

**MEMORANDUM OF UNDERSTANDING FOR PLAN REVIEW SERVICES
BETWEEN**

THE REGIONAL MUNICIPALITY OF WATERLOO

(Herein referred to as the "Region") and

THE GRAND RIVER CONSERVATION AUTHORITY,

(Herein referred to as the GRCA)

Preamble

In 1996 municipalities were delegated Municipal Plan Review responsibility by the Province of Ontario. A Memorandum was entered into in 1996 between the Region and the GRCA to coordinate responsibilities with respect to plan and technical review for natural heritage, water and hazard land protection. 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 Natural Hazards as outlined in the Provincial Policy Statement. This agreement is an update to the 1996 agreement and a reflection of the 2001 Memorandum of Understanding with the Province.

In addition to the Provincial Policy Statement, other provincial plans such as the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan include policies related to the natural environment. Since the planning policy and regulatory systems have become more complex, with changing legislation, more Provincial Plans and changes to conservation authority regulated areas, it is important that a new arrangement is in place to assist the parties in managing growth and change while protecting the environment. Through this updated agreement it is important that the relationships between the parties, and the roles and responsibilities in implementing the planning and regulatory framework are seamless, integrated and well-understood.

1. Purpose

The purpose of this Memorandum of Understanding (MOU) is to assist the Region in making planning decisions on planning documents and site-specific planning applications as they relate to the features and functions identified through the attached Schedule 1.

2. Goals

The goals of the partnership between the Region and the GRCA are:

- to effectively address issues of provincial interest in the decision-making process on planning applications and planning documents for which the Region prepares, is the approval authority, or otherwise comments on;
- to provide advice to ensure the implementation of Regional Official Plan policies;
- to share information which would assist and expedite decision-making;
- to ensure that each step of the process implementing the Plan Review function is complementary, adds value to the decision-making process and does not result in duplication;
- to provide comments on Natural Hazards and select Water and Natural Heritage features and functions identified in this agreement; and
- to coordinate, where appropriate, comments of Conservation Authority Act regulation implications to the Planning Act review process.

3. Implementation

As prescribed by the Planning Act, the Region will circulate the following types of planning applications to the GRCA, unless authority has been delegated to Area Municipalities:

- Official Plan Amendments;
 - Zoning By-law Amendments;
 - Subdivisions; Condominiums;
 - Consents;
 - Minor Variances where deemed necessary by the Region; and,
 - Site Plans where deemed necessary by the Region.
- a) The Region agrees to make arrangements for circulation of applications listed above to the GRCA and the GRCA agrees to provide comments respective of the items listed on Schedule 1.
 - b) The GRCA agrees to provide comments to the Region at no additional cost to the Region . The GRCA may set fees for recovering review costs that would be the responsibility of the applicant. The Region agrees to advise applicants of the applicable fee schedule for development applications.
 - c) The Region agrees to make other arrangements to provide the plan review and technical clearance services identified in the MOU where, in the opinion of the Region or the GRCA, utilizing services as specified in this agreement could result in a conflict of interest.
 - d) Where planning matters have been appealed to the Local Planning Appeal Tribunal (LPAT), or Environmental Tribunal, the GRCA will act as a witness for the Region. at no extra cost, on those matters the GRCA has provided technical or advisory comments to the Region. While representing the Region's interests, the Region will provide legal representation for the GRCA at the cost of the Region. Notwithstanding this clause, GRCA may independently appeal a planning decision to the LPAT and may participate in hearings to address their responsibilities, interests and mandates outside of this agreement. Where the GRCA is not representing the Region's interests, independent legal counsel would be the responsibility of the GRCA.
 - e) Notwithstanding the specific details listed under Schedule 1, this agreement may be updated and revised from time to time subject to changes in legislation and/or policy.
 - f) Notwithstanding the items listed under Schedule 1, changes in the "Lead" review agency may occur, from time to time, based on updated information, comprehensive studies, or legislative updates (e.g. subwatershed plans, secondary plans, community plans, Significant Valleylands delineation, Significant Wildlife Habitat delineation, etc.). Any changes in the "Lead" agency shall require consensus between signatories.
 - g) The Region and the GRCA may seek additional technical expertise from third parties as required (e.g. peer review of an Environmental Impact Study, Hydrogeological Report, Fluvial Geomorphology Study, etc.), the cost of which would be at the expense of the applicant.
 - h) This MOU may be terminated by providing six month written notice by either the Region or the GRCA.
 - i) The Region agrees to circulate decisions which have Conditions of Approval that reference the GRCA.
 - j) Notwithstanding provision e) it is recommended that each party review the MOU every 5 years from the date of implementation to ensure that the schedule and provisions of the MOU continue to reflect roles and

responsibilities. Modification to the schedule and provisions of the MOU shall require consensus between signatories.

