



MUNICIPAL PARTNERSHIP AND SERVICE AGREEMENT

- between -

THE CORPORATION OF THE TOWNSHIP OF ESSA

- and the -

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

March 2017
MUNICIPAL PARTNERSHIP AND SERVICE AGREEMENT

THIS AGREEMENT made this _____ day of _____ 2017.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF ESSA
(hereinafter the "Township")

OF THE FIRST PART

AUTHORITY **NOTTAWASAGA VALLEY CONSERVATION**
(hereinafter the "NVCA")

OF THE SECOND PART

WHEREAS the NVCA provides development review and regulatory functions under its authority as provided by the *Planning Act*, the *Conservation Authorities Act*, or other applicable legislation;

AND WHEREAS the Township is the approval authority under the *Ontario Building Code* and the *Planning Act*;

AND WHEREAS the NVCA is the approval authority under the *Conservation Authorities Act*;

AND WHEREAS the Township and the NVCA desire a partnership intended to promote efficiency, effectiveness and clarity in the development review process including enhanced communications and issue resolution;

AND WHEREAS subsection 21(1 n) of the *Conservation Authorities Act, R.S.O. 1990, c. C. 27* permits an authority to collaborate and enter into an agreement with a municipal council;

THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the Parties hereto agree one with the other as follows:

1. Purpose

That the purpose of this Agreement is:

- (a) To clarify the roles that the Township and the NVCA perform in the development review process including the NVCA's regulation program;
- (b) To outline when the NVCA is to review *Planning Act* applications and provide its expertise to the Township as mandated under the *Conservation Authorities Act*;

- (c) To assist with streamlining and increasing the transparency of the local development review process; and
- (d) To develop a protocol between the Township and the NVCA for communication and dispute resolution.

2. Schedules

The following schedules attached hereto form part of this Agreement:

- (a) Schedule “A” being a description of the screening procedures;
- (b) Schedule “B” being a list of definitions;
- (c) Schedule “C” being a chart describing the agency roles of the NVCA.

3. Roles and Responsibilities

The parties agree:

- (a) That the Township shall screen *Ontario Building Code* applications in accordance with the procedures as set out in Schedule “A”;
- (b) That the Township shall not knowingly issue its building permit for a property located wholly or partially within a NVCA regulated area until such time as requisite NVCA clearance or permit has been provided and any NVCA fees paid;
- (c) That the NVCA shall provide the Township with a copy of an issued NVCA Permit affecting *Ontario Building Code* applications submitted to the Township, and also confirm that its fees have been collected;
- (d) That the NVCA shall advise the Township on any non-compliance matters for works approved under a NVCA Permit;
- (e) That the Township shall screen *Planning Act* applications in accordance with the procedures as set out in Schedule “A”;
- (f) The NVCA shall, within a reasonable timeframe, provide the Township with plan review and technical clearance services, as defined in Schedule “B”, in accordance with the Provincial Policy Statement and NVCA’s policies and guidelines, by fulfilling the functions below:
 - (i) To define or assist with the delineation or definition of natural heritage features and assess the long-term ecological function and biodiversity of natural heritage systems, as well as identifying opportunities, and where appropriate, the restoration, mitigation

or improvements of the natural heritage systems. To examine the functions of these features and recommend mitigative measures and/or approval requirements and/or conditions for the areas identified in 3 (f ii);

- (ii) To define or assist during the Township's Pre-consultation stage 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*. These studies may assess impacts and propose appropriate development limits defined through policy, mitigation, restoration or enhancement measures related to:
- wetlands;
 - watercourses and shorelines;
 - wildlife habitat;
 - habitats of threatened and endangered species;
 - fish habitat;
 - woodlands;
 - valley lands;
 - natural hazards (flood, erosion, hazardous sites and dynamic beach hazards);
 - ground water discharge and recharge areas;
 - ground water quantity and quality; and
 - surface water quantity and quality (including stormwater management).
- (iii) To assist in the technical aspects of applying alternative development standards as a best management practice for stormwater management purposes and the enhancement of natural heritage features and functions consistent with Provincial and local policies, if any; and
- (iv) To assist where appropriate in the implementation of the Source Water Protection Plan.

