

5. Renewed Memorandum of Agreement between the City of Ottawa and the Rideau Valley, the South Nation River and the Mississippi Valley Conservation Authorities

Protocole d'entente renouvelé entre la Ville d'Ottawa et les offices de protection de la nature de la vallée Rideau, de la vallée de la rivière Mississippi et de la rivière Nation Sud

Committee Recommendation

That Council approve the renewed and updated Memorandum of Agreement for execution between the City of Ottawa and the Rideau Valley Conservation Authority, the South Nation River Conservation Authority and the Mississippi Valley Conservation Authority, as shown in Document 1.

Recommandation du Comité

Que le Conseil approuve le protocole d'entente renouvelé et mis à jour entre la Ville d'Ottawa et les offices de protection de la nature de la vallée Rideau, de la vallée de la rivière Mississippi et de la rivière Nation Sud, aux fins de signature, comme l'indique le document 1.

Documentation / Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated August 7, 2019 (ACS2019-PIE-PS-0017)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 7 août 2019 (ACS2019-PIE-PS-0017)

**Report to
Rapport au:**

**Planning Committee / Comité de l'urbanisme
August 22, 2019 / 22 août 2019**

**and Council / et au Conseil
September 11, 2019 / 11 septembre 2019**

**Submitted on August 7, 2019
Soumis le 7 août 2019**

**Submitted by
Soumis par:**

**Lee Ann Snedden
Director / Directrice**

Planning Services / Services de la planification

**Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2019-PIE-PS-0017

**SUBJECT: Renewed Memorandum of Agreement between the City of Ottawa
and the Rideau Valley, the South Nation River and the Mississippi
Valley Conservation Authorities**

**OBJET: Protocole d'entente renouvelé entre la Ville d'Ottawa et les offices de
protection de la nature de la vallée Rideau, de la vallée de la rivière
Mississippi et de la rivière Nation Sud**

REPORT RECOMMENDATION

That the Planning Committee recommend that Council approve the renewed and updated Memorandum of Agreement for execution between the City of Ottawa and the Rideau Valley Conservation Authority, the South Nation River Conservation Authority and the Mississippi Valley Conservation Authority, as shown in Document 1.

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver le protocole d'entente renouvelé et mis à jour entre la Ville d'Ottawa et les offices de protection de la nature de la vallée Rideau, de la vallée de la rivière Mississippi et de la rivière Nation Sud, aux fins de signature, comme l'indique le document 1.

EXECUTIVE SUMMARY

The purpose of this Memorandum of Agreement (MOA) is to renew and update the partnership agreement between the City of Ottawa and the Mississippi Valley Conservation Authority, the Rideau Valley Conservation Authority and the South Nation River Conservation Authority (known as South Nation Conservation), herein referred to the Conservation Partners to achieve specific Official Plan and Provincial Policy Statement (PPS) objectives. The MOA provides for:

- i. Conservation Partners screening or review of applications submitted to the City under the Planning Act and for the City to secure, from the Conservation Partners, the expertise required to undertake certain review functions as specified in this agreement.
- ii. Conservation Partners input on studies, plans and assessments that are prepared to guide and inform development.

The MOA does not affect and address those activities that the Conservation Partners currently undertake as part of their own legislated mandate under the Conservation Authorities Act and delegated responsibilities from the Province of Ontario for natural hazards management. Funding for these works is from within the respective Conservation Authority's operating funds. Funding for these works comes from within the respective Conservation Authority's operating funds. These funds include fees collected on behalf of the City for the site-specific plan review.

The attached revised agreement (Document 1) has been approved by the Boards of Directors of all three Conservation Authorities.

RÉSUMÉ

Ce protocole d'entente a pour objet de renouveler et de mettre à jour le partenariat entre la Ville d'Ottawa et les offices de protection de la nature de la vallée de la rivière Mississippi, de la vallée Rideau, et de la rivière Nation Sud (également appelé Conservation de la Nation-Sud), ci-après les « Partenaires pour la protection », en vue d'atteindre des objectifs en particulier du Plan officiel et de la Déclaration de principes provinciale (DPP). Le protocole d'entente prévoit ce qui suit :

- i. que les Partenaires pour la protection procèdent à l'examen préliminaire ou à l'évaluation des demandes présentées à la Ville en vertu de la Loi sur l'aménagement du territoire, et que la Ville obtienne des Partenaires pour la protection la garantie d'une compétence nécessaire pour entreprendre certains volets de l'évaluation précisés dans l'entente;
- ii. que les Partenaires pour la protection commentent les études, les plans et les évaluations préparés en vue d'orienter et d'éclairer les aménagements.

Le protocole d'entente ne porte pas sur les activités que les Partenaires pour la protection entreprennent actuellement dans le cadre du mandat que leur confère la Loi sur les offices de protection de la nature et des responsabilités déléguées par le gouvernement de l'Ontario en matière de gestion des risques naturels. Le financement de ces travaux provient des fonds de fonctionnement de ces offices de protection de la nature. Ces fonds comprennent les droits perçus au nom de la Ville pour l'examen des plans propres aux emplacements.

L'entente révisée ci-jointe (document 1) a été approuvée par les conseils d'administration des trois offices de protection de la nature précités.

BACKGROUND

Prior to amalgamation of the eleven former cities, villages and townships within the Regional Municipality of Ottawa – Carleton into the new City of Ottawa in 2001, the three Conservation Authorities (Rideau Valley, Mississippi Valley and South Nation) had an agreement with the Region to provide plan input and review services for subdivision

and severance applications. Regulations under the Planning Act required the circulation of these applications to the Conservation Authorities for review.

