

**Planning & Development  
Administrative Procedural Manual**



**Appendix A**

**Memorandum of Understanding (MOU) between  
Conservation Ontario and Province of Ontario:  
Conservation Authority Delegated Responsibility**

## **Appendix 1: CO/MNR/MMAH – DELEGATED RESPONSIBILITIES MOU**

### **CONSERVATION ONTARIO, MINISTRY OF NATURAL RESOURCES & MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING**

#### **MEMORANDUM OF UNDERSTANDING ON PROCEDURES TO ADDRESS CONSERVATION AUTHORITY DELEGATED RESPONSIBILITY**

#### **PURPOSE OF THE MOU**

The MOU defines the roles and relationships between Conservation Authorities (CAs), the Ministry of Natural Resources (MNR), and the Ministry of Municipal Affairs and Housing (MMAH) in planning for implementation of CA delegated responsibilities under the Provincial One Window Planning System.

#### **BENEFITS TO SIGNATORY PARTIES**

It is beneficial for all parties to enter into this agreement because it clarifies the roles of CAs and the unique status of CAs in relationship to the Provincial One Window Planning System.

#### **DELEGATED RESPONSIBILITY FOR NATURAL HAZARDS**

CAs were delegated natural hazard responsibilities by the Minister of Natural Resources. A copy of the delegation letter is attached. This letter (dated April 1995) went to all CAs and summarizes delegations from the MNR including flood plain management, hazardous slopes, Great Lakes shorelines, unstable soils and erosion which are now encompassed by Section 3.1 “Natural Hazards” of the Provincial Policy Statement (1997). In this delegated role, the CA is responsible for representing the “Provincial Interest” on these matters in planning exercises where the Province is not involved.

This role does not extend to other portions of the PPS unless specifically delegated or assigned in writing by the Province.

#### **ROLES AND RESPONSIBILITIES**

##### **Ministry of Natural Resources**

- a) MNR retains the provincial responsibility for the development of flood, erosion and hazard land management policies, programs and standards on behalf of the province pursuant to the *Ministry of Natural Resources Act*.
- b) Where no conservation authorities exist, MNR provides technical support to the

Ministry of Municipal Affairs and Housing on matters related to Section 3.1 of the Provincial Policy Statement in accordance with the “Protocol Framework – One Window Plan Input, Review and Appeals”.

- c) MNR, in conjunction with MMAH, co-ordinates the provincial review of applications for Special Policy Area approval under Section 3.1 of the PPS.

### **Ministry of Municipal Affairs and Housing**

- a) MMAH coordinates provincial input, review and approval of policy documents, and development proposals and appeals to the Ontario Municipal Board in accordance with the “Protocol Framework One Window Plan Input Review and Appeals”.
- b) Where appropriate, MMAH will consult conservation authorities as part of its review of policy documents and development proposals to seek input on whether there was “regard to” Section 3.1 of the PPS.
- c) Where there may be a potential conflict regarding a Conservation Authority’s comments on a planning application with respect to Section 3.1 of the PPS and comments from provincial ministries regarding other Sections of the PPS, the Ministry of Municipal Affairs and Housing will facilitate discussions amongst the affected ministries and the Conservation Authority so that a single integrated position can be reached.
- d) Where appropriate, MMAH will initiate or support appeals to the OMB on planning matters where there is an issue as to whether there was “regard to” Section 3.1 of the PPS.
- e) MMAH, in conjunction with MNR, coordinates the provincial review of application for Special Policy Area approval under Section 3.1 of the PPS.

### **Conservation Authorities (CAs)**

- a) The CAs will review policy documents and development proposals processed under the *Planning Act* to ensure that the application has appropriate regard to Section 3.1 of the PPS.
- b) Upon request from MMAH, CAs will provide comments directly to MMAH on planning matters related to Section 3.1 of the PPS as part of the provincial one window review process.
- c) Where there may be a potential conflict regarding a Conservation Authority’s comments on a planning application with respect to Section 3.1 of the PPS and comments from provincial ministries regarding other Sections of the PPS, the Ministry of Municipal Affairs and Housing will facilitate discussions amongst the

affected ministries and the Conservation Authority so that a single integrated position can be reached.

