

NVCA  
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**MUNICIPAL PLANNING SERVICES AGREEMENT**

**BETWEEN**

**THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO**

**AND THE**

**NOTTAWASAGA VALLEY CONSERVATION AUTHORITY**

**Date: June 2, 2016**

## **1. INTRODUCTION**

The Nottawasaga Valley Conservation Authority (NVCA) provides plan review and regulatory functions under the authority provided by the *Planning Act*, the *Conservation Authorities Act*, and other applicable legislation. As outlined below, this agreement recognizes that the Corporation of the Township of Adjala-Tosorontio (Township) is the approval authority for various applications under the *Planning Act* and provides for a partnership between the NVCA and the Township to promote efficiency, effectiveness, and clarity in the plan review process including enhancing communications and issue resolution.

The **PURPOSE** of this agreement is to:

- a) Clarify the roles that the Township and the NVCA perform in the planning application review process;
- b) Indicate the circumstances under which the NVCA will review planning applications and provide technical expertise to the Township, consistent with its mandate under the *Conservation Authorities Act*;
- c) Assist with the streamlining and increased transparency of the approval process; and,
- d) Develop clear protocols for the NVCA and the Township to communicate and discuss issues that arise during the plan review process and to put in place a dispute resolution process.

## **2. ROLES AND RESPONSIBILITIES**

The **Township of Adjala-Tosorontio** (hereinafter the "Township") and the **Nottawasaga Valley Conservation Authority** (hereinafter the "NVCA") agree that:

- a) The Township will screen planning and development applications received by it and forward those applications which require NVCA review/approval within reasonable time frames. The screening of the applications will occur in accordance with the Screening Procedures as set out in Schedule 1 attached. The Screening Procedures may be revised from time to time on written consent of each of the Parties.
- b) The NVCA will, within reasonable time frames, provide the Township with plan review and technical clearance services, as set out in Schedule 2 attached, in accordance with the Provincial Policy Statement and NVCA's policies and guidelines, by fulfilling the functions described below:
  - (i) Define, and/or assist with the delineation and/or definition of natural features and assess the long-term ecological function and biodiversity of natural heritage systems, as well as identifying opportunities, where applicable, for restoration or improvements. Examine the functions of these features and recommend mitigative measures and/or approval requirements and/or conditions for the areas identified in 2. b) ii).
  - (ii) Define, and/or assist at the Pre-Development Consultation stage of the approval process with the determination of the need for, and scope of, specific studies required for the NVCA to fulfill its mandate under the *Conservation Authorities Act* and the *Planning Act*. During subsequent stages help determine the adequacy of the submitted studies. These studies may include environmental impact studies which

assess impacts and propose appropriate development limits defined through policy, mitigation, restoration and/or enhancement measures related to:

- wetlands;
- wildlife habitat;
- habitats of threatened and endangered species;
- fish habitat;
- areas of natural and scientific interest;
- woodlands;
- valley lands and watercourses;
- natural hazards (flooding, erosion and hazardous sites);
- ground water discharge and recharge areas;
- ground water quantity and quality;
- surface water quantity and quality.

(iii) Assist in the review of technical aspects of applying alternative development standards as a best management practice for stormwater management purposes and enhancement of natural heritage features and functions consistent with Provincial and local policies.

c) That the NVCA will share information or data sources generated through municipal or watershed studies or source water protection work, provided that the data sources are not restricted under third party licensing.

d) Notwithstanding the purpose of this agreement, it is recognized that:

(i) The NVCA will review and provide comments and advice in the context of the policies and land use designations of approved official plans and other guiding municipal documents as a resource management agency, landowner, service provider, public commenting agency, as delegated on behalf of the Province for natural hazards, and as a regulatory body;

(ii) Effective watershed management and environmental protection also requires the appropriate consideration of regional and local natural resources as identified through official and secondary plans, municipal studies, watershed and subwatershed studies, NVCA natural heritage mapping, or a site specific proposal;

(iii) The NVCA will continue to provide comments and recommendations as outlined in 2.b)(i & ii), on planning matters circulated by the Township such as official plans and policy amendments and/or municipal studies;

(iv) The NVCA will review and provide comments and advice in the context of the policies and land use designations of the Oak Ridges Moraine Conservation Plan where the development falls within the lands subject to the NVCA Regulations. The review cost shall be addressed by the applicant in accordance with the approved NVCA Fee Schedule and at no cost to the Township;

