

MEMORANDUM OF UNDERSTANDING dated this 9th day of May, 2018.

BETWEEN

THE CORPORATION OF THE COUNTY OF HURON

(Hereinafter referred to as the "County")

AND

THE SAUGEEN VALLEY CONSERVATION AUTHORITY

(Hereinafter referred to as the "SVCA")

1. PURPOSE

The purpose of this Memorandum of Understanding is to describe the framework within which the SVCA will provide specified *Planning Act* application review and technical review services to the County.

2. ROLES AND RESPONSIBILITIES

(a) **The County and the SVCA mutually agree that:**

- i) this Memorandum of Understanding applies to the SVCA and the area under its jurisdiction which is located in the County of Huron;
- ii) the SVCA desires and has the expertise to provide the plan review and technical review services to the County identified in this Memorandum of Understanding and that the County is relying on said expertise. The parties acknowledge that the County remains the Approval Authority for those planning applications for which the County is so designated by statute;
- iii) nothing in this Memorandum of Understanding precludes the SVCA from commenting to the County from a Conservation Authority perspective, as it normally would on an application circulated by the County under the *Planning Act*, including appeals to the Appeal Board for such matters as the SVCA deems to be within its mandate;
- iv) this Memorandum of Understanding may be amended by mutual agreement, 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; it is intended these Memorandum of Understanding will be revisited every 5 years by both the SVCA and the County;
- v) any party to this Memorandum of Understanding may terminate the Understanding at any time, in writing to the other party to the Understanding, with a minimum of six months' notice; and,

- vi) nothing in this Memorandum of Understanding precludes the SVCA from administering and enforcing its Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 169/06), as amended, under Section 28 of the *Conservation Authorities Act*, R.S.O. 1990, Chap. C.27.

(b) The County commits to:

- i) circulate to the SVCA under this Memorandum of Understanding all those development/planning applications listed in Appendix A, Schedule 1;
- ii) transfer appropriate policy statements, guidelines, manuals, maps, information, data and criteria from the County to the SVCA, and transfer said material to the SVCA as it is received from the Province of Ontario, or make arrangements to have said material transferred directly from the Province to the SVCA;
- iii) make other arrangements to provide the plan review and technical review services identified in this Memorandum of Understanding, when in the opinion of the County and the SVCA utilizing the services of the SVCA as specified in this Understanding could result in a conflict of interest for the SVCA;
- iv) assist the SVCA, where possible, in recovering fees through its approval authority (e.g. conditions of approval), where fees are not paid by the Applicants directly to the SVCA;
- v) acknowledging that the SVCA may charge pre-consultation and/or Technical Review fees directly to the Applicant.
- vi) accept all liability for applications not circulated to the SVCA for commenting in accordance with clause 4 of Appendix A – Schedule 1.

(c) The SVCA commits to:

- i) provide the County with those services listed in Appendix A, Schedule 2;
- ii) provide its comments to the County prior to the public hearing, or public meeting, or due date for submitting comments as indicated on the circulated application or notice, or request an extension with reasons;
- iii) comment on whether the application complies with applicable Provincial Policies as set out in Section 3.1 (Natural Hazards) of the Provincial Policy Statement (PPS 2014), or as requested by the County and as mutually agreed upon by the Parties. The SVCA will not comment on whether the application complies with applicable Provincial Policies as set out in Section 2.1 (Natural Heritage) of the Provincial Policy Statement (PPS 2014), as the County will obtain this service in-house and/or from consultants;
- iv) apply all relevant Provincial operational procedures and guidelines in the plan review and technical review services it provides the County;

- v) not disseminate any data, maps, information or other documents either received directly from the Province or identified as "Provincial data" by the County, unless permission has been obtained;
- vi) disseminate County data, maps, information or other documents when requested, only in accordance with County policies and procedures;
- vii) make provision for staff to attend Appeal Board Hearings, upon the request of the County, with respect to the plan review and technical review services provided pursuant to this Memorandum of Understanding, at no extra cost to the County;
- viii) Collect fees directly from the Applicant as prescribed in Appendix A, Schedule 3(a); and,
- ix) respond to general inquiries and participate in pre-consultation meetings with Applicants, as requested. The SVCA is only involved with the pre-consultation process if the subject property, or a portion of the subject property, is within the SVCA's Approximate Regulated Area or within the SVCA's Approximate Screening Area.

3. TIME FRAME FOR IMPLEMENTATION

This Memorandum of Understanding will take effect on May 9, 2018.