- d) CAs will apprise MMAH of planning matters where there is an issue as to whether there has been “regard to” Section 3.1 of the PPS to determine whether or not direct involvement by the province is required.
- e) Where appropriate, CAs will initiate an appeal to the OMB to address planning matters where there is an issue as to whether there has been “regard to” Section 3.1 of the PPS is at issue. CAs may request MMAH to support the appeal.
- f) CAs will participate in provincial review of applications for Special Policy Area approval.
- g) CAs will work with MMAH, to develop screening and streamlining procedures that eliminate unnecessary delays and duplication of effort.

## **FURTHER CA ROLES IN PLAN INPUT, PLAN REVIEW AND APPEALS**

CAs also undertake further roles in planning under which they may provide plan input or plan review comments or make appeals.

### **1. Watershed Based Resource Management Agency**

CAs are corporate bodies created by the province at the request of two or more municipalities in accordance with the requirements of the *Conservation Authorities Act (CA Act)*. Section 20 of the *CA Act* provides the mandate for an Authority to offer a broad resources management program. Section 21 of the *CA Act* provides the mandate to have watershed-based resource management programs and/or policies that are approved by the Board of Directors.

CAs operating under the authority of the *CA Act*, and in conjunction with municipalities, develop business plans, watershed plans and natural resource management plans within their jurisdictions (watersheds). These plans may recommend specific approaches to land use and resource planning and management that should be incorporated into municipal planning documents and related development applications in order to be implemented. CAs may become involved in the review of municipal planning documents (e.g., Official Plans (OPs), zoning by-laws) and development applications under the *Planning Act* to ensure that program interests developed and defined under Section 20 and 21 of the *CA Act* are addressed in land use decisions made by municipal planning authorities. In this role, the CA is responsible to represent its program and policy interests as a watershed based resource management agency.

### **2. Planning Advisory Service to Municipalities**

The provision of planning advisory services to municipalities is implemented through a service agreement with participating municipalities or as part of a CAs approved program activity (i.e., service provided through existing levy). Under a service agreement, a Board approved fee schedule is used and these fee schedules are coordinated between CAs that “share” a participating municipality. The “Policies and Procedures for the Charging of CA Fees” (MNR, June 13, 1997) identifies “plan review” activities as being eligible for charging CA administrative fees.

The CA is essentially set up as a technical advisor to municipalities. The agreements cover the Authority’s areas of technical expertise, e.g., natural hazards and other resource management programs. The provision of planning advisory services for the review of *Planning Act* applications is a means of implementing a comprehensive resource management program on a watershed basis.

In this role, the CA is responsible to provide advice on the interpretation of the Provincial Policy Statement (PPS) under the terms of its planning advisory service agreement with the municipality. Beyond those for Section 3.1 “Natural Hazards” where CAs have delegated responsibility, these comments should not be construed by any party as representing the provincial position.

### 3. CAs as Landowner

CAs are landowners and as such, may become involved in the planning process as a proponent or adjacent landowner. Planning Service Agreements with municipalities have anticipated that this may lead to a conflict with our advisory role and this is addressed by establishing a mechanism for either party to identify a conflict and implement an alternative review mechanism.

### 4. Regulatory Responsibilities

#### a) *CA Act* Regulations

In participating in the review of development applications under the *Planning Act*, CAs will (i) ensure that the applicant and municipal planning authority are aware of the Section 28 regulations and requirements under the *CA Act*, and, (ii) assist in the coordination of applications under the *Planning Act* and the *CA Act* to eliminate unnecessary delay or duplication in the process.

