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Sent: October 16, 2009 4:33 PM

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Cc: bryan.mackell@simcoe.ca; Wayne R. Wilson; Laurie Barron; Timothy Salkeld; Patti Young

Subject: NVCA - MUNICIPAL STREAMLINING PARTNERSHIP AGREEMENT

To Planning Directors within the Nottawasaga Valley Conservation Authority's (NVCA) Area of Jurisdiction!

This e-mail and the attached **Proposed Draft NVCA – Municipal Streamlining Agreement** are being circulated to the Planning Directors within the NVCA's area of jurisdiction. Please forward the document to any colleagues or other staff as appropriate.

Background: In March 2009 as part of the Business Plan Update discussions with the NVCA Planning Advisory Committee (PAC), one of the action items included examining opportunities to update existing municipal agreements and to establish new agreements. At the May 8th PAC meeting a draft agreement prepared by staff was provided to the PAC members for discussion purposes. It was noted that currently the NVCA has an agreement with the County of Simcoe and a minor variance/consent screening agreement with most of our member municipalities. There are also service agreements with a few of our member municipalities. The PAC members saw benefit in developing service agreement(s) with all of the watershed municipalities. The committee advised that the agreement should clearly outline in the background section the mandatory services that the NVCA provides including natural hazard planning and regulations as well as watershed natural heritage/planning. A subsequent version of the draft agreement was presented at the September 11, 2009 PAC and the following action items were identified: 1) to further revise the agreement based on meeting discussions; 2) to circulate the document to NVCA's solicitor for review; 3) to circulate draft agreement to a few municipalities for initial thoughts and comments; and, 4) provide the agreement to the Board of Directors for discussion. On October 9th the NVCA Board of Directors unanimously supported the revised draft streamlining agreement and directed staff to circulate it to the watershed municipalities.

Purpose: As you are aware the 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 28th 2009, or other applicable legislation. The proposed agreement is a partnership between the NVCA and its member municipalities intended to promote streamlining of the plan review process including enhancing communications and issue resolution.

Next Steps: NVCA staff and the Chair and Vice-Chair plan to appear this fall/winter before all 18 watershed councils to provide information and receive municipal feedback, with the expectation of entering into these streamlining agreements with all of our members by the spring of 2010.

To coordinate a deputation to your council please contact Laurie Barron at extension 227 or if you have any questions on the draft streamlining agreement please feel free to contact the undersigned.

In addition to the streamlining agreement, NVCA staff wish to advise that our **Planning and Regulations Guidelines** were approved by the Board of Directors on August 28, 2009 and can be found on our website at:

http://nvca.on.ca/ws_par/groups/public/@pub/@nvca/documents/web_content/wspar_019646.pdf

Regards, Chris

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Nottawasaga Valley Conservation Authority
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Draft

NVCA - MUNICIPAL STREAMLINING PARTNERSHIP AGREEMENT

FOR PLAN REVIEW AND TECHNICAL CLEARANCE & FEE COLLECTION

BETWEEN

THE WATERSHED MUNICIPALITIES

AND

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

Date: October 2009

Version 5

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 28th 2009 (or successor), or other applicable legislation. As outlined below this agreement is a partnership between the NVCA and its member municipalities 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 Watershed Municipalities to make environmentally 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 system where opportunities exist to facilitate as much as possible the creation of a "one window" planning system operating from the Municipality;
- c) Clarify the roles and responsibility of the NVCA planning and regulations program; and,
- d) Develop clear protocols for NVCA-Municipal plan review communications and issue resolution (Schedule 3 currently under development).