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

THE CORPORATION OF THE COUNTY OF HURON

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) _____
) Warden
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) _____
) Clerk
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SAUGEEN VALLEY CONSERVATION AUTHORITY

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) _____
) Wayne Brohman,
) General Manager/Secretary Treasurer
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) _____
) Luke Charbonneau, Chair

APPENDIX A - SCHEDULE 1

APPLICATION TYPES AND DEFINITIONS

1. The County advises the SVCA that under this Memorandum of Understanding it will circulate the following types of development/planning applications to the SVCA for comment as per the items in Appendix A, Schedule 2, unless circulated by a Lower Tier Township or Municipality:

Subdivisions;
Condominiums;
Consents;
County and Township Official Plans;
County and Township Official Plan Amendments;
Part Lot Control By-laws;
Comprehensive Zoning By-laws;
Zoning By-law Amendments;
Minor Variances; and,
Site Plans, where deemed necessary by the County or as requested by the SVCA.

2. "Development/planning application review" as defined in Appendix A, Schedule 2 includes:
 - i) reviewing development applications to determine if and where a Provincial interest may be affected;
 - ii) identifying the need for and adequacy of technical reports and proposing mitigation measures for applications;
 - iii) assisting in the preparation of terms of reference for studies and reports; and,
 - iv) specifying conditions of approval.
3. "Technical Review" as defined in Appendix A, Schedule 2 includes assessing technical reports submitted by the proponent's consultants to determine if the reports have been prepared in accordance with Provincial and SVCA guidelines and standards.
4. The County shall only circulate development/planning applications to the SVCA if the subject property, or a portion of the subject property is within the SVCA's Approximate Regulated Area or within the SVCA's Approximate Screening Area. For those development/planning applications not circulated to the SVCA the SVCA will not provide review or comment and will not charge a fee. For Development Applications circulated to the SVCA the SVCA will charge the County a review fee.

APPENDIX A - SCHEDULE 2

SERVICES TO BE PROVIDED BY SVCA TO COUNTY OF HURON

in accordance with the Fee Schedules

DESCRIPTION – When Development Proposed on a property containing SVCA Screening or Regulated Areas	LIST OF FUNCTIONS FOR DEVELOPMENT/PLANNING APPLICATION REVIEW AND TECHNICAL REVIEW	
	DEVELOPMENT/PLANNING APPLICATION REVIEW	TECHNICAL REVIEW
Identify need for and conduct technical review of reports on wetland areas impacts and mitigation measures	X	X
Review for site specific (off site) stormwater planning issues	X	X
Identify need for and conduct technical review of stormwater management facilities design reports	X	X
Review for sub-watershed planning/master drainage planning	X	
Comment on natural hazards	X	X
Comment and issue permit for development in Regulated Areas	X	X
Review impact on valleylands	X	X
Comment on lakes and rivers impacts	X	X
Comment on shorelines impact	X	X
Review and comment on erosion limits	X	X
Review and comment on natural resource - related impacts on groundwater recharge/discharge areas where there is a wetland impact	X	X

APPENDIX A

SCHEDULE 3(a)

FEE SCHEDULE – County of Huron

APPLICATION REVIEW FEE

- The Application Review Fee shall be charged for all Applications circulated to the SVCA.
- The Application Review Fee shall be collected by the SVCA directly from the Applicant.
- No Application Review Fee shall be charged for County-initiated planning documents, amendments, studies or expert witness support.

Official Plan Amendment	\$240
Zoning By-law Amendment	\$240
Consent (Severance)	\$240
Minor Variance	\$180

Draft Plan of Subdivision \$70 per lot, unit or block,
with a minimum flat fee of \$560 and a maximum fee of \$6690

(Note: 0.3 metre reserve blocks shall not be included in the calculation of the number of blocks.)

Draft Plan of Condominium) The lesser of \$70 per unit or \$1340/ha,
with a minimum flat fee of \$560 and a maximum fee of \$6690

Site Plan Application The lesser of \$70 per unit or \$1340/ha,
with a minimum flat fee of \$560 and a maximum fee of \$6690

Private "Multi-Lot"
Residential Developments
(as an OPA and/or ZBA) \$70 per unit (parcel) or block,
with a minimum flat fee of \$560 and a maximum fee of \$6690

Other Types of Applications not
noted above \$180

Notes and Definitions for APPENDIX A – Schedule 3(a)

1. The SVCA reserves the right to waive the application fee or reduce the fee on a case by case basis.
2. Fees for multiple joint applications made at the same time for the same parcel and for the same development proposal for Official Plan Amendments, Zoning By-law Amendments, Minor Variances and Consents will be discounted as follows:

First application	Full fee per Application Review Fee above
Additional applications	50% of full Application Review Fee per application

Note: The first Application Review Fee shall always be the higher of the applicable fees.