4. Terms and Implementation

The parties agree:

- (a) The term of this Agreement shall be for a period of five years from the date of authorization by the Township. This 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 unless terminated or otherwise amended by the parties;
- (b) That Township and NVCA staff shall monitor the Agreement for its efficiency and effectiveness;
- (c) That the Township and the NVCA shall review this Agreement every two years, to consider changes in programs of the parties or changes in Provincial policies;

- (d) That the NVCA shall share information or data sources generated through outside governmental or other watershed studies or source water protection work, provided that the data sources are not restricted under third party licensing;
- (e) The Township shall indicate to prospective applicants where a proposed development may be subject to NVCA regulations and approvals, and to encourage them to consult directly with the NVCA;
- (f) That when it is commenting the NVCA shall clearly indicate which comments fall under which of its role in accordance with Schedule "C" attached hereto. If providing comments regarding engineering matters the NVCA shall take into consideration the engineering design standards of the Township;
- (g) That NVCA staff shall have regard for comments previously provided by the NVCA. Any change in comments based on updated legislation, new information or other matters will be discussed with the Township in advance of any formal comments being resent to the Township;
- (h) That NVCA staff may attend an Ontario Municipal Board hearing with Township representatives, with respect to its plan review and technical clearance services provided under this Agreement. Where the Township is attending a hearing in which matters of mutual interest are at issue the Township representatives may, upon mutual consent of the parties, represent both parties' interests. Despite the above, the NVCA is not precluded from independently appealing a decision to the Ontario Municipal Board should it so choose;
- (i) The NVCA is encouraged to participate at the Township's Pre-consultation stage for development applications. It is agreed that all necessary studies shall be identified at Pre-consultation and that any additional studies should only occur as a result of legislative changes, new information or other matters not previously known or disclosed at the time of the Pre-consultation;
- (j) That the fees charged for the NVCA's plan review and technical clearance services shall be set by the NVCA as approved by the NVCA Board of Directors. Any approved revised NVCA fee schedules will be provided to the Township as they occur;
- (k) That the NVCA shall be solely responsible for collecting its fees. That Township of Essa staff will actively ensure that applicants are well informed with respect to the need to address the payment of NVCA fees where applicable; and
- (l) That any party may terminate this Agreement at any time upon delivering 12 months written notice of termination, by prepaid regular mail to the other party, which notice shall be deemed to be received on the third business day from the date of the mailing.

5. Statement of Principles

Despite the purposes and other provisions of this Agreement the parties further agree:

- (a) That the NVCA shall review and provide comments in the context of the Provincial Plans, County Official Plan, NVCA Policies and Guidelines, and the Township's policies and land-use designations of approved Official Plans and other guiding municipal documents;
- (b) That nothing precludes the NVCA from commenting to the Township as would normally be exercised under the *Planning Act*, the *Conservation Authorities Act*, or any other applicable legislation;
- (c) That the Township is the approval authority for applications submitted under the *Ontario Building Code* and the *Planning Act*;
- (d) That nothing precludes the Township from exercising its authority under the *Planning Act*;
- (e) That nothing precludes the Township from obtaining independent peer review comments from qualified professionals for any application that has been circulated to the NVCA; and
- (f) For all development applications not within NVCA regulated areas the Township will be solely responsible for the review, approval, inspection and enforcement of erosion and sediment control measures during the construction period.

6. Notice

The parties agree that:

- (a) if any notice is required to be given to the NVCA with respect to this Agreement, such notice shall be mailed, delivered or sent by facsimile transmission to:

Nottawasaga Valley Conservation Authority
Attention: Chief Administrative Officer
8195 8th Line
Utopia, Ontario L0M 1T0
Fax: 705.424.2115

- (b) if any notice is required to be given to the Township with respect to this Agreement, such notice shall be mailed, delivered or sent by facsimile transmission to:

The Corporation of the Township of Essa
Attention: Chief Administrative Officer
5786 County Road 21
Utopia, ON L0M 1T0
Fax: 705.424.2367

SCHEDULE "A"
SCREENING PROCEDURES

1. For *Ontario Building Code* applications on properties subject to NVCA regulations (considered applicable law under the *Ontario Building Code*), the Township will advise the 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.
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. The Township shall circulate to the NVCA the following *Planning Act* applications;
 - (a) Official Plan or Amendments thereto that are located wholly, partially or abutting an area of interest and any related applications as noted in items c, d or g below;
 - (b) Zoning By-law or Amendments thereto that are located wholly, partially or abutting an area of interest any related applications as noted in items c, d or g below;
 - (c) All Plans of Subdivision including applications 5 hectares or greater which are outside the area of interest. If there are a number of adjacent development sites each less than 5 hectares and outside the area of interest, those development applications may be circulated to the NVCA for review;
 - (d) All Plans of Condominium unless the Plan of Condominium has previously received a Site Plan Control Agreement or Plan of Subdivision approval, including applications 5 hectares or greater which are outside the area of interest;
 - (e) Consent involving the creation of a new lot or a lot addition located wholly, partially or abutting an area of interest;
 - (f) Minor Variance located wholly within an area of interest; and
 - (g) All Site Plan Control applications wholly or partially within or abutting the area of interest and applications 5 hectares or greater which are outside the area of interest.
4. The Township shall circulate to the NVCA any Pre-consultation application that it receives for those *Planning Act* applications described in Clause 3 above.
5. For all applications listed in Clause 3 above, the NVCA may require review of, and/or request additional studies in support of, proposed or requisite stormwater management measures.

