



## Staff Report

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**Report To: Council Meeting**

**From: Heather James, Planner**

**Date: 2022-06-23**

**Subject: Service Agreement/Memorandum of Understanding for Land Use Planning Service Delivery – Lower Thames Valley Conservation Authority**

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### **Recommendation:**

That West Elgin Council hereby receives the report from Heather James regarding Service Agreement/Memorandum of Understanding for Land Use Planning – Lower Thames Conservation Authority (LTVCA);

That West Elgin Council hereby approves the Service Agreement/Memorandum of Understanding for Land Use Planning – Lower Thames Conservation Authority, in accordance with the attached agreement;

That the CAO/Treasurer be authorized to sign the agreement;

That the Fees and Charges By-law be amended as related to planning fees, as set out in the attached agreement;

AND that Staff be directed to implement the agreement by adding the additional LTVCA fee to planning applications as of July 1, 2022.

### **Purpose:**

To provide Council with the Service Agreement/Memorandum of Understanding for Land Use Planning Service Delivery with the Lower Thames Valley Conservation Authority and provide Council with information on the requirement for such agreement.

### **Background:**

A review of the *Conservation Authorities Act* (CA Act) was initiated in 2015 by the Ministry of Natural Resources and Forestry (MNRF). The objective of the review was to identify opportunities to improve the legislative, regulatory, and policy framework governing the creation, operation, and activities of conservation authorities. Following extensive consultation, the Province of Ontario introduced the *Building Better Communities and Conserving Watersheds Act*, 2017 (Bill 139), which received Royal Assent on December 12, 2017.

## **Financial Implications:**

The LTVCA fees will be added to the planning applications as an additional expense. The Municipality will collect the fee on behalf of the CA. The Treasury Department will then remit the collected fees to the LTVCA.

## **Policies/Legislation:**

Bill 139 amendments to the CA Act that affected the mandate of conservation authorities included a new “purpose” section, minor adjustments to the “objects” and “power” sections, and new provisions addressing the following three categories of required and permitted programs and services:

1. Mandatory programs and services that are required by regulation.
2. Municipal programs and services that the authority agrees to provide on behalf of municipalities situated in whole or in part within its area of jurisdiction under a Memorandum of Understanding (MOU).
3. Other programs and services that the authority may determine are advisable to further its objectives.

The CA Act was amended further, on June 6, 2019, as part of the *More Homes, More Choice Act* (Bill 108).

Bill 108 retained the three categories of programs and services added by Bill 139 and specifies four areas of mandatory programs and services that may be prescribed by regulation:

1. Programs and services related to the risk of natural hazards.
2. Programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests in land registered on title.
3. Programs and services related to the authority’s duties, functions and responsibilities as a source protection authority under the *Clean Water Act*, 2006.
4. *Programs and services related to the authority’s duties, functions and responsibilities under an Act prescribed by the regulations (e.g., the Planning Act).*

Bill 108 made minor changes to the provisions governing municipal programs and services (non-mandatory) that require an MOU or agreement be made available to the public be reviewed at regular intervals, and that the programs and services an authority agrees to provide on behalf of a municipality be provided in accordance with the terms and conditions set out in the MOU or agreement.

Bill 108 added criteria for other programs and services (non-mandatory) that state that a conservation authority may provide, within its area of jurisdiction, such other programs and services it determines are advisable to further its objects. If municipal financing is required, there must be an agreement in accordance with the regulations and with funding determined in accordance with the CA Act and associated laws.

The CA Act was amended again on December 8, 2020, through the *Protect, Support and Recover from COVID-19 Act, 2020* (Bill 229). These amendments make minor revisions to the provisions governing agreements for the delivery of non-mandatory programs and services, including standards and requirements for delivery of the programs and services.

Many of the CA Act provisions have not been proclaimed and are subject to enabling regulations.

Regulations include:

- Mandatory Program and Service Regulations (O. Reg. 686/21); and
- Transition Plan and Agreements Regulation (O. Reg. 687/21).

### Comments

The Municipality of West Elgin is regulated by the Lower Thames Valley Conservation Authority (LTVCA).

As part of the transition period set out in Bill 229, as noted above, the LTVCA has moved from the present municipal levy process to one defined in the associated regulations.

The purpose of the transition period is to provide conservation authorities and municipalities with the time to address changes to the budgeting and levy process based on mandatory programs and services, municipal programs and services, and other programs and services and the need, in some cases, to reach agreements to allow levies to be collected.

Part of the transition period includes developing and finalizing MOU or agreements between CA and member municipalities in accordance with any regulations governing municipal programs and services. These agreements must be completed by January 1, 2024.

Staff have had an opportunity to review the MOU between the CA and the municipality as it pertains to land use planning service delivery (see attached). This agreement only pertains to land use planning, infrastructure and development-related issues.

The following is a summary of the MOU:

- Purpose, Goals, Definitions, Responsibilities, Implementation parameters, Service Delivery Standards, Fees, Terms of the Agreement.
- Outlines the CA's review of functions
- Outlines the various reports and studies requested for *Planning Act* and development applications.
- Provides guidance on who is a decision-maker and who has a commenting role.
- Provides an overview of application timelines and commitments made to the local development industry.

### **Conclusion:**

Administration has met with LTVCA staff to review the agreement.

It is recommended that Council approve the agreement and authorize staff to commence the addition of the fees to planning applications (minor variance, zoning amendment, etc).

CAs across the province have entered into similar agreements with their partner municipalities.

The LTVCA and the Municipality have a longstanding relationship of plan review activities.

The MOU will be an important tool to help define roles and responsibilities within the context of a

new protocol for land use planning service delivery.

If Council supports the agreement, it can be signed and sent to the LTVCA.

It should be noted that a second MOU will be presented to Council in the future to deal with non-mandatory services, including stewardship and education.

Respectfully Submitted,

Heather James, MES (Pl.), MCIP, RPP  
Planner  
Municipality of West Elgin

**Report Approval Details**

Document Title:	Service Agreement for Land Use Planning Service Delivery Lower Thames - 2022-25-Planning.docx
Attachments:	- West Elgin_Draft MOU_June 6, 2022.pdf
Final Approval Date:	Jun 21, 2022

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott