

To:	Warden Halliday and Members of Grey County Council
Committee Date:	March 8, 2018 / April 12, 2018
Subject / Report No:	Addendum to PDR-CW-39-17
Title:	Saugeen Valley Conservation Authority – Memorandum of Understanding
Prepared by:	Randy Scherzer
Reviewed by:	Kim Wingrove
Lower Tier(s) Affected:	Municipalities within the Saugeen Valley Watershed
Status:	Report deferred per Resolution CW77-18; Recommendation adopted by Committee as presented per Resolution CW96-18 on April 12, 2018; Endorsed by County Council CC43-18

Recommendation

1. That the comments outlined in the Addendum to Staff Report PDR-CW-39-17 be provided to the Saugeen Valley Conservation Authority (SVCA) in response to the revised draft Memorandum of Understanding (MoU) for plan review and technical services that the SVCA circulated to the County and the watershed municipalities, and
2. That Council requests that the SVCA continue to provide both natural hazard and natural heritage comments for the County of Grey as part of its review of planning applications in order to maintain consistency with other conservation authorities and municipalities in Grey County, and
3. That when providing comments on natural hazards and natural heritage matters that the comments be provided in the context of Provincial Policy Statement as well as the County Official Plan, and local planning documents for all Planning Act applications, and
4. That Council supports the recommended revisions to the revised draft MoU and directs staff to circulate a copy of the Report and the revised draft MoU to the SVCA and the member municipalities within Grey County that are located within the Saugeen Valley Conservation Authority watershed and to work with the SVCA to finalize an MoU for Council's consideration.

Executive Summary

In July 2017, the Saugeen Valley Conservation Authority (SVCA) circulated a draft Memorandum of Agreement (MoA) that would govern the plan review and technical services that SVCA would provide to municipalities within their watershed. A revised draft Memorandum of Understanding (MoU) has been prepared by SVCA which addresses some of the comments and concerns expressed previously in Staff Report PDR-CW-39-17. The revised draft MoU still does not include the option for SVCA to provide natural heritage comments on planning applications. SVCA staff have indicated that if a municipality wishes SVCA to provide these services that a motion be passed by Council that clearly indicates that the County/municipality wishes for these services to continue. SVCA staff have noted that the cost for this service will increase slightly and these costs have been reflected in the attached revised MoU under Appendix A – Schedule 3(a). It is recommended that SVCA continue to provide review and technical services for both natural hazard and natural heritage matters for all applications. County staff have suggested revisions to the revised MoU as attached to this Report which are recommended to be forwarded to SVCA for their consideration as well as forwarded to local municipalities within the SVCA watershed.

Background and Discussion

On July 5, 2017, the Saugeen Valley Conservation Authority (SVCA) circulated a draft Memorandum of Agreement (MoA) that would govern the plan review and technical services that SVCA would provide to municipalities within their watershed. The initial draft MoA indicated that SVCA would only provide comments on natural hazard matters and that they only wanted to be circulated on applications within the regulated/screening areas. Staff Report PDR-CW-39-17 identified some concerns and suggested revisions to the MoA to ensure consistency with planning review provided by conservation authorities throughout Grey County. Following Council's approval of PDR-CW-39-17, a meeting was held with SVCA staff, County staff and staff from each member municipality within the SVCA watershed. At the meeting there was general consensus amongst the County and municipal staff of the importance for SVCA to continue to provide natural heritage review and technical services in order to be consistent with other conservation authorities and to avoid confusion as to which agency provides these services. There was also good discussion on the importance that the review and technical comments for natural hazards and natural heritage matters not only be reviewed in the context of the Provincial Policy Statement but also under the context of County/local planning documents (e.g. official plans, zoning by-laws, etc.). Based on the comments raised in PDR-CW-39-17 as well as the discuss at the meeting with SVCA and local municipal staff, it was recommended that a revised MoA be prepared and circulated to the municipalities for further review and comment.

A revised draft Memorandum of Understanding (MoU) has been circulated by SVCA. Some of the suggested revisions were incorporated into the revised draft MoU, however it still does not include the option for SVCA to provide natural heritage comments on planning applications. SVCA staff have indicated that if a municipality wishes SVCA to provide these services that a motion be passed by Council clearly indicating that the County/municipality wishes for these services to continue and then the SVCA Board will consider it. It is recommended that a motion be passed indicating the County's desire for SVCA to continue to provide both natural hazard and natural heritage review for all applications. County staff are also recommending some further revisions to the revised MoU to assist with clarifying roles and responsibilities. The following is a summary of the recommended revisions identified in PDR-CW-39-17 and an

update on whether these have been addressed within the revised MoU. A summary of the suggested revisions to the revised MoU are also highlighted below and can be found in further detail in the attached revised MoU.

1. Appendix A, Schedule 1 – it was recommended that this list reflects the development/planning applications that the County will be circulating to the SVCA for review and comment (i.e. Subdivisions, Condominiums, County Official Plans and County Official Plan Amendments). This list has been revised by SVCA as recommended. County staff continues to recommend that Minor Exemptions (clear-cut permits) under the County's Forest Management By-law be added to this list. The current process for Minor Exemptions requires these to be circulated to conservation authorities for review and comment. A suggested review fee has also been included in Appendix A – Schedule 3(a) which can be discussed with SVCA. Previously it was recommended that infrastructure projects (e.g. major works on County roads/trails located within regulated/screening areas) be included on this list, however these are captured under the current conservation authority regulations and permit review process so there is less of a need to add these to the list.
2. It was previously recommended that additional wording be added to the MoU with respect to making other arrangements to provide the application review and/or technical review services (i.e. peer reviews). There may be times where a matter is beyond the necessary resources or expertise of SVCA staff or where there is a difference in opinion between the conservation authority and the applicant's consultant which may require a peer review. SVCA has added Section 2(b)(v) which address the comments raised previously.
3. County staff previously recommended that clarification be included in the MoU regarding pre-submission consultation including the importance of involving SVCA staff as part of the pre-submission consultation process. It was also recommended that wording be included to indicate that any pre-submission consultation fees required by SVCA be collected by SVCA directly from the applicant. SVCA has included wording in section 2(c)(ix) to address these comments.
4. The one major change that was recommended in the previous MoA provided by SVCA was to only provide comments on natural hazards within SVCA's regulated area or within SVCA's screening area and that they only wanted to be circulated on applications within these areas. This is a major departure from the current process as the County and municipalities are required to circulate conservation authorities on all applications within the conservation authority watershed as per the Planning Act. Conservation authorities, including SVCA, also currently provide natural heritage comments and technical review for planning applications within their respective watersheds. It was recommended that SVCA provide the option for the County and the municipalities to circulate them on all applications regardless of whether it is within the regulated/screening area or not. It was also recommended that SVCA provide the option to the County and the municipalities to have SVCA provide comments on natural heritage matters as well.

At the meeting with SVCA and local municipal staff, it was recommended that in order to maintain consistency with the level of services provided by the other conservation authorities and to avoid confusion over which agency provides these services, it was recommended that SVCA continue to provide both natural hazard and natural heritage

review for all applications and to review this in the context of not only the Provincial Policy Statement but County/local municipal planning documents as well. The revised MoU circulated by SVCA did not include language about providing natural heritage review and technical services nor did it indicate that the review of natural hazards would also be for all applications. SVCA staff did indicate that if the County or municipalities want SVCA to continue to provide these services that a motion be passed by Council clearly indicating this.

The County currently relies on the conservation authorities to provide technical review on both natural hazards and natural heritage matters. Should SVCA no longer provide this service, the County and/or municipalities would need to hire environmental experts/staff to provide this technical review as the County and municipalities currently do not have the expertise to review these matters. This could also lead to an increase in peer reviews being required for technical reports which could increase costs for applicants and could cause delays in the application process.

County staff recommend that for the reasons noted above as well as from a consistency standpoint that SVCA continue to provide both natural hazard and natural heritage review for all planning applications within the SVCA watershed. There are a number of suggested revisions identified in the attached revised MoU which reflects this recommendation (i.e. clarifying that the review and technical services are for all applications and for both natural hazards and natural heritage matters). County staff have also included some proposed wording with respect to reviewing these matters in the context of the PPS as well as County/local municipal planning documents.

5. It was recommended that a section be included indicating that the SVCA provide the County and local municipalities with mapping related to natural hazards including natural hazard mapping, regulated area mapping and screening area mapping. County staff have suggested revised wording in Section 2(c)(vii) to reflect this.
6. It was also recommended that wording be added to indicate that SVCA will conduct site visits to subject properties as required. County staff have suggested revised wording in Section 2(c)(iii).
7. It was recommended that the MoU include a communications and issue resolution protocol. SVCA has included this in Appendix A – Schedule 4.
8. It was recommended that a schedule be included in the MoU which identifies the role of SVCA in various matters as it relates to regulatory authority, watershed resource management, Planning Act commenting agency and delegated provincial responsibilities. A similar schedule has been included by the NVCA in their MoU's with municipalities and the intent is to assist with clarifying roles and responsibilities. County staff have added a suggested chart which clarifies the various roles and responsibilities and have included this in Appendix A – Schedule 5 of the attached revised agreement.

County staff continues to see merit in entering into MoU's with conservation authorities as it will help to clarify roles and responsibilities and will provide a consistent review process for both natural hazards and natural heritage matters throughout Grey County.

County staff reached out to Bruce County and Wellington County to discuss the revised SVCA MoU and to determine what approach is being taken. For Bruce County, their Council has asked staff to explore options for hiring environmental experts to provide the technical review

and comments on natural heritage matters for all planning applications. Last update was that staff were preparing a request for proposal to determine the costs for this service and report back to Bruce County Council. Wellington County has 5 conservation authorities within their area. They have recently entered into updated MoU's with 4 out of the 5 conservation authorities save and except for SVCA. The updated MoU's with the other 4 conservation authorities continue to provide natural hazard and natural heritage review for all planning applications.

Legal and Legislated Requirements

Conservation Authority Act and applicable regulations

Planning Act

County Official Plan and Local Official Plans

Financial and Resource Implications

The County currently relies on the conservation authorities to provide technical review and comments on both natural hazards and natural heritage matters for all planning applications. Should SVCA no longer provide this service, the County and/or municipalities would need to hire environmental experts/staff to provide this technical review as the County and municipalities currently do not have the expertise to review these matters. This could also lead to an increase in peer reviews being required for technical reports which could increase costs for applicants and could cause delays in the application process. SVCA staff have indicated that SVCA could continue to provide these services subject to the County and local municipalities passing a motion requesting as such. SVCA has indicated that this will increase the review costs slightly which typically range in an increase of \$100 to \$200 per application. The cost for the County to hire environmental expert(s)/staff is anticipated to be considerably more than the slight fee increases being put forward by SVCA should they continue to provide these services.

Relevant Consultation

- Internal – Planning Staff, CAO
- External – SVCA staff, member municipalities within the SVCA watershed, Bruce County, Wellington County

Appendices and Attachments

For an accessible version of the below agreement, please contact the Clerk's Department.

[Revised Memorandum of Agreement with Recommended Revisions](#)