

MEMORANDUM OF UNDERSTANDING

DELEGATION OF SUBDIVISION AND CONDOMINIUM APPROVAL AUTHORITY

An Agreement between the County of Simcoe (County) and the Township of Springwater (Area Municipality).

1.0 Purpose

The purpose of this Memorandum of Understanding (MOU) is to set out the terms, conditions, and guidelines for the exercise of approval authorities by the County and the Area Municipality regarding applications for subdivisions and condominiums under the *Planning Act*.

2.0 Basis and Context

The first Official Plan for the County of Simcoe was approved on April 3, 1998; resolution of appeals resulted in part of the Plan coming into effect on July 28, 1999. This in turn resulted in the transfer of approval authorities for subdivisions and condominiums from the Minister of Municipal Affairs and Housing to the County (Section 51 (9) of the *Planning Act*).

The *Planning Act* further provides for the delegation of some or all of these authorities from the County to a local municipality:

Section 51.2 (2) of the *Planning Act* states that County Council may, after the prescribed notice is given, by bylaw delegate all or any part of the authority to approve plans of subdivision to a constituent local or area municipality in respect of land situated in the local or area municipality.

The County adopted Report 99-047 on September 28, 1999 which provides for the delegation of subdivision and condominium approval authorities to a local municipality upon its request. Where a local municipality has requested delegation of the approval authorities, this MOU constitutes an agreement under which the authorities would be granted and exercised.

3.0 Terms of Delegation

The Area Municipality will maintain the following commitments:

- 3.1 The Area Municipality shall operate a full-time Planning Department with Registered Professional Planning staff, as part of its regular municipal administrative structure, which is responsible for processing applications received under the *Planning Act* of the Province of Ontario. The functions of the Department shall normally include:

- (a) receiving applications for the subdivision of land and the development of condominiums,
- (b) determining the completeness of applications,
- (c) the provision of notices, and the holding of public open houses and/or public meetings, as required by the *Planning Act*,
- (d) determining conformity (in consultation with the County of Simcoe) of the applications to the local official plan, the County of Simcoe Official Plan (as amended), Growth Plan for the Greater Golden Horseshoe (as amended), and consistency with the Provincial Policy Statement, the *Planning Act*, and any other applicable planning policies and legislation,
- (e) making recommendations to the Area Municipality Planning Committee and/or Area Municipality Council regarding the following:
 - i. suitability of subdivision/condominium applications and any conditions which should be applied to applications in accordance with (d) and good planning practice
 - ii. establishing conditions of draft approval
 - iii. ensuring all conditions are met, including consultation with appropriate authorities
 - iv. determining when a subdivision is appropriate for final approval and registration, all in accordance with the *Planning Act*.

3.2 Planning Department

The Area Municipality, through its Planning Department, shall ensure that it is represented by qualified Registered Professional Planners who are available to consult with applicants, County planners or their designates, rights-bearing First Nation and Métis communities with treaty, traditional territorial or other aboriginal interest in Springwater Township, and/or agency officials at appropriate stages of the processing of an application. Application consultation may also include site visits. In particular, preconsultation shall occur prior to submission of an application to assist with the determination of policy conformity in accordance with 3.1(d), technical matters, and the determination of complete application requirements. A qualified professional planner should be available for on-site consultation with reasonable notice.

3.3 Status of Official Plan

The Area Municipality shall ensure that it has in effect a local municipal official plan which is in conformity with the County of Simcoe Official Plan and applicable Provincial Plans, and is consistent with the Provincial Policy Statement and other relevant legislation.

A local municipal plan may not be in full compliance with the County Official Plan at the time of a request for delegation for approval

authorities because of recent amendments/updates to the County Official Plan. However, where the local plan is in substantial compliance with the County Official Plan as determined by County Council, the delegation of authorities, or continuance of that delegation, may take place if the Area Municipality has initiated a process to bring its plan into conformity with the County Official Plan, the Growth Plan for the Greater Golden Horseshoe (as amended), and the Provincial Policy Statement including other relevant legislation according to a timetable agreed to by the Area Municipality and the County.