#### b) Other Delegated or Assigned Regulatory/Approval Responsibility

Federal and provincial ministries and municipalities often enter agreements to transfer regulatory/approval responsibilities to individual CAs (e.g., Section 35 Fisheries Act/DFO; Ontario Building Code/septic tank approvals). In carrying out these responsibilities and in participating in the review of development applications under the *Planning Act*, CAs will (i) ensure that the applicant and municipality are aware of the requirements under these other pieces of legislation and how they may affect the application; and, (ii) assist in the coordination of applications under the *Planning Act* and those other Acts to eliminate unnecessary delays or duplication in the process.

## **CANCELLATION OR REVIEW OF THE MOU**

The terms and conditions of this MOU can be cancelled within 90 days upon written notice from any of the signing parties. In any event, this document should be reviewed at least once every two years to assess its effectiveness, its relevance and its appropriateness in the context the needs of the affected parties. “Ed. Note: 90 days is to provide time for the parties to reach a resolution other than cancellation”.

**MEMORANDUM OF UNDERSTANDING ON PROCEDURES TO ADDRESS  
CONSERVATION AUTHORITY DELEGATED RESPONSIBILITY**

I hereby agree to support the provisions contained in this Memorandum of Understanding as an appropriate statement of the roles and responsibilities of relevant Ministries and Conservation Authorities in the implementation of the Provincial Policy Statement.

**Jan 19, 2001: Original signed by**

\_\_\_\_\_  
David de Launay  
Director  
Lands and Waters Branch  
Ministry of Natural Resources

\_\_\_\_\_  
Date

**Feb 12, 2001: Original signed by**

\_\_\_\_\_  
Audrey Bennett  
A/Director  
Provincial Planning and Environmental Services Branch  
Ministry of Municipal Affairs and Housing

\_\_\_\_\_  
Date

**Jan 01, 2001: Original signed by**

\_\_\_\_\_  
R.D. Hunter  
General Manager  
Conservation Ontario

\_\_\_\_\_  
Date



Ministry of  
Natural  
Resources

Minister

Ministère des  
Richesses  
naturelles

Ministre

Queen's Park  
Toronto, Ontario  
M7A 1W7  
416 / 314-2301

APR 19 1995

95-01252-MIN

Mr. Donald Hocking  
Chair  
Upper Thames River Conservation Authority  
R.R. #6  
London, Ontario  
N6A 4C1

Dear Mr. Hocking:

This letter is with regard to the responsibilities of Conservation Authorities in commenting on development proposals.

The Government of Ontario is continuing to move forward on reforms promoting greater local involvement in decision-making, streamlining of municipal planning and other approval processes, and improved environmental protection. Ontario's Conservation Authorities continue to be important partners in this process.

In 1983, Conservation Authorities were delegated commenting responsibility on flood plain management matters. This was followed in 1988 by a similar delegation of commenting responsibility for matters related to flooding, erosion, and dynamic beaches along the shorelines of the Great Lakes-St. Lawrence River system.

At present, the Ministry and Conservation Authorities continue to independently review and provide input to municipalities and the Ministry of Municipal Affairs on development matters related to riverine erosion, slope, and soil instability. Although Authorities and the Ministry share similar objectives, this overlap and duplication of efforts have occasionally led to differences in comments which, in turn, have sometimes resulted in confusion, delays and expense for development proponents. As part of the current Planning Reform initiative, there is an opportunity to clarify the roles and responsibilities related to these important hazard management issues.

- 2 -

Through their flood plain, watershed and Great Lakes-St. Lawrence River shoreline management planning initiatives, Conservation Authorities have made good progress in streamlining approval processes and strengthening provincial-municipal partnerships. By extension, I believe that it would be appropriate to recognize the well-developed expertise and capabilities of Conservation Authorities in the evaluation of riverine erosion, slope and soil instability matters and to formally confirm Conservation Authorities as the lead commenting agency. This would result in further streamlining of approval processes, the promotion of environmentally sound development, and the provision of an economic stimulus for the province.

