

FILE COPY

PARTNERSHIP AGREEMENT  
FOR PLAN REVIEW, TECHNICAL CLEARANCE & FEE COLLECTION

BETWEEN  
THE TOWN OF NEW TECUMSETH  
AND  
NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

June 2011

## 1. INTRODUCTION

Nottawasaga Valley Conservation Authority (NVCA) provides plan review and regulatory functions exercised under the *Planning Act* and the *Conservation Authorities Act*, as described in the NVCA Planning and Regulations Guidelines approved August 28<sup>th</sup> 2009 (or successor), or other applicable legislation. As outlined below this Agreement is a partnership between the NVCA and the Town of New Tecumseth intended to promote streamlining of the plan review process including enhancing communications and issue resolution.

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

- a) Provide for effective and streamlined NVCA plan review and technical clearance support/expertise to assist the Town of New Tecumseth to make sound decisions on planning applications; consistent with the *Conservation Authorities Act* and relevant provincial and local policies;
- b) Support and streamline the municipal plan review process where opportunities exist to facilitate as much as possible the creation of a "one window" planning system primarily coordinated by the Town;
- c) Replace the previous agreement between the Town of New Tecumseth and the NVCA entitled "Agreement for Streamlining of Consent and Minor Variance Applications";
- d) Clarify the roles and responsibility of the NVCA planning and regulations program; and,
- e) Develop clear protocols for NVCA-Town plan review communications and issue resolution (Schedule 3).

## 2. LEGISLATIVE CONTEXT

Subsections 17(15)(b), 34(10.7)(a), 51(20)(a), 53(5)(a), and 45(5) of the *Planning Act* specify that applications for official plan and zoning amendments, plans of subdivision, consents and minor variances must be circulated to public bodies prior to consideration of approval. Ontario Regulations 543/06, 545/06, 544/06, 547/06 and 200/96 further specify that these applications must be circulated to the secretary-treasurer of the local conservation authority unless notice is given that the conservation authority does not wish to receive information pertaining to the application.

This Partnership Agreement will establish a modified circulation and notice procedure by requiring that only those applications identified on Schedule 1 will be circulated to the NVCA.

## 3. ROLES AND RESPONSIBILITIES

The Town of New Tecumseth (hereinafter the "Town") and the Nottawasaga Valley Conservation Authority (hereinafter the "NVCA") agree that:

- a) The Town will screen planning and development applications received by it and forward those applications identified for NVCA review to the NVCA in a timely manner. 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. It is agreed that the NVCA ultimately has the responsibility to ensure its mandated interests are adequately assessed and addressed for each application. As such, the Town is not to be deemed responsible for ensuring the NVCA mandate is executed on any particular application.
- b) The NVCA will provide the Town with plan review and technical clearance services, as set out within this agreement, in accordance with the NVCA Planning and Regulations Guidelines, by fulfilling the functions described below:
  - i) Define features and assess the long-term ecological function and biodiversity of natural heritage systems, identifying opportunities where applicable for restoration or improvements. Examine the

functions of these features, determine the need for and adequacy of studies (including environmental impact studies) which assess impacts, and propose appropriate development limits defined through policy, mitigation, restoration and/or enhancement measures and establish requirements and conditions related to:

- wetlands;
- wildlife habitat;
- habitats of threatened and endangered species;
- fish habitat;
- areas of natural and scientific interest;
- woodlands;
- valley lands;
- flood, erosion and dynamic beach hazards;
- flood and erosion watercourse and valley land hazards;
- ground water discharge and recharge areas;
- ground water quantity and quality;
- surface water quantity and quality.

ii) To expedite where possible the review of development applications and protect fisheries habitat by implementing the Fish Habitat Management Agreement as signed between NVCA and the Department of Fisheries and Oceans Canada, including identifying the need for an application to be processed through an application for mitigation and compensation under the *Federal Fisheries Act*.

iii) Assist in the 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.

iv) The NVCA will continue technical review of Stormwater Management reports on behalf of the Town for applications outside of the NVCA's regulated area at the discretion of the Town. Nothing precludes the NVCA from commenting and reviewing Stormwater Management submissions as would normally be exercised under the Planning Act, the Conservation Authorities Act, or other applicable legislation.

c) Information or data sources generated through municipal or watershed studies or source water protection work will be shared by the NVCA with the Town, 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;

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 provide comments, recommendations and tribunal evidence as necessary, as outlined in 3(b)(i), on planning matters circulated by the Town such as official plans, policy amendments and municipal studies; and