Notwithstanding the above, the Area Municipality shall ensure that all decisions made as delegated approval authority shall conform to the County of Simcoe Official Plan (as amended) and the Growth Plan for the Greater Golden Horseshoe (as amended), be consistent with the Provincial Policy Statement, and comply with the *Planning Act* and other statute, regulation or plan that may apply.

3.4 Consultation

The Area Municipality agrees to ensure full preconsultation regarding subdivision and condominium applications with the County at all stages and specifically at the time of preconsultation and the receipt of complete application. The Area Municipality agrees to exercise due diligence to ensure that all notices as required by provincial Regulation are provided to the County.

3.5 Training Requirements

The Area Municipality agrees to make available appropriate staff to be trained with respect to provincial policies, operational practices and regulatory requirements which relate to the County's responsibilities for certain plan review functions.

If at any time the Area Municipality is unable to fulfill the terms of this Memorandum of Understanding, the County will notify the Area Municipality of actions needed to remedy the circumstances. If the Area Municipality has not undertaken to take the necessary remedial actions within 60 days of the County's notification, the County may withdraw the delegation of subdivision and condominium approval authority.

3.6 Administration & Reporting Requirements

- (a) The Area Municipality agrees to provide semi-annual (July and January) reports of applications for plan of subdivision and plan

of condominium that are currently being processed by the Area Municipality. Reports will include details concerning the status, address/location, unit types, unit yield and municipal servicing related to each application.

- (b) The Area Municipality shall require the applicant to submit, for the efficient and orderly processing of the application, such studies and Peer Review Processing fees as determined by the Director of Planning, Economic Development & Transit and his/her designate (hereinafter referred to as the 'County Planning Director' for the County of Simcoe.
- (c) The Area Municipality shall provide such information as required by the County Planning Director to ensure that duplication of effort and processing costs are minimized.
- (d) The Area Municipality shall provide the County Planning Director with a copy of all notices of complete applications and public meetings for plan of subdivision and/or plan of condominium applications within the legislated timelines. The Area Municipality shall also circulate a copy of the complete application submission, including all supporting materials to the County Planning Director for review and comment.
- (e) The Area Municipality shall collect and submit to the County all County Fees established under Section 69 of the Planning Act. The County Fees are to be submitted by the subdivision or condominium applicant to the Area Municipality at the time of subdivision or condominium application, which the Area Municipality shall submit to the County along with the complete application submission circulation noted above, or in accordance with another mutually agreeable fund transfer arrangement to be established.
- (f) The Area Municipality shall keep the County Planning Department apprised of any change in status of a plan of subdivision or plan of condominium file including: refusal of an incomplete application; notice and circulation of the application for comment; substantial revision of the plan and/or applications; appeal(s) to the Local Planning Appeal Tribunal; phasing of final approvals; and, any such matter required by the County Planning Director.
- (g) The Area Municipality shall ensure that lands are designated with an appropriate official plan designation in effect prior to making a draft approval decision concerning said lands.
- (h) Subdivision and condominium application(s) shall be processed in accordance with all Province of Ontario requirements as required by applicable legislation, such as the *Planning Act* and Regulations thereto.
- (i) That subdivision and condominium application(s) be processed in accordance with all County processing

requirements as established from time to time by the County Planning Director and provided, in writing, to the Area Municipality.

3.7 Matters of Coordination

- (a) Where the Area Municipality decides it wishes to grant draft approval, but does not intend to include those conditions of draft approval requested by the County Planning Director, the Area Municipality shall not make a draft approval decision and shall instead forward the subdivision/condominium file to the County Planning Director for a decision;
- (b) Where the Area Municipality decides it wishes to grant draft approval, despite comments by the County Planning Director that the subdivision approval is premature, the Area Municipality shall not make a draft approval decision and shall instead forward the subdivision/condominium file to the County for consideration and a decision;
- (c) Where the Area Municipality decides it wishes to grant draft approval despite comments by the County Planning Director that the subdivision/condominium application contravenes a matter of provincial interest, the Area Municipality shall not make an approval decision and shall instead forward the subdivision/condominium file to the County for consideration and a decision;
- (d) Where the Area Municipality decides it wishes to grant draft approval despite comments by the County Planning Director that the subdivision/condominium application does not conform to the County of Simcoe Official Plan, or does not conform to, or conflicts with a provincial plan, the Area Municipality shall not make an approval decision and shall instead forward the subdivision/condominium file to the County for consideration and a decision; and
- (e) Where the Area Municipality decides it wishes to grant draft approval despite unresolved objections from other Simcoe Area Municipalities, School Board(s), Conservation Authority(ies), or a Provincial Ministry, the Area Municipality shall not make an approval decision and shall instead forward the subdivision/condominium file to the County for consideration and a decision;
- (f) That the Council of the Area Municipality may adopt a by-law delegating to the Director of Planning for the Area Municipality, and his/her designate, any or all of the following authorities and duties:

- i. the authority to define such other information or material that the Area Municipality requires in order to process the application pursuant to Section 51 (18) of the Act;
- ii. the authority to refuse to accept or to further process an application until the prescribed information and material and the required local and regional fees are received pursuant to Section 51 (19) of the Act;
- iii. the authority to either refuse or to grant draft approval (sign the proposed subdivision) for the purposes of indicating draft approval of the subdivision in accordance with the recommendation of Local Council;
- iv. the duty to enter into negotiations/dispute resolution with the parties involved in an objection to a plan of subdivision;
- v. the authority to establish conditions of draft approval pursuant to Section 51 (25) of the Act where such a conditions are consistent with the intent of the Council's recommendation regarding the draft approval of the draft plan of subdivision;
- vi. the authority to modify the conditions of draft approval, including extensions to draft approval, pursuant to Section 51 (44) of the Act where such a change is consistent with the Council recommendation of the draft plan of subdivision;
- vii. the authority to decide whether a change of draft approval is minor for purposes of Section 51 (47) of the Act;
- viii. the authority to grant final approval (sign the final plans of subdivision for the purpose of indicating final approval of the subdivision and the acceptability of said plan for tendering for registration in accordance with Section 51 (58) of the Act);
- ix. the authority to withdraw final approval of the subdivision in accordance with Section 51 (59) of the Act;
- x. the authority to refuse an application for draft plan of subdivision where the file has remained inactive for more than 1 year and only after the applicant has been given written notice that the draft plan shall be refused, and given 60 days to respond.

The delegation of authority to process, approve, deny, modify, revise, and extend draft approval in this Memorandum of Understanding does not apply to any plan of subdivision application, plan of condominium application, or application

for part-lot control exemption which does not meet the requirements specified in Section 3.0 listed above.

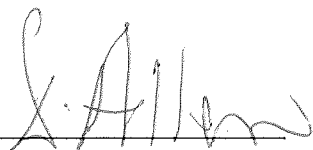
4.0 Definitions

Consultation: means notification of the County, rights-bearing First Nation and Métis communities with treaty, traditional territorial or other aboriginal interest in Springwater Township, and interested agencies of subdivision and condominium applications and all information pertinent to the application and its potential approval, denial, or approval with conditions; consultation with County planners and other officials regarding interpretation of planning policy as contained in planning documents in connection with an application; joint visits to the sites of applications involving a local planner and other local officials, County planners and other officials, County designates, and provincial officials as may be required.

County Planning Director: means the Director of Planning, Economic Development & Transit for the Corporation of the County of Simcoe, and may include his/her designate(s) and successors in role or title.

Designates: with regard to the County and its Planning Department, means persons representing agencies acting in an advisory role through agreement with the County, and may include representatives of other government agencies (e.g. conservation authorities), private agencies contracted by the County, or peer reviewers agreed to by the County and an applicant.

Qualified professional planner: a person with sufficient training and experience in municipal land use planning with full membership held in good standing with the Ontario Professional Planners Institute.



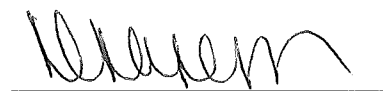
Mayor

Township of Springwater



Warden

County of Simcoe



Clerk

Township of Springwater