The purpose of the agreement was to provide a framework for consistency in the delivery of the three Conservation Authorities' plan input and review programs and to define areas of responsibility for the provision of comments. The agreement also recognized the delegated responsibilities that the Conservation Authorities had from the Province for the representation of the provincial interest in natural hazards for all matters under the *Planning Act*.

Amalgamation triggered the need for the Conservation Partners to enter into a new agreement with the City of Ottawa. A Memorandum of Agreement (MOA) between the City and the three local Conservation Authorities that governs the provision of site-specific planning advisory services was approved by Council in 2002 (see [ACS2002-DEV-APR-0214](#)). The MOA was subsequently signed by the respective parties on June 10, 2003.

The 2003 MOA established a partnership that provided for the site-specific plan review (including subdivisions, severances, minor variances, site plans, zoning amendments and most Official Plan Amendments) of certain development applications submitted to the City.

The renewed MOA maintains the same provision as the 2003 agreement for:

- i. Conservation Partners screening or review of applications submitted to the City under the *Planning Act* and for the City to secure, from the Conservation Partners, the expertise required to undertake certain review functions as specified in this agreement.
- ii. Conservation Partners input on studies, plans and assessments that are prepared to guide and inform development.

The work conducted by the Conservation Partners for site specific plan review is funded partially through fees that applicants pay to the Conservation Authorities. The City collects these fees for the Conservation Partners.

The City would pay for any necessary consultants out of existing budgets, when in the opinion of the City of Ottawa or the Conservation Partners, there may be a real or perceived conflict of interest.

A Memorandum of Agreement (MOA) between the City and the three local Conservation Authorities that governs the provision of site-specific planning advisory services was originally signed on June 10 in 2003.

The 2003 MOA established a partnership that provided for the screening of certain development applications submitted to the City and to secure the Conservation Authorities expertise to undertake some of the responsibilities fulfilled by Provincial Ministries.

DISCUSSION

Although the 2003 agreement between the City and the Conservation Partners contains a provision for annual performance evaluation, the agreement has generally worked well, and was reviewed occasionally over the last 15 years. However, it was decided that a full administrative review should be initiated, given the length of time since the first MOA. The Conservation Partners met with staff in the City's Planning Infrastructure and Economic Development Department to discuss the existing agreement, roles and responsibilities, duplication of effort and inconsistent terminology.

A need was identified by both parties for the new agreement to clearly define the subtle differences between the Conservation Partners' and the City's focus on the same interests. For example, both the Conservation Partners and the City review stormwater management reports. The Conservation Partners' review is focused on the natural hazards and natural heritage aspects of stormwater management whereas the City's review is focused on infrastructure design and performance. These differences are not defined in the current agreement and have caused some confusion and duplication of effort.

This revised MOA does not change the current role and scope of the Conservation Partners' planning advisory services within the City of Ottawa. Conservation Partners will continue to review, comment and provide input into plans, studies and assessments within their defined areas of responsibility and to represent provincial interests in natural hazards.

In addition, the revised MOA has been updated to reflect and address agreed to changes by:

- Inserting tables in Appendix A to further define the respective responsibilities of the Conservation Partners and the City of Ottawa for the review of technical reports that have been submitted in support of *Planning Act* and *Aggregate Resources Act* applications.
- Updating terminology to be consistent with that being used in the Provincial Policy Statement, the Official Plan and applicable provincial and municipal guidelines.
- Deleting the reference to the Conservation Partners' former role with respect to the *Fisheries Act*.
- Acknowledging the transfer of review for environmental compliance approvals for stormwater management from the Ministry of Environment Conservation and Parks to the City of Ottawa.
- Adding a clause for annual evaluation and minor amendments, as agreed upon by all parties, may be made by addendum to the agreement as approved by the General Managers of the Conservation Partners and the General Manager of Planning, Infrastructure and Economic Development.

The renewed MOA replaces the existing 2003 agreement and will enable all parties to undertake reviews in a focused and efficient manner. It has been approved by the Board of Directors of all three Conservation Authorities.

RURAL IMPLICATIONS

The MOA applies city-wide including the rural area.

CONSULTATION

Discussions on the revised MOA between the City and the three local Conservation Authorities have been ongoing since 2018. The Memorandum of Agreement was seen as an administrative matter, and therefore a public participation process was not undertaken.

COMMENTS BY THE WARD COUNCILLORS

This is a city-wide report – not applicable.

LEGAL IMPLICATIONS

There are no legal impediments to the approval of the recommendation in this report. It is noted that any party may terminate the Memorandum of Agreement upon 120 days written notice.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications with the recommendations of this report.

FINANCIAL IMPLICATIONS

The MOU commits the City to collecting fees for the Conservation Partners in accordance with the current fee schedule; and to retain consultants, when in the opinion of the City of Ottawa or the Conservation Partners, there may be a real or perceived conflict of interest. In this event, the consultant costs would be funded from within Planning Services' existing budget.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This report addresses the following Term of Council Priorities:

- **ES - Sustainable Environmental Services:** To provide sustainable environmental services that balance protection of our natural resources and support the planned growth of the city with the duty to ensure fiscal sustainability and meet legislative requirements in the delivery of municipal services.
- **SE - Service Excellence:** Improve client satisfaction with the delivery of municipal services by measurably strengthening the culture of service excellence at the City, by improving the efficiency of City operations and by creating positive client experiences.

SUPPORTING DOCUMENTATION

Document 1 Memorandum of Agreement (*distributed separately*)

DISPOSITION

Planning Services and the Office of the City Clerk and Solicitor Departments to prepare Memorandum of Agreement for execution by the Mayor, on behalf of the City.