As of March 29, 1995, Conservation Authorities, where they exist, will have sole commenting responsibilities on development proposed in areas subject to riverine erosion, slope instability and soil instability, such as in areas of high water tables, organic or peat soils, and leda, or sensitive marine clay, soils. Implementation of this policy by authorities would continue to be eligible for provincial grant. Where Conservation Authorities exist, I have asked Ministry staff to focus their comments on all other matters of direct interest and concern to the Ministry. Where Conservation Authorities do not exist, the Ministry will continue its commenting role on these matters.

The Ministry of Natural Resources will continue as lead administrative Ministry having overall Government responsibility for hazard management policies and programs. In this regard, the Ministry will continue to provide leadership, policy direction and advisory assistance to the Conservation Authorities.

Your continued participation in the delivery of this important component of the overall provincial hazard management program will serve to strengthen the partnership between the Ministry and the Conservation Authorities.

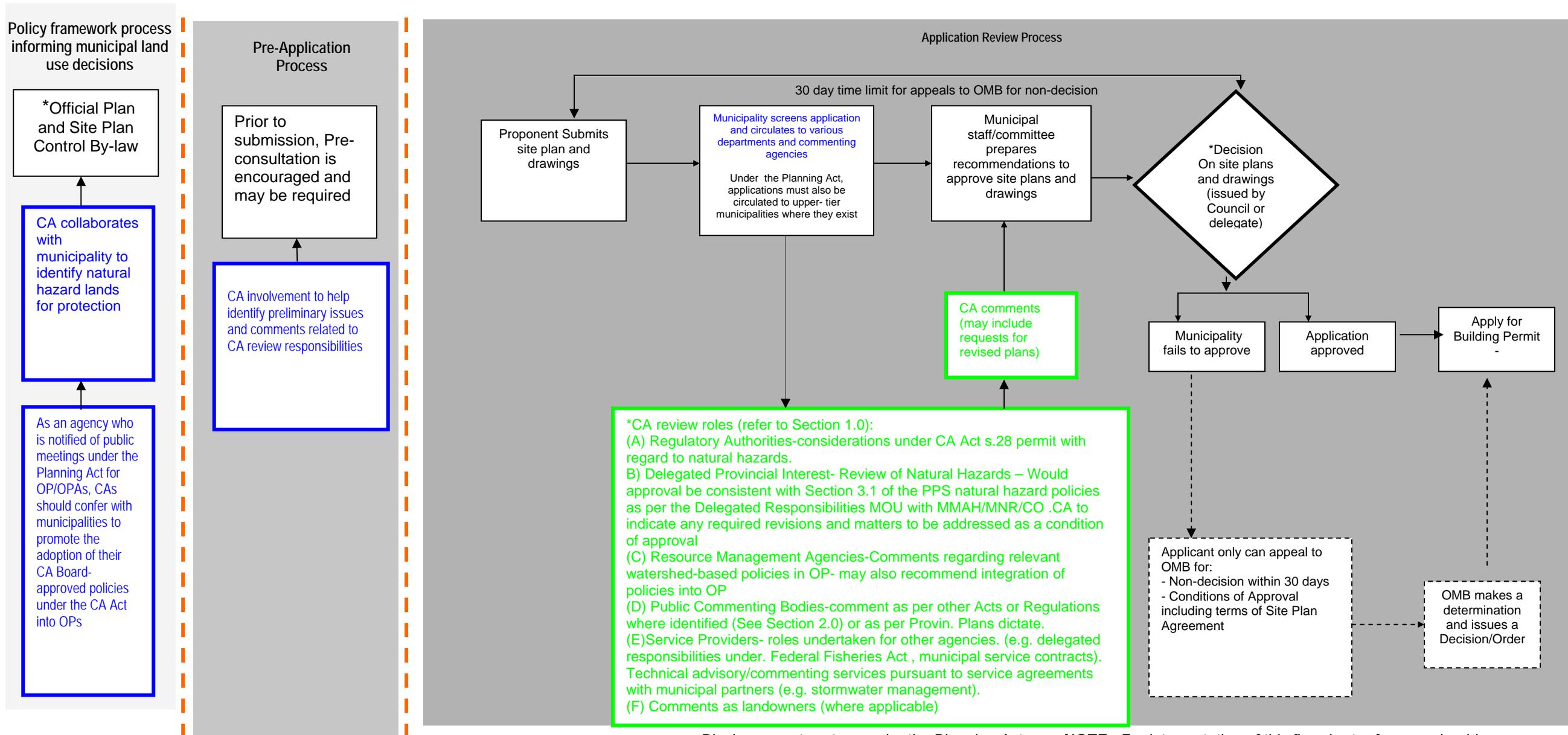
Yours sincerely,



Howard Hampton  
Minister

**Appendix 2: Schematics of Application processes under both the *Planning Act*  
and the *Conservation Authorities Act***

**Appendix 2(a): Municipal Planning process for Site Plan Control with CA Review in a non- CA regulated area (i.e. Section 28 does not apply)**



\*OPs are required to be consistent with the PPS and conform to or not conflict with applicable provincial plans. Note: Not all OPs have been updated to reflect the PPS 2005 and provincial plans, yet advice and decisions on planning matters must be consistent with the PPS and conform to applicable provincial plans.

Black - current system under the Planning Act  
 Green highlight – current CA role/input  
 Blue highlight – proposed best practices

**NOTE:** For interpretation of this flowchart reference should be made to the full Policies and Procedures chapter

## Appendix 2(b): Municipal Planning Application Process for Plan of Subdivision with CA Review and Requirement for CA Permit(s) (i.e. within a CA Regulated Area)

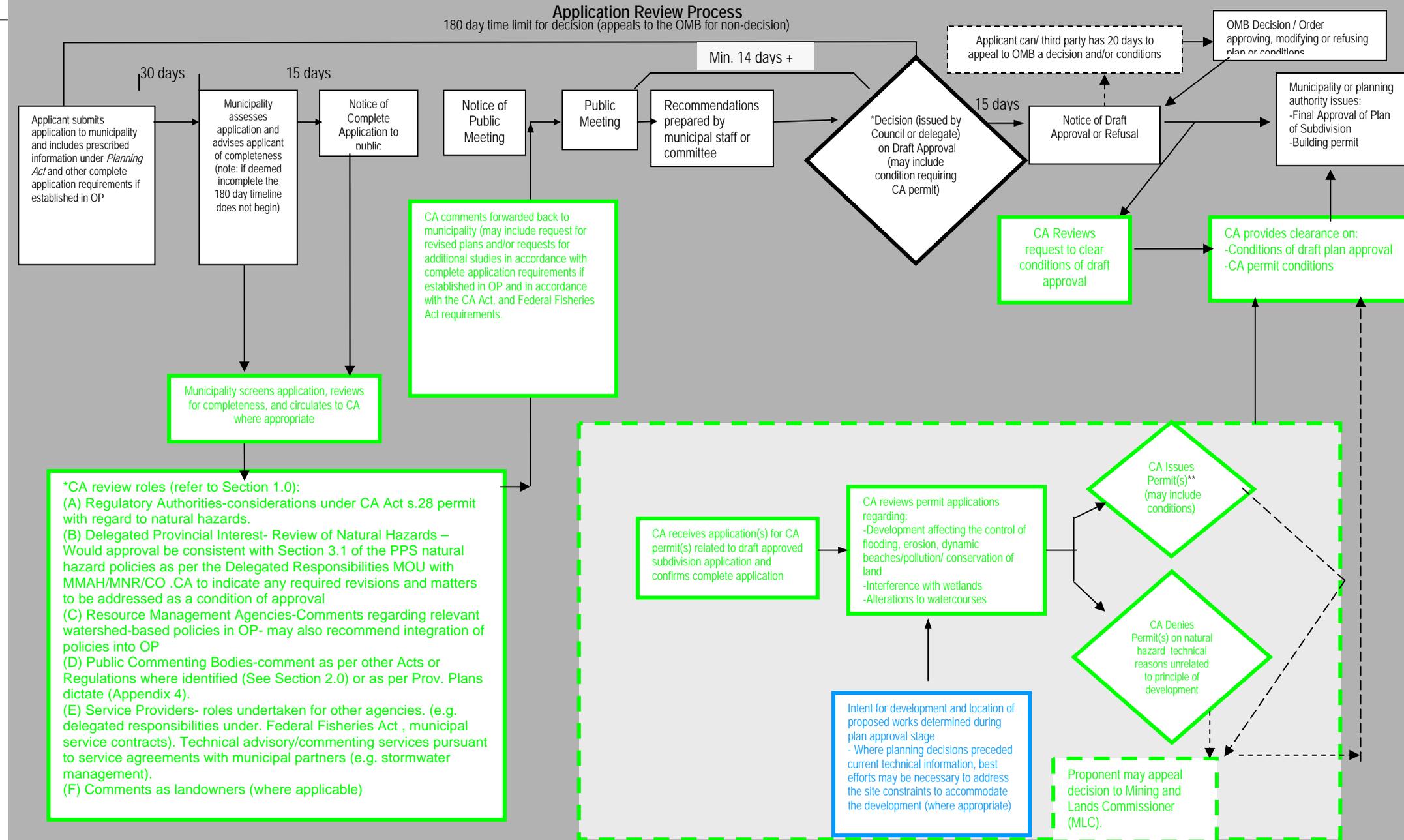
Policy framework process informing municipal land use

