

FILE COPY

PROTOCOL
FOR PLAN REVIEW AND TECHNICAL CLEARANCE
BETWEEN
THE TOWN OF CALEDON
("the Town")
AND
NOTTAWASAGA VALLEY CONSERVATION AUTHORITY
(NVCA)
June 2011



1. Context

It is a goal of the Town of Caledon Official Plan, “To create and maintain a system of viable, well-functioning environmental features to ensure a healthy, resilient and self-sustaining natural environment within the Town of Caledon”. The Town Official Plan policies impose a responsibility to ensure the prevention of loss of life and minimization of property damage in natural hazard areas.

The protection, restoration and enhancement of the natural environment, and the safety of persons and property is carried out in part through the review of and preparation of comments on development applications, and is a shared responsibility with the Town of Caledon and the NVCA. This Protocol serves to guide the NVCA in assisting the Town of Caledon to carry out their shared responsibility to foster an ecosystem approach to sustainable living and thereby achieve the goals set out in the Town of Caledon Official Plan. Specifically through this Protocol, the Town seeks the technical assistance from the NVCA in preparing comments related to plan review and technical clearance. The NVCA possess technical expertise as per their mandated responsibilities under the *Conservation Authorities Act* that are a benefit to the Town when dealing with plan review and technical clearance matters related to natural heritage and natural hazards. This Protocol is not a delegation of authority to the NVCA to determine the Town’s position on land-use planning matters. The NVCA agrees to provide review services as requested by the Town of Caledon subject to the collection of the current NVCA review fee from the applicant.

2. Definitions

a) “Plan Review” means:

- i) reviewing development applications, licences, permits and/or other permissions under the *Conservation Authorities Act, Clean Water Act, Planning Act, Aggregates Resources Act* and *Water Resources Act (for review of permits to take water)* in a timely manner;
- ii) Identifying the need for and review of technical reports; and
- iii) Specifying conditions of approval.

b) “Technical Clearance” means:

- i) Assessing technical reports submitted by the proponent to determine if the reports satisfy the conditions specified; and
- ii) Clearing the conditions.

3. THE PURPOSE of this protocol is to:

- i) establish the parameters of the plan review and technical clearance expertise that the NVCA shall provide to assist the Town of Caledon, (the Town) to make decisions on planning applications to the Area Municipalities; and
- ii) Streamline the municipal plan review process as it relates to Provincial and regional/local interests where opportunities exist.

4. STATEMENT OF PRINCIPLES

For the purposes of this protocol it is understood and agreed by the parties that:

- i) the NVCA shall review and provide comments on development applications, licenses, permits and/or other permissions and provide advice in the context of applicable area municipal, regional and provincial policy and legislation including, but not limited to: the *Planning Act*, the Provincial Policy Statement, the *Conservation Authorities Act*, *Clean Water Act*, the *Environmental Assessment Act*, the *Fisheries Act*, the *Oak Ridges Moraine Conservation Act* and Oak Ridges Moraine Conservation Plan, the *Greenbelt Plan Act* and Greenbelt Plan, the *Places to Grow Act* and Places to Grow Plan for the Greater Golden Horseshoe, the Town of Caledon Official Plan and the policies and land use designations of approved area municipal official plans, other strategic municipal documents, (sub)watershed plans and conservation authority policy documents and other applicable legislation as may from time to time be enacted;
- ii) the goals of effective watershed management and environmental protection and enhancement, including, air quality, climate change, healthy rivers, safe drinking water, biodiversity and sustainable living require the consideration of provincial, regional and local scale natural resources as identified in official and secondary plans, or through municipal studies, watershed and sub-watershed studies, or area specific studies;
- iii) the NVCA shall provide comments and recommendations as outlined in 5(iii), on planning matters circulated by the Town such as amendments to the Town of Caledon Official Plan, and municipal studies including planning applications submitted to the Town by the Regional Municipality of Peel and other agencies;
- iv) Nothing in this protocol precludes the NVCA from providing comments to the Town in accordance with their powers under the *Planning Act*, the *Conservation Authorities Act* and/or other applicable legislation;
- v) the Town has the authority to review all comments and recommendations made by the NVCA for the consideration of Town Council. The Town can request clarification from the NVCA on their comments to be done in a timely manner.
- vi) Should the Town disagree with the comments and recommendations of the NVCA, the parties shall meet to discuss their differences of opinion and strive for consensus;
- vii) Subsequent to the above noted meeting in paragraph vi, the Town may choose to move forward with the application without the full adherence of NVCA comments;
- viii) This Protocol may apply to Town Official Plan Amendments initiated by the Town;
- ix) nothing in this Protocol precludes the Town from providing comments in accordance with their powers under the *Planning Act*, and/or other applicable legislation.