SCHEDULE "B"
DEFINITIONS

"Abutting" shall mean;

- (a) Land that is contiguous to an area of interest.

"Area of Interest" shall mean:

- (a) NVCA regulated areas including watercourses, river and stream valleys, natural hazards (flooding, erosion, dynamic beaches and unstable soils/bedrock), wetlands and associated allowances; and
- (b) Natural heritage features and areas including: habitat of rare and endangered and threatened species, significant wildlife habitat, woodlands, wetlands, surface and groundwater features and fisheries habitats.

"Plan Review" shall mean:

- (a) The review of an application under the *Planning Act* in a reasonable timeframe as defined in this Agreement;
- (b) Delineating and/or assisting with the delineation of the limits of the natural hazards, natural heritage features and systems;
- (c) Identifying the need for technical reports; and
- (d) Recommending conditions of approval.

"Reasonable Timeframe" shall mean:

- (a) Those time frames provided in the *Planning Act* and Province's *Policies and Procedures for Conservation Authority Plan Review and Permitting Activities*. Despite this the NVCA will attempt to review complete submissions within 25 working days from the time of NVCA's receipt of the submissions.

"Technical Clearance Services" shall mean:

- (a) Assessing submitted technical reports to determine if the reports satisfy any conditions specified; and
- (b) Clearing conditions associated with a development.

SCHEDULE "C"

N.V.C.A'S REGULATORY (SECTION 28), PLANNING ACT, AND RESOURCE MANAGEMENT AGENCY ROLES

ROLE AND RESPONSIBILITIES					
NVCA's Area of interest	Regulatory Authority	Watershed Resource Management Agency	Planning Act Commenting Agency	Service Agreements	Delegated Provincial Responsibility
<i>Type and basis of authority</i>	Approval Authority/Permit <i>Required based on Section 28 Regulations Conservation Authorities Act (CA Act), and Ontario regulation 172/06.</i>	Advisory based on watershed plan/policies/guidelines as approved by the NVCA Board of Directors.	Advisory based on the Planning Act. Must have regard for comments for natural hazards as the Provincial lead agency and for other natural Heritage features comments are advisory	Advisory watershed technical comments/support based on individual service agreements.	CAs were delegated natural hazard responsibilities by the Minister of Natural Resources and Forestry (MNRF). Representing the Provincial Planning interests for Natural Hazards as per 3.1 of the PPS when commenting on planning.
Wetlands	Approval authority for all wetlands, as per CA Act.	Advisory , NVCA's area of interest is with both locally significant and provincially significant wetlands and to provide comments and advice to	Advisory based on the <i>Planning Act</i> , must have regard for comments for natural hazards as	NVCA-County of Simcoe and other municipalities planning support agreements.	NVCA approval agency under CA Act and lead commenting agency under the <i>Planning Act</i> for

		member municipalities.	the Provincial lead agency	Provide plan review comments, providing advisory technical expertise and support.	wetland related hazards.
Shoreline Hazards (flooding and erosion hazards)	Approval authority as per CA Act.	Advisory , NVCA's area of interest to provide comments and advice to member municipalities.	Advisory based on the <i>Planning Act.</i> , must have regard for comments for natural hazards as the Provincial lead agency	NVCA- County of Simcoe and other municipalities planning support agreements. Provide plan review comments, providing advisory technical expertise and support.	NVCA approval agency under CA Act and lead commenting agency under the <i>Planning Act.</i>