- \*Official Plan - Sets out policy framework for physical development of communities and municipal land use decisions
- CA collaborates with municipality to identify natural hazard lands
- CA confers with municipality to determine Complete Application requirements in OP (based on application type and/or geographic area e.g., master servicing plan for stormwater management)
- As an agency who is notified of public meetings under the Planning Act for OP/OPAs, CAs should confer with municipalities to promote the adoption of their CA Board-approved policies under the CA Act into OPs

### Pre-Application Process

Prior to submission, Pre-consultation is encouraged and may be required

- CA Involvement to help identify:
- Limit of hazard lands on subject property
  - Developable area (within regulated area)
  - Environmental aspects of development (if acting on behalf of municipality through service agreement)
  - Proposed works that may require CA permits



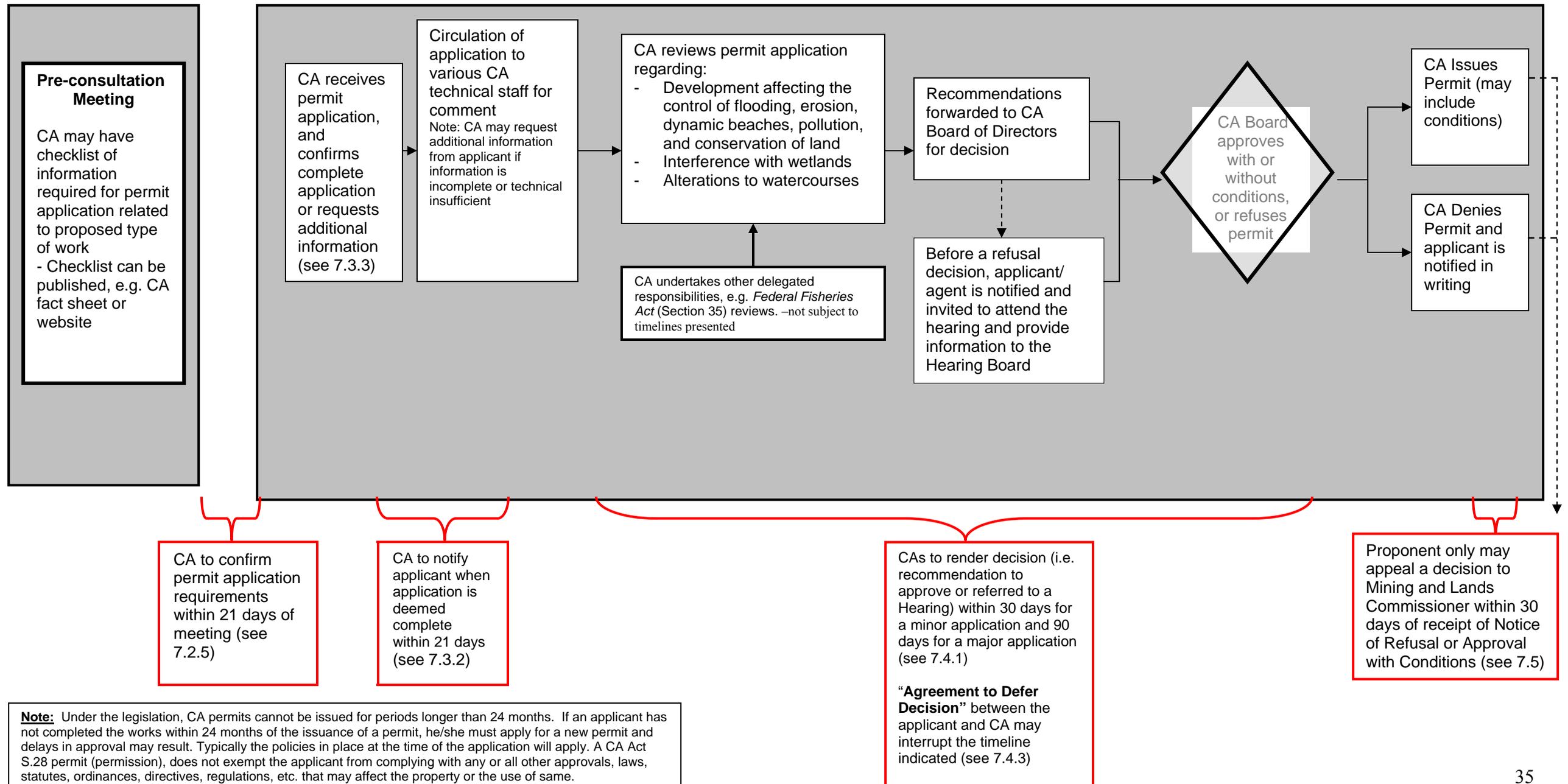
NOTE: For interpretation of this flowchart reference should be made to the full Policies and Procedures chapter

Black - current system under the Planning Act  
Green highlight – current CA role/input  
Blue highlight – proposed best practices

\* OPs are required to be consistent with the PPS and to conform to provincial plans. Note: Not all OPs have been updated to reflect the PPS 2005 and provincial plans, yet all advice and decisions on planning matters must be consistent with the PPS and conform to applicable provincial plans.