5. ROLES AND RESPONSIBILITIES

The Town and the NVCA agree that:

- i) the Town is responsible to be consistent with Provincial interests and the Town Official Plan policies and the Regional Municipality of Peel Official Plan with respect to any planning applications for which it has approval authority or otherwise comments on;
- ii) any information or data sources provided by the Province or generated through municipal or watershed studies shall be shared where possible;

iii) the NVCA shall provide the Town with plan review and technical clearance services for all development applications, licences, permits and/or other permissions under the *Planning Act*, *the Aggregates Resources Act* and *the Water Resources Act (for review of permits to take water)* to ensure they: conform with the intent of the Town of Caledon Official Plan; are consistent with the Provincial Policy Statement; and are in conformity with all other applicable provincial legislation and plans and the Regional Official Plan. The advice provided to the Town shall be provided in a timely fashion. The scope of the plan review and technical clearance services shall include, but not be limited to, the following:

(a) defining features and functions, establishing requirements and conditions to determine the need for and adequacy of studies (including environmental impact studies) to assess impacts and propose mitigation restoration and/or enhancement measures related to:

Surface water, including:

- flood and erosion watercourse and valleyland hazards
- flood and erosion dynamic beach hazards
- kettle lakes
- permanent and intermittent streams
- seepage areas and springs
- shorelines
- wetlands
- surface water quantity and quality
- baseflows

Ground water including:

- groundwater recharge and discharge areas
- groundwater quantity and quality
- headwaters
- underground aquifers

Terrestrial features/functions including:

- biodiversity within terrestrial features
- ecosystem linkages and corridors
- environmentally significant areas
- landform conservation
- sand barrens, savannahs and tall grass prairies
- species at risk/species of interest
- valley stream corridors
- areas of natural and scientific interest
- woodlands

Habitats including:

- fish habitat
- habitats of endangered, threatened and special concern species
- wildlife habitat
- wildlife corridors; and

(b) identifying the need for an application to be processed under the *Federal Fisheries Act*, *the Conservation Authorities Act*, *the Lakes and Rivers Improvement Act*, *the Public Lands Act* or any other applicable legislation.

6. TERM AND IMPLEMENTATION

The Town and the NVCA acknowledge and agree:

- i) the term of this Protocol shall be in effect from the date last executed until such time that the Town, NVCA and the Town's partner conservation authorities establish one consolidated Protocol that establishes the parameters of the plan review and technical clearance expertise that the conservation authorities shall provide to assist the Town
- ii) to continue to explore further opportunities to streamline the plan review process as it relates to Provincial and regional/local interests;
- iii) that if in the opinion of the Town, NVCA staff are required to appear before the Ontario Municipal Board to represent the Town's interests with respect to the plan review and technical clearance services provided pursuant to this agreement, NVCA shall make those staff available to attend at no extra cost to the Town. Unless otherwise agreed upon in writing by both parties. If Town staff and/or legal representation are required to attend Ontario Municipal Board proceedings and matters of interest to the NVCA are at issue, Town staff and/or legal representation may attend to represent both agencies' interests, at the mutual agreement of both parties. Nothing in this Protocol shall limit the NVCA from independently appealing a decision to the Ontario Municipal Board;
- iv) that the NVCA shall be responsible for collecting any further Processing/Approvals and/or Final Clearance Fees as required; and
- v) that the NVCA shall provide the Town with an approved Schedule of fees and updates thereto in a timely manner.
- vi) that all information exchanged under this protocol is subject to the confidentiality and non-disclosure requirements of the Ontario *Municipal Freedom of Information and Protection of Privacy Act*.
- vii) 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.

THE CORPORATION OF THE TOWN OF CALEDON


Per:



 Marilyn Morrison, Mayor




 Date



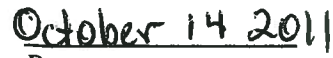
 Karen Landry, Clerk

 Date

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY



 Wayne E. Wilson
 CAO Secretary -Treasurer



 Date