- k) Each Party will use its best efforts to take all actions and to do all things necessary, proper, or advisable to accomplish, make effective, and comply with all of the terms of this Agreement.

4. Time Frame for Implementation

This Memorandum of Agreement will take effect on 10th day of September 2019.

The parties have duly executed this Memorandum of Agreement under the hands of their authorized Officers.

The Regional Municipality of Waterloo

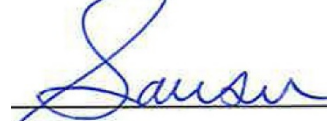


Rod Regier, Commissioner of Planning Development and Legislative Services

Date

Gran

servation Authority



Samantha Lawson, Chief Administrative Officer

Oct 1, 2019

Date

Schedule 1 - Review Function Responsibilities

Features/Functions	Review Agencies			
	Region of Waterloo		GRCA	
	Plan Review	Technical Review	Plan Review	Technical Review
Significant Wildlife Habitat	X (Lead)	X	X	
Threatened/Endangered Species (3)	X (Lead)	X	X	
Area of Natural and Scientific Interest (3)	X (Lead)	X		
Environmentally Sensitive Landscape and Environmentally Sensitive Policy Area	X (Lead)	X (Lead)		
Significant Woodlands	X (Lead)	X (Lead)		
Significant Valleylands	X (Lead)	X (Lead)		
Natural Heritage Systems	X (Lead)	X (Lead)	X	X
Wetlands	X	X	X (Lead)	X (Lead)
Fish Habitat (4)	X (Lead)		X	
Flood Hazards			X (Lead)	X (Lead)
Erosion Hazards			X (Lead)	X (Lead)
Watershed and Subwatershed Studies/Plans	X	X	X (Lead)	X (Lead)
Water (5) (as it relates to Municipal Water Supply, wastewater and conservation)	X(Lead)	X(Lead)		
Water (5) (as it relates to Natural features)	X		X(Lead)	X(Lead)
Stormwater Management (6) (as it relates to Natural Heritage and Natural Hazards)	X	X	X(Lead)	X(Lead)
Stormwater Management (6) (as it relates to location, outlet and engineering design)			X	
Hazardous Sites (7)			X(Lead)	X(Lead)
Conservation Authority Regulated Areas			X(Lead)	X(Lead)

X - Indicates comments may be provided and that the party has an interest

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

Notes:

1. **Plan Review** - may or may not include the following: screening applications to advise on presence/absence of features and/or species based on available information; advising on the need for technical studies; reviewing terms of reference for technical studies; and advising on the nature and extent of mitigation measures required.
2. **Technical Review** - includes assessing technical reports submitted by the proponents' consultants in terms of applicable and most recent technical guidelines and standards and the approved terms of reference; specifying modifications or additional technical studies required and conditions of acceptance; validating the technical methods used to determine potential

environmental impacts; assessing potential environmental impacts; reviewing the nature and extent of mitigation measures required; recommending modifications to or acceptance of the technical report; and recommending modifications or conditions of approval.

3. The Province is responsible for the implementation of the Endangered Species Act and for the mapping and designation of Areas of Natural and Scientific Interest (ANSI). However, the Region has a responsibility for the protection of these areas under the Provincial Policy Statement.
4. 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 Province or the Government of Canada.
5. Water is a shared responsibility under the PPS and other Provincial Plans. The Region is primarily responsible for the quality and quantity of water related to human consumption (e.g. municipal drinking water systems, source water protection, wastewater, and water conservation). The GRCA is primarily responsible for the quantity of water related to natural features and areas (e.g. key hydrologic features and functions of wetlands and watercourses).
6. Stormwater Management is a shared responsibility. The Area Municipality is responsible for location, aesthetics, legal outlet and engineering design. The Region and GRCA would be responsible for the review of potential impacts on Natural Heritage and/or Natural Hazards.
7. 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).