\*\* Under legislation, if an applicant has not completed the permitted works within 24 months, they must reapply. CA permits cannot be extended for periods longer than 24 months. Generally, policies in place at time of re-application will apply to permit decisions.

**Appendix 2(c): Stand-Alone CA Act S. 28 “Development, Interference with Wetlands, Alterations to Shorelines and Watercourses” Regulation Permit Application Process**



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### **Appendix 3: Information Requirements – Section 28 Regulation Application**

Specific information is required from the applicant in support of a permit application.

**Two examples are set out below.**

#### *Permission to Develop*

A signed application may contain, but is not limited to the following information:

1. four copies of a plan of the area showing the type and location of the development
2. the proposed use of the buildings and structures following completion of the development
3. the start and completion dates of the development
4. the elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after development
5. drainage details before and after development
6. a complete description of the type of fill proposed to be placed or dumped
7. signed land owner authorization for the CA to enter the property (may not be applicable for works completed under the Drainage Act-see Drainage Act protocol for more details)
8. technical studies/plans as required to meet the regulatory provisions of CA Act S.28 (NOTE: this is dependant on the proposed extent of intrusion into a regulated area and/or the associated potential negative impacts. Major applications generally require more complex technical studies).
9. submission of the prescribed fee set by the CA for review of the application.