3. That on January 1st of each year, commencing January 1st, 2019, the fees as listed in Schedule 3 (a) "Fee Schedule" shall automatically increase on a percentage basis, rounded up to the nearest dollar increment, in a manner consistent with the Statistics Canada "Ontario Consumer Price Index" for the previous calendar year, if the index shows an increase.
4. If formal pre-consultation with the SVCA is undertaken, formal planning review fees will be reduced by 50% at the discretion of the SVCA (does not include Draft Plan of Subdivision, Draft Plan of Condominium, Multi-Lot Development, or Site Plan Control Applications).

**APPENDIX A
Schedule 3(b)**

**FEE SCHEDULE – County of Huron
(fees collected directly from the applicant by the SVCA)**

TECHNICAL REVIEW FEES

Technical Review		Flat Fee (Also See No. 5)
1.	Site Plans	\$600
2.	Subwatershed Study/Master Drainage Plan or Tributary Study	\$600
3.	Stormwater management studies and proposed facilities. This fee includes review of all Phases of SWM plans from preliminary or conceptual to final engineering design (Quality, Quantity and Sediment and Erosion Control)	\$115/lot, unit or large block plus surcharge where applicable. \$1400 minimum fee
4.	Scoped Site Impact studies and proposed mitigation measures for any proposal that is potentially impacted by natural hazards (flooding, slope stability, shorelines)	\$600
5.	Full Site Impact studies and proposed mitigation measures for any proposal that is potentially impacted by natural hazards (flooding, slope stability, shorelines)	\$1,520
6.	Any combination of two of the above	Sum of the two less \$210
7.	Any combination of three of the above	Sum of the three less \$420
8.	Any combination of four or more of the above	Sum of the four or more less \$600
9.	All technical review fees are subject to the Supplementary Fee , where applicable, in addition to the flat fee	See note 5 below

Notes and Definitions for APPENDIX A – SCHEDULE 3(b)

1. For the purpose of the fee schedule in Appendix A – Schedule 3(b), **Scoped Site** studies are generally recommended in situations where the natural hazard is well documented, similar development has been previously proposed, modelled and analyzed, impacts are not expected due to the location or nature of a proposed development, and mitigation options have been developed.
2. For the purpose of the fee schedule in Appendix A – Schedule 3(b), **Full Site** studies are generally recommended in situations which are more complex, where information is lacking, or where the risk or significance of the impact is high.
3. It is anticipated that the determination of the type of studies required will be made by the County, following consultation with the SVCA. The fee for the technical review fee is to be paid by the proponent directly to the SVCA.
4. Where a Development, Interference with Wetlands and Alterations to Shorelines and Waterways Regulation permit approval is required in addition to the planning approval, the fee for the SVCA permit may be discounted at the SVCA's discretion.
5. For the purpose of the fee schedule in Appendix A – Schedule 3(b), the **Supplementary Fee** applies when the SVCA chooses to use specific technical assistance from another source to supplement their review of a technical document, and thereby direct costs are incurred by the SVCA. This fee is in addition to the flat rate fee and is to be paid by the proponent directly to the SVCA. The Supplementary Fee charged to the proponent is equal to the costs invoiced to the SVCA by the other source for that specific review.
6. That on January 1st of each year, commencing January 1st, 2019, the fees as listed in Schedule 3 (b) "Fee Schedule" shall automatically increase on a percentage basis, rounded up to the nearest dollar increment, in a manner consistent with the Statistics Canada "Ontario Consumer Price Index" for the previous calendar year, if the index shows an increase.



COUNTY OF HURON

SAUGEEN CONSERVATION

MAY 18 2018

RECEIVED

BY-LAW NO. 2018-029

**A BY-LAW OF THE CORPORATION OF THE COUNTY OF HURON
TO ENTER INTO A MEMORANDUM OF UNDERSTANDING
WITH THE SAUGEEN VALLEY CONSERVATION AUTHORITY**

WHEREAS Section 9 of the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, provides that a municipal power shall be exercised by By-law unless the municipality is specifically authorized to do otherwise;


AND WHEREAS The Corporation of the County of Huron agrees to enter into a Memorandum of Understanding with the Saugeen Valley Conservation Authority for commenting responsibilities for applications under the Planning Act;

AND WHEREAS this Memorandum of Understanding (MOU) amends the Memorandum of Agreement between the parties dated June 15, 1999;

NOW THEREFORE the Council of the Corporation of the County of Huron enacts as follows:

1. That Council hereby approves entering into a Memorandum of Understanding with the Saugeen Valley Conservation Authority.
2. That the Memorandum of Understanding is attached hereto as Schedule "A" and forms part of this By-law.
3. That the Warden and the Clerk are hereby authorized to execute the Memorandum of Understanding with the Saugeen Valley Conservation Authority.
4. That this By-law comes into effect upon the final passing thereof.

Read a first time this 9th day of May 2018.
Read a second time this 9th day of May 2018.
Read a third time this 9th day of May 2018.



Jim Ginn, Warden



Susan Cronin, County Clerk