(v) Nothing precludes the Township from obtaining peer review comments from qualified professionals on natural heritage matters for applications circulated by the Township to the NVCA if deemed necessary or desirable by the Township;

- (vi) Nothing precludes the NVCA from commenting to the Township as would normally be exercised under the *Planning Act*, the *Conservation Authorities Act*, or other applicable legislation;
- (vii) Qualified professional planning staff will formally comment on planning applications on behalf of the NVCA. Comments from other professionals within the NVCA on planning applications will be considered informal until they are confirmed in writing by planning staff;
- (viii) The NVCA will have regard for previous comments provided by NVCA staff. Any change in comments based on updated legislation or new information or other matters will be discussed with the Township in advance of any formal correspondence being sent to the Township; and,
- (ix) The Township is the approval authority for Plans of Subdivision and Development Applications submitted under the *Planning Act*, and shall exercise its authority considering those comments received from the NVCA.

### **3. TERMS AND IMPLEMENTATION**

a) The Township and the NVCA agree that:

- (i) The term of this agreement shall be for a period of five years from the date of execution by the Township and the agreement may be automatically extended for additional three-year terms, on the same terms and conditions as contained herein at the discretion of the Township and the NVCA, until terminated or amended by either party in accordance with subsection 3(b);
- (ii) The Township and the NVCA will generally review this Agreement every two (2) years, to consider changes in programs of the parties or changes in Provincial policies, and at least six months prior to the expiry of the initial five year or subsequent three-year terms. The Township's Planning Department and NVCA staff will monitor the agreement and its expiry;
- (iv) The Township shall indicate to a prospective applicant where a proposed development may be subject to NVCA regulations and approvals and encourage consultation with the authority.
- (v) When providing written engineering comments to development applicants and the Township, the NVCA shall take into regard and consideration, the approved Engineering Design Standards of the Municipality;
- (vi) When providing written comments to applicants and the Township, the NVCA shall respond within a reasonable timeframe and clearly specify which comments pertain to matters where the NVCA has the approval mandate, and which comments are recommendations which pertain to those matters where the approval is with the Township;

- (vii) To make provisions for NVCA staff to attend Ontario Municipal Board Hearings with Township staff, with respect to the plan review and technical clearance services provided pursuant to this agreement. Where Township staff is attending Hearings in which matters of mutual interest are at issue, Township staff may attend to represent both agencies' interests, at the mutual agreement of both parties. Notwithstanding the aforesaid, the NVCA will not be precluded from independently appealing a decision to the Ontario Municipal Board if they so choose. The protocol, as set out by Schedule 3, should be followed in advance of such appeals. Where the NVCA staff attend a hearing to give NVCA area of expertise evidence on plan review matters on behalf of the Township, in accordance with this Agreement, it will be normally completed at no expense to the Township unless otherwise agreed to in writing by both parties;
  - (viii) To participate jointly in Pre-Development Consultation, as appropriate, for new development proposals. As part of the identification of studies it is agreed that all necessary studies should be identified at the Pre-Consultation stage and any additional studies should only occur as a result of legislative changes or new information not known or disclosed at the time of the Pre-Consultation meeting;
  - (ix) Fees for NVCA plan review and technical clearance services shall be set by the NVCA, as approved by the Nottawasaga Valley Conservation Authority Board of Directors, and reflected in the approved planning Fee Schedules. Any approved revised NVCA fee schedules will be provided to the Township as they occur;
  - (x) The Township agrees to collect applicable NVCA base fees for Site Specific Official Plan and Zoning By-law amendments, consents and minor variances, on behalf of the NVCA. The NVCA shall be responsible for collecting all other Processing/Approvals and/or additional fees as required by the approved NVCA Fee Schedule;
  - (xi) The Township will not knowingly, or without prior communication to the NVCA, issue building permits or provide final approval if the NVCA has not signed off on any application which may require a permit from the NVCA under its Regulation or the applicant has not paid NVCA fees;
  - (xii) The Township shall ensure that applicants are well informed with respect to the need to address the payment of any additional NVCA fees where applicable; and,
  - (xiv) All parties agree to meet the requirements of the Municipal Freedom of Information and Protection and Privacy Act, R.S.O. 1990, Chapter M.56.
- b) Any party may terminate this agreement at any time upon delivering 12 months written notice of termination, by prepaid registered mail, to all of the other parties, which notice shall be deemed to be received on the third business day from the date of mailing.
- c) Any notice to be given pursuant to this agreement shall be delivered to the parties at the following address:

Township of Adjala-Tosorontio  
7855 Sideroad 30,  
Alliston, Ontario,  
L9R 1V1

Attention: E. Wargel, Chief Administrative Officer

Nottawasaga Valley Conservation Authority  
John Hix Administrative Centre  
8195 8<sup>th</sup> Line, Utopia ON  
L0M 1T0

Attention: G. Wood, Chief Administrative Officer

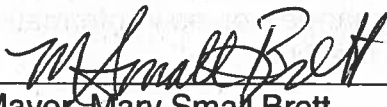
**4. THE AGREEMENT**

Signed, Sealed and Delivered

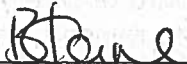
This 8 day of September, 2016

AUTHORIZED BY BY-LAW NO. 16-24 PASSED BY  
THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP  
OF ADJALA – TOSORONTIO ON July 11, 2016

The Corporation of the Township of Adjala-Tosorontio



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Mayor, Mary Small Brett

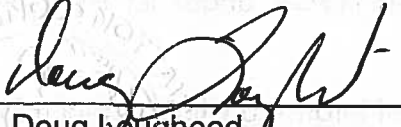


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Clerk, Barbara Kane

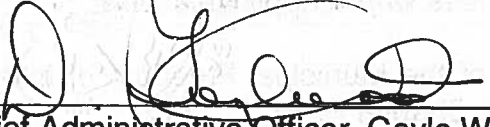
Signed, Sealed and Delivered

This 26 day of August 2016

The Nottawasaga Valley Conservation Authority



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Chair, Doug Lougheed



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Chief Administrative Officer, Gayle Wood

**SCHEDULE -1**  
*Screening Procedure*

1. The following Screening Criteria is to be used to provide the Township with a reference for the circulation of development applications and/or policy documents.
2. All policy documents that may affect environmental and/or natural hazard issues and/or NVCA lands shall be circulated by the Township to the NVCA for comment; e.g., Official Plan and Secondary Plan Amendments, Policy Amendments, Background Municipal Studies, Subwatershed Studies, Environmental Assessments and other environmental studies.
3. Where the land area of a development application is wholly, or partially within or abutting the NVCA Area of Interest, the following applications shall be forwarded by the Township:
  - a. Site Specific Official Plan Amendment Applications and any related applications as noted in items c, d or g below.
  - b. Site Specific Rezoning and any applications related to items c, d or f below.
  - c. Plan of Subdivision Applications which are both within and outside the area of interest.
  - d. Plan of Condominium Applications which have not received previous site plan or subdivision approval both within and outside the area of interest.
  - e. Consent Applications involving easements, creation of new lots or part lots, and/or lot boundary adjustments or additions.
  - f. Minor Variance applications.
  - g. Site Plan Approval Applications (pursuant to Section 41 of the *Planning Act*) which are both within and outside the area of interest.

The NVCA shall be invited to attend the Pre-Development Consultation meeting where the applicant would be notified of the required applications and review fees required as part of the approvals process.

4. For Building Permit Applications on properties subject to NVCA regulations, the Township will advise applicants that they are required to contact the NVCA to ensure that the application meets the requirements of the *Ontario Regulation 172/06* or its successor as well as the *Ontario Building Code*. Note: Building permits shall not be issued for properties that may be within a regulated area, until such time as requisite clearances have been provided by the NVCA.
5. Any works proposed within or adjacent to a valley or stream corridor or other areas regulated by the NVCA, may require NVCA permit approval under the NVCA's Ontario Regulation. Where it has been identified by the NVCA that such permits are required, this requirement shall be identified in, and where feasible, be a condition of all *Planning Act* approvals provided by the Township. The NVCA, in accordance with the approved NVCA Procedural Guideline for the Placement of Large Quantities of Fill (or successor) shall ensure that the Township is aware of any large fill permit applications and advise the applicants to contact the Township to obtain any necessary approvals. In addition, the quality of the soils shall be to the satisfaction of the Township (primarily Table 1 and 2 soils as per the MOECC soil quality requirements). Similarly, the Township shall ensure that the NVCA is made aware of any large fill permit applications on lands outside of NVCA jurisdiction and advise applicants to contact the NVCA to obtain any necessary approvals.