ROLE AND RESPONSIBILITIES					
NVCA's Area of interest	Regulatory Authority	Watershed Resource Management Agency	Planning Act commenting agency	Service Agreements	Delegated Provincial Responsibility
Riverine Hazards (flooding and erosion hazards)	Approval authority as per CA Act.	Advisory , NVCA's area of interest to provide comments and advice to member municipalities.	Advisory based on the <i>Planning Act</i> , must have regard for comments for natural hazards as the Provincial lead agency	NVCA- County of Simcoe and other municipalities planning support agreements. Provide plan review comments, providing advisory technical expertise and support.	NVCA approval agency under CA Act and lead commenting agency under the <i>Planning Act</i> .
Valley Lands	Approval authority as per CA Act.	Advisory , NVCA's area of interest to provide comments and advice to member municipalities.	Advisory based on the <i>Planning Act</i> , must have regard for comments for natural hazards as the Provincial lead agency	NVCA- County of Simcoe and other municipalities planning support agreements. Provide plan review comments, providing advisory technical expertise and support.	NVCA approval agency under CA Act and lead commenting agency under the <i>Planning Act</i> for valley land related hazards.

Habitats of threatened and endangered species	Not Applicable (n/a)	Advisory , NVCA's area of interest to provide comments and advice to member municipalities, and MNRF	Advisory based on the <i>Planning Act</i> .	NVCA- County of Simcoe and other municipalities planning support agreements. Provide plan review comments, providing advisory technical expertise and support.	n/a
Fish Habitat	n/a	Advisory , NVCA's area of interest to provide comments and advice to member municipalities.	Advisory based on the <i>Planning Act</i> .	MOU between Fisheries and Oceans Canada and Conservation Ontario for Cooperation for Fisheries and Aquatic Resource Protection in Ontario.	n/a
Wildlife Habitat	n/a	Advisory , NVCA's area of interest to provide comments and advice to member municipalities, and MNRF	Advisory based on the <i>Planning Act</i> .	NVCA- County of Simcoe and municipal planning support agreements. Ca provides plan review comments, providing advisory technical expertise and support.	n/a

ROLE AND RESPONSIBILITIES					
NVCA's Area of interest	Regulatory Authority	Watershed Resource Management Agency	Planning Act Commenting Agency	Service Agreements	Delegated Provincial Responsibility
Areas of Natural & Scientific Interest (ANSI)	n/a	Advisory , NVCA's area of interest to provide comments and advice to member municipalities, and MNRF	Advisory based on the <i>Planning Act</i> .	NVCA- County of Simcoe planning support agreement. Supports County of Simcoe Natural Heritage plan review comments, providing advisory technical expertise and support to the county.	n/a
Woodlands	n/a	Advisory , NVCA's area of interest to provide comments and advice to member municipalities, and MNRF	Advisory based on the <i>Planning Act</i> .	NVCA- County of Simcoe and other municipalities planning support agreements. Provide plan review comments, providing advisory technical expertise and support.	n/a
Ground Water	n/a	Advisory , NVCA's area of interest to provide comments and advice to member municipalities, and Ministry of Environment and Climate Change (MOECC).	Advisory/ Commenting agency when dealing with the <i>Planning Act</i> .	MOECC agreement for monitoring. Municipalities planning support agreements. NVCA provide plan review comments,	n/a

				providing advisory technical expertise and support. Risk Management Officer under the <i>Clean Water Act</i> .	
Surface water quantity and quality	Regulatory/ approval authority, where the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by development. As per CA Act.	Advisory, NVCA's area of interest to provide comments and advice to member municipalities, and MOECC	Advisory/ Commenting agency when dealing with the <i>Planning Act</i> .	MOECC agreement for monitoring. Municipalities planning support agreements. Provide plan review comments, providing advisory technical expertise and support.	n/a

ROLE AND RESPONSIBILITIES					
NVCA's Area of interest	Regulatory Authority	Watershed Resource Management Agency	Planning Act Commenting Agency	Service Agreements	Delegated Provincial Responsibility
Stormwater Management	Regulatory/ approval authority, where the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by development. As per CA Act.	Advisory, NVCA's area of interest to provide comments and advice to member municipalities, and MOECC. MOECC is approval authority. CA plays advisory role, providing technical advice/support to enable ECA clearance.	Advisory based on the <i>Planning Act</i> , must have regard for comments for natural hazards as the Provincial lead agency	Municipalities planning support agreements. Provide plan review comments, providing advisory technical expertise and support.	n/a

Definitions:

- CA – Conservation Authority (in most instances, referring to NVCA)
- CA Act – Conservation Authorities Act
- DFO – Department of Fisheries and Oceans
- ECA - Environmental Approval Certificate
- MOECC – Ministry of the Environment and Climate Change
- MNRF – Ministry of Natural Resources and Forestry
- NVCA – Nottawasaga Valley Conservation Authority
- PPS – Provincial Policy Statement, Planning Act