



SUBJECT: New Memorandum of Understanding for an Integrated Planning System

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-55-18

Wards Affected: N/A

File Numbers: N/A

Date to Committee: July 10, 2018

Date to Council: July 16, 2018

Recommendation:

Endorse the new Memorandum of Understanding for an Integrated Halton Area Planning System, attached as Appendix 'A' to department of city building report PB-55-18; and

Authorize the City Manager and Director of City Building to sign the new Memorandum of Understanding for an Integrated Halton Area Planning System on behalf of the City of Burlington; and

Terminate the existing 1999 Memorandum of Understanding for an Integrated Halton Planning System.

Purpose:

On June 20, 2018, the Commissioner of Legislative and Planning Services for the Region of Halton presented Report No. LPS66-18 titled "New Memorandum of Understanding for an Integrated Halton Area Planning System" to Regional Council. That report introduced the new document to Regional Council and advised local Councils to endorse the new MOU at their respective municipal Council meetings.

The purpose of Report PB-55-18 is to seek City Council's endorsement of the proposed Memorandum of Understanding for an Integrated Halton Area Planning System, attached as Appendix 'A'.

The following report and recommendations align with the following objectives of Burlington's Strategic Plan 2015-2040:

An Engaging City

- Good Governance
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Background and Discussion:

In 1999, the Region of Halton, its 4 partner municipalities (City of Burlington, Town of Oakville, Town of Milton, and the Town of Halton Hills), 3 Conservation Authorities (Conservation Halton, Credit Valley Conservation Authority, and Grand River Conservation Authority), 2 School Boards, and the Halton Region Police Service entered into a Memorandum of Understanding (MOU) Regarding Municipal Plan Review. At the time, the MOU was a tool used to define roles and responsibilities following provincial downloading of planning review to Regional authorities and the subsequent downloading of certain application types from the Region to local municipalities.

Furthermore, since the 1999 MOU was implemented, the regulatory framework in which Ontario Conservation Authorities operate has evolved significantly. Provincial Plans and Policies have become significantly more complex and there have been significant changes to the scope of regulations attributed to Conservation Authorities for administration.

Following new Provincial Plans and Planning legislation in 2017, senior staff from Halton Region, the 4 partner municipalities, and the Conservation Authorities agreed that the existing MOU has become obsolete and does not reflect how the parties should work together to implement today's planning context.

Report PB-55-18 introduces a proposed new MOU to replace the existing antiquated document.

Strategy/process

There are three key drivers encouraging the review and update of the MOU at this time:

1. In December 2017, Bill 139 – the Building Better Communities and Conserving Water Resources Act, received Royal Assent and fundamentally changed how the land use planning system is administered. These changes place increased responsibility on municipalities to advance comprehensive, detailed review of planning applications within specific timeframes and in accordance with specific conformity tests. The MOU seeks to provide a framework that gives certainty to timelines for review.

2. The changes to the Conservation Authorities Act necessitate the creation of a framework to set out key foundational elements of the relationship between the Region of Halton and the Conservation Authorities. The MOU ensures that the Regional interest in natural heritage planning and protection is clarified.
3. The Region of Halton, in conjunction with the local partner municipalities and Conservation Halton worked closely to advance a Development Planning and Engineering Service Review for Halton Region. The review resulted in 10 recommendations to enhance service delivery in the planning and engineering business areas. One of the key strategic recommendations was for staff to initiate an update to the MOU to clarify roles and responsibilities between the Region, Conservation Authorities, and local municipalities as they related to the natural environment.

The proposed new Memorandum of Understanding for an Integrated Planning System (attached as Appendix “A”) has been collaboratively prepared to address the key issues identified above and recognizes that some key initiatives will likely require further updates over the next 18 months. To this end, the proposed new MOU sets a foundation to streamline service delivery while anticipating future changes to roles and responsibilities.

The general objectives of the proposed new MOU are to ensure that:

- Each step of the planning review process is complementary, adds value to the decision-making process, and avoids service duplication;
- The scope of review is consistent with the scale/impacts of the project;
- The natural environment is protected and restored using a systems-based approach; and
- Sharing information will assist and expedite decision-making.

The following highlights some of the key changes between the old 1999 MOU and the proposed new MOU:

- Wholesale change from employing a top-down, prescriptive relationship management approach to a collaborative, consensus-based, principles-based accord that recognizes the parties have evolved in their responsibility and capacity significantly since 1999.
- Moving from a complex document (e.g. 200 pages, 10 schedules, 12 delegation by-laws) to a more succinct and readable document focusing on core aspects of the relationship and service coordination.
- Greater focus on the relationship between the municipalities and the conservation authorities as the principal parties to address key land use planning challenges. The relationships between the municipalities, school boards and police will continue to be maintained and enhanced outside of this new MOU.
- The proposed new MOU contains additional provisions that highlight:

- A work plan for several specific further improvements (Sections 2.5, 5.2 and Schedule 1). Some of these include:
 - Further clarify roles and responsibilities on specific matters related to the natural environment,
 - Review and update the Terms of Reference for the Halton Area Planning Partnership (HAPP),
 - Define a scope of review for specific applications,
 - Review and implement best practices for pre-consultation and complete applications,
 - Establish a data sharing framework,
 - Update the delegation by-laws,
 - Revise the MOU with the Province, and
 - Identify and implement a training program for staff.
- Specific targets for reviewing and responding to development applications (Schedule 2);
- A commitment to conduct an initial review and update in 18 months as well as a formal review every 2 years (Section 10);
- Data and Information sharing between the parties (Section 8); and
- A dispute resolution approach that is aligned with current accepted practice (Section 9).

The proposed new MOU for an Integrated Halton Area Planning System represents an important step in advancing a relationship model that will set the stage for a seamless, integrated, complementary planning system that is well-understood by all. Staffs, together with their counterparts from the other parties of the MOU, are recommending that the proposed new MOU be endorsed and implemented as outlined in the document.

With Council's endorsement, an updated MOU for an Integrated Halton Area Planning System will require several implementation actions. Updates on these activities will be provided to Regional Council in 2019-2020.

Financial Matters:

None anticipated.

Total Financial Impact

Not applicable.

Source of Funding

Not applicable.

Other Resource Impacts

Not applicable.

Connections:

The new Memorandum of Understanding for an Integrated Halton Area Planning System seeks to clarify roles and expectations between the Region of Halton, Halton Area Conservation Authorities, and City of Burlington.

Public Engagement Matters:

Not applicable.

Conclusion:

The attached Memorandum of Understanding for an Integrated Halton Area Planning System seeks to advance a collaborative relationship between the Region of Halton, Conservation Halton, and the City of Burlington in an effort to provide clarity for seamless service delivery moving forward. Council's endorsement will lead to the necessity of several implementation exercises. Updates on these actions will be provided to Regional Council throughout 2019-2020.

Respectfully submitted,

Tami Kitay, MPA MCIP RPP

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Appendices:

- A. Memorandum of Understanding for an Integrated Halton Area Planning System

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.