2. ROLES AND RESPONSIBILITIES

The **Watershed Municipalities** (hereinafter the "Municipality") and the Nottawasaga Valley Conservation Authority (hereinafter the "NVCA") agree that:

- a) The municipality will screen planning and development applications received by it and forward those applications which require NVCA review to the appropriate 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.
- b) The NVCA will, in a timely manner, provide the Municipality with plan review and technical clearance services, as set out in Schedule 2 attached, in accordance with the Provincial Policy Statement and 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, and establish requirements and conditions, to 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 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) Implement the Fish Habitat Management Agreement as signed between NVCA and the Department of Fisheries and Oceans Canada, to expedite the review of development applications and protect fisheries habitat, including, identify 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.
- c) Information or data sources generated through municipal or watershed studies or source water protection work will be shared with the Municipality, 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 continue to provide comments and recommendations as outlined in 2(b)(i), on planning matters circulated by the Municipality such as official plans and policy amendments and municipal studies; and
 - (iv) Nothing precludes the NVCA from commenting to the municipality 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.

3. TERM AND IMPLEMENTATION

- a) The Municipality 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 3(b) herein. Notwithstanding the above, the Screening Maps may be updated at any time at the discretion of the Municipality and the NVCA;
 - ii) That the municipality and the CA will generally review this Agreement annually, to consider changes in programs of the parties or changes in Provincial policies, and at least three months prior to the expiry of each three-year term. The municipality's Planning and Building Department and NVCA staff will monitor the agreement and its expiry;
 - iii) To explore further opportunities to streamline the plan review system as it relates to Provincial and regional/local interests;

- iv) To make provisions for NVCA staff to attend Ontario Municipal Board Hearings with municipal staff, with respect to the plan review and technical clearance services provided pursuant to this agreement. Where municipal staff are attending Hearings in which matters of mutual interest are at issue, municipal 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;
- v) To participate jointly in preconsultation as appropriate for new development proposals;
- vi) That fees for 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. The municipality shall collect the base NVCA planning application fee, and remit any fees collected in a timely manner with the application to the NVCA;
- vii) That the NVCA shall be responsible for collecting any further Processing/Approvals/and/or additional fees as required;
- viii) It is agreed that the Municipality 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;
- ix) That the municipality shall revise their development application forms to include reference to the NVCA fees and/or attach the Authority's information and invoice sheets to application forms. And, that municipal staff will actively ensure that applicants are well informed with respect to the need to address the payment of any additional NVCA fees where applicable;
- x) That the NVCA shall provide to the municipality 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,
- x) That 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:

Municipality of
Address:
Attention: Chief Administrative Officer

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

4. THE AGREEMENT

Signed, Sealed and Delivered

The Corporation of the _____

Mayor

Chief Administrative Officer

The Nottawasaga Valley Conservation Authority

Chair

Chief Administrative Officer

DRAFT

SCHEDULE -1*Screening Procedure*

1. The following Screening Criteria is to be used in conjunction with the NVCA (CA) Screening Map to provide the municipality 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 should 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, along with the required appropriate review fee as part of the approvals process:
 - a. Site Specific Official Plan Amendment Applications also any applications related to items c, d or g below.
 - b. Site Specific Rezoning and Minister's Zoning Order Applications, also 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.
4. For Building Permit Applications, the watershed municipality 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* that building permits shall not be issued for properties that may be subject to flood hazards, 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 Municipality.
6. For all development applications not within NVCA regulated areas, or other areas of concern to the NVCA, the Municipality will be solely responsible for the review, approval, inspection and enforcement of erosion and sediment control measures during the construction period.
7. Within the area of interest of the NVCA, landscape and planting requirements, in addition to sediment and erosion control requirements may be required by the NVCA, and shall be considered by municipal staff in their review of 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

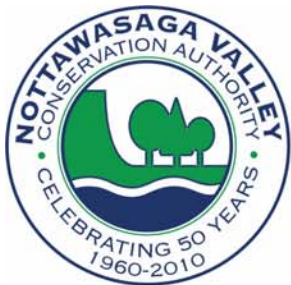
Definitions

1. "Plan Review" is defined as:
 - (i) reviewing development applications in a timely manner recognizing the *Planning Act* objectives;
 - (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 technical reports submitted by the proponent to determine if the reports satisfy the conditions specified; and
 - (ii) clearing the conditions.
3. "Screening Map" is defined as:
 - (i) a map delineating the area of the interest of the NVCA as may be relevant to policy formulation or development applications. Specifically, the area 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*Plan Review Communications and Issue Resolution Protocol*