- iv) Nothing precludes the NVCA from commenting to the Town on land use planning as would normally be exercised under the *Planning Act*, the *Conservation Authorities Act*, or other applicable legislation.
- e) Both parties agree to actively participate in predevelopment consultation.
- f) The NVCA agrees to review and provide comments to the Town on any environmental studies, including but not limited to Natural Heritage Evaluations, Environmental Impact Study, natural hazard analysis, hydrogeological reports and stormwater management reports, required to fulfill the conditions of a development or Planning Act application. Studies will be completed to the satisfaction of the NVCA and shall be prepared in accordance with Sections 4.4.3.2, 4.5.2, and 4.5.3 of the Town of New Tecumseth Official Plan, NVCA guidelines or relevant Provincial document(s).
- g) The NVCA agrees to provide the Town with yearly reporting defining how the Town's annual contribution to the NVCA was used, and will specifically address improvements that have occurred to the Town or watershed in general as a result of NVCA efforts.
- h) The NVCA will complete a multi-year plan (e.g. Business Plan) demonstrating how their mandated responsibilities are proposed to be carried out as they affect the Town. This Plan is subject to NVCA Board of Directors approval. The NVCA Board members will consider input from the Town Council when approving the plan.
- i) NVCA staff shall provide evidence at the OMB or other tribunals as necessary in regard to plan review matters undertaken by the NVCA in accordance with this Agreement at no additional cost to the Town, unless otherwise agreed upon in writing.

#### 4. TERM AND IMPLEMENTATION

- a) The Town and the NVCA agree:
  - i) The term of this Agreement shall be for a period of three years from the date of execution by the Municipality and the Agreement shall be automatically extended for additional three-year terms, on the same terms and conditions as contained herein at the discretion of the municipality and the NVCA, until terminated or amended by either party in accordance with subsection 4(b) herein. Notwithstanding the above, the NVCA Screening Maps may be updated at any time at the discretion of the Town and the NVCA as new information becomes available.
  - ii) That the Town and the NVCA will review this Agreement to consider changes in programs of the parties or changes in Provincial policies at least three months prior to the expiry of each three-year term. The Municipality's Planning, Engineering and Building Departments and NVCA staff will monitor the Agreement and its expiry;
  - iii) To explore further opportunities to streamline the plan review process as appropriate;
  - iv) NVCA staff as necessary per the plan review process may attend Ontario Municipal Board Hearings with Town staff, with respect to the plan review and technical clearance services provided by the NVCA pursuant to this agreement. Where Town staff are attending Hearings in which matters of mutual interest are at issue, Town staff may attend to represent both parties' 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;
  - v) To participate jointly in preconsultation as appropriate for new development proposals;

- vi) That fees for the NVCA component of 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, and any approved revised Schedules will be provided to the municipality as they occur.
  - vii) The NVCA shall be responsible for collecting all NVCA plan review and technical clearance service related application fees;
  - viii) That the Town will forward applications in a timely manner to the NVCA. The NVCA agrees to comment on applications within the timeframe requirements of the *Planning Act*. In the event that this is not possible, the NVCA will provide notification to the Town prior to the expiration of the relevant timeframe with rationale for the delay and specify the revised time commitment. The Town may or may not agree to the extended timeframe.
  - ix) It is agreed that the Town 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;
  - x) That the NVCA shall provide the Town with a Screening Map, as described in Schedule 2, based on the best science/information available and will be updated periodically as new information becomes available; and,
  - xi) That both 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) Either party may terminate this agreement at any time upon delivering 6 months written notice of termination, by prepaid registered mail, to the other party, where 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:

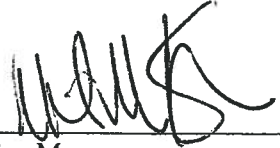
**The Corporation of the Town of New Tecumseth  
P.O. Box 910  
10 Wellington Street East  
Alliston, ON L9R 1A1  
Attention: Clerk**

