical Review	Plan Review
ANSI {1}	Lead Plan Review Technical Review	Plan Review
Environmental Sensitive Area {ESA}	Lead Plan Review Lead Technical Review	No Interest
Significant Woodlands	Lead Plan Review Lead Technical Review	Plan Review Technical Review
Significant Valleylands	Lead Plan Review Lead Technical Review	Plan Review Technical Review
Natural Heritage Systems (non-Greenbelt Plan)	Lead Plan Review Lead Technical Review	Plan Review Technical Review
Water (as it relates to Municipal Supply and Infrastructure)	Lead Plan Review Lead Technical Review	No Interest
Water (as it relates to Natural Heritage features and ecosystem needs)	No Interest	Lead Plan Review Lead Technical Review
Wetlands	Plan Review	Lead Plan Review Lead Technical Review
Fish Habitat {3}	Lead Plan Review Lead Technical Review	Plan Review Technical Review
Flooding Hazards	No Interest	Lead Plan Review Lead Technical Review
Steep Slopes and Erosion	No Interest	Lead Plan Review Lead Technical Review

Features/ Functions	Review Agencies	
	City	GRCA
Hazards	No Interest	No Interest
Stormwater Management (4) (as it relates to Natural Heritage and Natural Hazards)	Plan Review	Lead Plan Review Lead Technical Review
Stormwater Management (3) (as it relates to aesthetics, operations and outlet)	Lead Plan Review Lead Technical Review	Plan Review
Hazardous Sites (4)	No Interest	Lead Plan Review Lead Technical Review

If a review agency has a review role, they provide comments and have an interest

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

"Plan Review" - includes screening application to determine potential impacts, need for technical reports and mitigation measures, assist in development of terms of reference, specifying conditions of approval.

"Technical Review" - includes assessing technical reports submitted by the proponents' consultants in terms of applicable guidelines and standards.

Notes:

1. The Ministry of Natural Resources and Forestry is responsible for the implementation of the Endangered Species Act and for the mapping and designation of ANSI and Significant Wildlife Habitat. However the City has a responsibility for the protection of these areas under the Provincial Policy Statement.
2. Review of Fish Habitat is provided in consideration of the Provincial Policy Statement and does not provide clearance on the required statutes or legislation from either the Ministry of Natural Resources and Forestry or Fisheries and Oceans Canada.
3. Stormwater Management is a shared responsibility between the City and the GRCA. The City is responsible for aesthetics, engineering design, legal outlet and location. The GRCA is responsible for the review of function and potential impacts on Natural Heritage and Natural Hazards.
4. Hazardous sites mean property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (organic soils), or unstable bedrock (karst topography). Human-made hazards are not subject to this agreement.

SCHEDULE 3

SCREENING PROTOCOL

PRESCREENING CRITERIA GRAND RIVER CONSERVATION WATERSHED

Process

When a landowner discusses or submits a Planning Act application, municipal staff will review Official Plan Schedules and Ontario Regulation 150/06 mapping to determine whether the lands are within an area of interest to the GRCA. If the site or land holdings are within an area of interest to the GRCA, or are subject to a Condominium or Subdivision application, the municipal staff will advise the applicant of the appropriate fee for submission with the application (cheque to be made out to 'Grand River Conservation Authority').

For further information or any questions regarding this protocol, please contact the GRCA, Resource Planning Section at (519) 621-2763 ext. 2230.

The following questions are to be applied to all applications identified in Schedule 2. For consent applications, please apply the questions to both the severed and retained parcels. If the answer to any of the following questions is "**YES**", the City staff will circulate the application to the GRCA for review.

City of Brantford Official Plan

1. Are there lands on the property that are identified in the Official Plan as "Environmental Areas", "Wetland Areas", "Floodplain", "Floodplain Breach Zone" or "Steep Slope Erosion Hazard"?
Yes
No
2. Is there a watercourse (creek, stream and/or river) *and/or* river valley slope on the property, or is the property located within 30 metres (100 feet) of the top of the bank of a slope?
Yes
No
3. Does the stormwater from the site outlet directly to a wetland, a watercourse or a valley slope?
Yes
No
4. Is the property located within the Regulated Area shown on the mapping for Reg. 150/06?
Yes
No
5. Is the proposal within 15 metres (50 feet) of a watercourse?
Yes
No

1. If the application is not located in or adjacent to these features there is no need for the GRCA to be circulated. The City may, at its discretion, circulate the application to the GRCA should the City determine GRCA review would be beneficial. A fee will be required from the applicant when comments are requested.
2. Subsequent Planning Act applications that have been reviewed in the previous 2 years and are the same as previously approved do not need to be circulated.
3. Minor variances not related to natural hazard/natural heritage do not need to be circulated.
4. Planning Act Applications to implement a valid GRCA permit do not need to be circulated as the permit may be accepted as GRCA comments on the acceptability of the proposal. The City may request additional comments at their discretion. A fee will be required from the applicant when comments are requested.