6. For all development applications not within NVCA regulated areas, or other areas of concern to the NVCA, the Township will be solely responsible for the review, approval, inspection and enforcement of erosion and sediment control measures during the construction period.
7. The NVCA may require, within an Area of Interest, landscape and planting considerations, in addition to sediment and erosion control requirements, which shall be considered by Township staff in reviewing affected applications.
8. For all applications listed in number 3 (above), the NVCA may require review of, and/or request additional studies in support of, proposed or requisite stormwater management measures.



**SCHEDULE-2**

*Definitions*

- I. "Plan Review" is defined as:
  - (i) reviewing development applications in a reasonable timeframe, as agreed upon and identified by this Agreement, recognizing the *Planning Act* objectives;
  - (ii) delineating and assisting with the delineation of the limits of the natural features and systems;
  - (iii) identifying the need for technical reports; and
  - (iv) recommending conditions of approval.
  
2. "Technical Clearance" is defined as:
  - (i) assessing technical reports submitted by the proponent to determine if the reports satisfy the conditions specified; and
  - (ii) clearing the conditions.
  
3. "Area of Interest" is defined as the areas listed in Section 2.b) ii) which includes:
  - (i) NVCA regulated areas including: watercourses, river and stream valleys, natural hazards (flooding, erosion and unstable soils/bedrock), wetlands, and associated allowances & other lands.
  - (ii) Natural features and areas including: areas of natural and scientific interest, habitat of rare and endangered and threatened species, significant wildlife habitat, woodlands, wetlands, surface and groundwater features and fisheries habitats.
  
4. "Reasonable Timeframe" for review and comment on development submissions is defined as:
  - (i) The time frames provided in the *Planning Act* and the Province's Policies and Procedures for Conservation Authority Plan Review and Permitting Activities. Notwithstanding, NVCA staff will attempt to review complete submissions within 30 working days from the time of NVCA's receipt of the submissions.

**SCHEDULE-3**

*Plan Review Communications and Issue Resolution Protocol*

1. All disputes should be resolved in a collaborative manner between the NVCA and Township staff;
2. An affected or interested property owner or designated agent may be invited to participate in discussions if it is determined that their input would be of assistance in resolving the matter.
3. Each party should clearly articulate their expectations with clear lines of communication and respect for each party's interests, mandates, and authority; and,
4. Before proceeding to any formal dispute resolution mechanisms involving NVCA Board or Directors or Township Council, the NVCA and Township staff should use their best efforts to jointly develop a written issue statement, describing the facts and events leading to the dispute and potential resolution options. The steps in the issue resolution protocol shall be as follows:

Steps

1. Township staff to discuss matter with NVCA staff in attempt to resolve matter;
2. Township Department Head to discuss matter with NVCA Planning Director in attempt to resolve matter;
3. Township CAO to discuss matter with NVCA CAO in attempt to resolve matter;
4. Township CAO, NVCA Board of Directors representative(s), NVCA CAO review matter in attempt to resolve matter; and then if unresolved:
5. To NVCA Board of Directors.

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW NO. 16 - 24

A BY-LAW TO AUTHORIZE THE EXECUTION OF A MUNICIPAL PLANNING SERVICES AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF ADJALA – TOSORONTIO AND THE NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

**WHEREAS** the Municipal Act, S.O. 2001, c. 25, authorizes Council to enter into agreements; and,

**WHEREAS** the Nottawasaga Valley Conservation Authority provides plan review and regulatory functions under the authority provided by the Planning Act, the Conservations Authorities Act and other applicable legislation; and,

**WHEREAS** the Township of Adjala-Tosorontio is the approval authority for various applications under the Planning Act; and,

**WHEREAS** the Municipal Planning Services Agreement will promote efficiency, effectiveness, and clarity in the plan review process including enhancing communications and issue resolution; and,

**WHEREAS** the Council of the Corporation of the Township of Adjala-Tosorontio deems it expedient to enter into a Municipal Planning Services Agreement with the Nottawasaga Valley Conservation Authority;

**NOW THEREFORE** the Council of the Corporation of the Township of Adjala-Tosorontio enacts as follows;

1. **THAT** the Mayor and the Clerk are hereby authorized and directed to execute on behalf of the Township of Adjala – Tosorontio a Municipal Planning Services Agreement with the Nottawasaga Valley Conservation Authority.
2. **THAT** a copy of the Agreement is attached hereto as Schedule "A" to this By-law and the Schedule is hereby made part of this By-law.
3. **THAT** this By-law shall take effect and come into force upon the passage thereof.
4. **THAT**, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 11<sup>th</sup> day of July, 2016.

  
MAYOR MARY SMALL BRETT

  
CLERK BARBARA KANE