#### *Permission to Alter*

A CA may grant a person permission to straighten, change, divert, or interfere with an existing channel of a river, creek, stream, or watercourse or to change or interfere with a wetland. A signed application may contain, but is not limited to the following information:

1. four copies of a plan of the area showing plan view and cross-section details of the proposed alteration
2. a description of the methods to be used in carrying out the alteration
3. the start and completion dates of the alteration
4. a statement of the purpose of the alteration
5. signed land owner authorization for the CA to enter the property (may not be applicable for works completed under the Drainage Act-see Drainage Act protocol for more details)
6. technical studies/plans as required to meet the regulatory provisions of CA Act S.28 (NOTE: this is dependant on the proposed extent of intrusion into a regulated area and/or the associated potential negative impacts. Major applications generally require more complex technical studies).
7. submission of the prescribed fee set by the CA for review of an application.

When all of the information listed above is received in a form satisfactory to the CA, and a pre-consultation or site assessment is conducted as necessary, an application will then be deemed to be complete. An application can be put “on hold” or returned to the applicant pending the receipt of further information.

## **Appendix 4a: Provincial Plans and Associated Guidelines or Technical Papers**

### **1. Greenbelt Plan, 2005**

- 1) Greenbelt Technical Paper 1: Technical Definitions and Criteria for Key Natural Heritage Features in the Natural Heritage System of the Protected Countryside Area of the of the Greenbelt Plan, 2005 (Draft posted in the EBR on Sept. 19, 2008 (EBR Registry Number: 010-4559)
- 2) Greenbelt Technical Paper 2: Technical Definitions and Criteria for Significant Woodlands in the Natural Heritage System of the Protected Countryside Area of the Greenbelt Plan, 2005 (Draft posted in the EBR on Sept. 19, 2008 (EBR Registry Number: 010-4559)
- 3) Greenbelt Technical Paper 3: Technical Process for the Identification of Significant Habitat of Endangered, Threatened and Special Concern Species in the Natural Heritage System of the Protected Countryside Area of the Greenbelt Plan, 2005, (Draft posted in the EBR on Sept. 19, 2008 (EBR Registry Number: 010-4559)

### **2. Oak Ridges Moraine Conservation Plan, 2002**

Following technical papers are available online:

- 1) Identification of Key Natural Heritage Features
- 2) Significant Wildlife Habitat
- 3) Supporting Connectivity
- 4) Landform Conservation
- 5) Identification and Protection of Vegetation Protection Zones for Areas of Natural and Scientific Interest (ANSI, Life Science)
- 6) Identification of Significant Portions of Habitat for Endangered, Rare and Threatened Species
- 7) Identification and Protection of Significant Woodlands
- 8) Preparation of Natural Heritage Evaluations for all Key Natural Heritage Features
- 9) Watershed Plans
- 10) Water Budgets
- 11) Water Conservation Plans
- 12) Hydrological Evaluations for Hydrologically Sensitive Features
- 13) Subwatersheds - Impervious Surfaces
- 14) Wellhead Protection - Site Management and Contingency Plans
- 15) Recreation Plans and Vegetation Management Plans
- 16) Sewage and Water System Plans
- 17) Stormwater Management Plans

### **4. Lake Simcoe Protection Plan, 2009**

### **5. Central Pickering Development Plan, 2006**

### **6. Niagara Escarpment Plan (Office consolidation, March 11, 2010)**

### **7. Parkway Belt West Plan (Consolidated to June 2008)**

### **8. Growth Plan for the Greater Golden Horseshoe, 2006**

### **9. Source Protection Plans (pending completion 2012)**

Appendix 4b: Provincial Plans Map