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

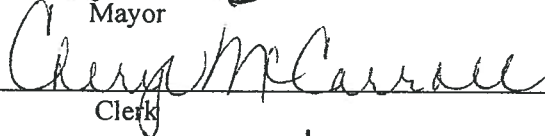
**THE AGREEMENT**

Signed, Sealed and Delivered

The Corporation of the Town of New Tecumseth

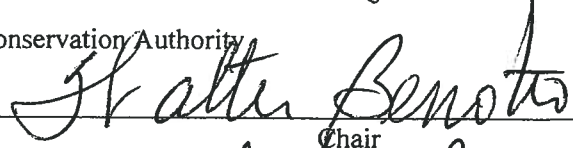


Mayor



Clerk

The Nottawasaga Valley Conservation Authority



Chair



Chief Administrative Officer

**SCHEDULE -1****Screening Procedure**

1. The following Screening Criteria is to be used in conjunction with the NVCA Screening Map to provide the Town with a reference for the circulation of development applications and/or policy documents.
2. As noted in section 3 of the agreement the Town will screen and send all policy documents that may affect environmental and/or natural hazard issues and/or NVCA lands will be circulated 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 Screening Area described on the Screening Map, the following applications should be forwarded by the Town to the NVCA for comment as part of the approvals process:
  - a. Site-specific official plan amendment applications, and any applications related to items c, d or g below.
  - b. Site specific rezoning and Minister's Zoning Order applications, and any applications related to items c, d or g below.
  - c. Plan of subdivision applications, which are both within and outside the screening area.
  - d. Plan of condominium applications, which have not received previous site plan or subdivision approval, which are both within and outside the screening area.
  - 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 screening area, for technical review purposes.
4. For building permit applications within the regulated area, the Town will advise applicants to confirm any requirements directly with the NVCA, and ensure that the application is in accordance with the requirements of the *Ontario Building Code*. Building permits shall not knowingly be issued for properties that may be subject to flood hazards, until such time as requisite clearances have been provided by the NVCA.
5. For Site Alteration and Fill permit applications, the Building Department will verify whether the site is located within the NVCA's regulated area. If the site is within the regulated area, the applicant will be required to apply for a permit through the NVCA directly. If the site is outside of the regulated area, the permit application will be processed through the Building Department.
6. 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 Town.
7. For all development applications not within NVCA regulated areas, or other areas of concern identified by the NVCA, the Town will be solely responsible for the review, approval, inspection and enforcement of erosion and sediment control measures during the construction period. The NVCA will assist with the technical review of erosion and sediment control plans at the discretion of the Town and the NVCA.

8. Within an NVCA area of interest, landscape and planting requirements, in addition to sediment and erosion control requirements may be required by the NVCA, and shall be considered by Town staff in their review of affected applications.
9. 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.
10. For all applications listed in number 3 (above), the Town may or may not include NVCA comments and may proceed with the planning approval process if NVCA comments are either not received within the *Planning Act* mandated timelines or if NVCA issues remain unresolved.
11. When multiple approvals apply and are being processed concurrently for the same property, the NVCA shall only charge a single set of application fees in accordance with the approved NVCA review fee schedule. \_\_\_\_\_
12. Within 10 working days of receipt of each application forwarded by the Town, the NVCA shall conduct an initial appraisal to confirm if any NVCA assessment and/or comment is necessary or required. If, upon this initial appraisal, no further NVCA work is deemed necessary, no NVCA fee will apply and the Town and applicant shall be advised accordingly.



**SCHEDULE-2****Definitions**

1. "Plan Review" is defined as:
  - (i) reviewing development applications recognizing the objectives and timeframes set by Provincial and municipal planning documents, legislation and regulations.
  - (ii) delineating the limits of the natural features and systems;
  - (iii) identifying the need for technical reports; and
  - (iv) specifying conditions of approval. \_\_\_\_\_
2. "Technical Clearance" is defined as:
  - (i) assessing any applicable technical reports submitted by the proponent to determine if the reports satisfy the conditions specified; and
  - (ii) clearing conditions.
3. "Screening Map" is defined as:
  - (i) a map delineating areas of the interest as may be relevant to policy formulation or development applications. Specifically, areas of interest may include:
    - NVCA regulated areas including: watercourses, river and stream valleys, natural hazards (flooding, erosion and unstable soils/bedrock), wetlands, and associated allowances/other lands; and,
    - Natural features and areas including: areas of natural and scientific interest, habitat of rare and endangered and threatened species, wildlife habitat, woodlands, wetlands, surface and groundwater features and fisheries habitats.

**SCHEDULE-3****Agreement Matters, Communications and Issue Resolution Protocol**

1. Any disputes should, as much as possible, be resolved in a collaborative manner between the NVCA and Town staff.
2. Each party should clearly articulate their expectations with clear lines of communication and respect for each party's interests.
3. Mediation shall be an option both parties agree to consider as necessary to resolve any disputes related to matters pertaining to this Agreement.
4. Before proceeding to any formal dispute resolution mechanisms involving NVCA Board of Directors or Town Council, the NVCA and Town staff should when possible use their best efforts to jointly develop a written issue statement, describing the facts and events leading to the dispute and potential resolution options.