To be developed, with the intent of addressing the following key principles:

- Any disputes should be resolved in a *collaborative* manner between the NVCA and Municipal staff.
- Each party should clearly articulate their expectations with clear lines of communication and *respect* for each part's interests.
- Before proceeding to any formal dispute resolution mechanisms involving NVCA Board or Directors or Municipal Council, the NVCA and Municipality 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.



PLANNING SUPPORT STREAMLINING AGREEMENT NVCA – Town of the Blue Mountains

Presented to: Mayor Anderson and Council of the Town of the Blue Mountains
Monday January 11/10 by: Wayne Wilson, CAO/Secretary-Treasurer and
Chris Hibberd, Director of Planning

Member Municipalities

Adjala-Tosorontio

Amaranth

Barrie

The Blue Mountains

Bradford-West Gwillimbury

Clearview

Collingwood

Essa

Grey Highlands

Innisfil

Melancthon

Mono

Mulmur

New Tecumseth

Oro-Medonte

Shelburne

Springwater

Wasaga Beach

Watershed Counties

Dufferin

Grey

Simcoe

PURPOSE

- Effective and streamlined NVCA planning support to assist municipalities to make environmentally sound decisions consistent with current legislative and policy mandates.
- Partnership agreement for plan review and technical clearance and fee collection.

KEY ELEMENTS

- Define relevant environmental planning mandate (roles and responsibilities, legislation, policies...)
- Describe NVCA technical expertise – support available/required
- Facilitate effective municipal plan review and smart growth (environmental, social and economic)
- Communications – issue resolution – solution focused

DEVELOPMENT OF AGREEMENT

- Seek Municipal Council support in principle
- Staff jointly develop agreement for Council/Board approval

KEY COMPONENTS

- Effective communications, defines roles and responsibilities
- Identify key audiences/partners
- Issue resolution focus – local solutions
- Clarify fees: what, when, how collected, why?
- Municipal screening protocol to streamline review
- Clarify NVCA professional and technical support (what, when, policies)
- One window approach focus, coordinated via Municipality
- Integration with NVCA/DFO Fisheries Habitat agreement
- Cooperation – full sharing of information
- Dynamic – ongoing – 3 year renewal agreement
- Pre-development consultation, critical to define issues, and who will do what.

QUESTIONS-----Thank you

Member of



Conservation
ONTARIO
Natural Champions

Celebrating 50 Years in Conservation 1960-2010

Agreement Benefits		
Key Areas	Pre - Agreement	Post Agreement
Natural Heritage /Natural Hazards	Province, County, Municipality and NVCA all have interest	NVCA would review and address relevant County/Prov, Municipal and watershed interests
Screening planning applications	<u>Planning Act</u> requires all applications to be circulated to NVCA	Agreement would allow for a focused circulation 30 to 50% reduction
Review fees	Review fees collected in isolation	Coordinate review fee collection
Issue resolution	Independent process following CA and Municipal protocol. e.g. separate NVCA Board of Directors and Municipal Council direction	Formalized NVCA-Municipal planning issue resolution agreement. Focusing on open communications and early resolution. Predevelopment consultation greatly reduces issues
Efficiency/duplication	Potential for inefficiency and duplication of efforts in Planning and Technical review	Increase efficiency through coordination. Promote and strengthen Municipality's current role as the local one window coordinator, reduced opportunity for duplication
Pre-development consultation	Expectation of the <u>Planning Act</u> Is currently done in isolation, may not happen.	Formalized process. Get all the players to the table to identify issues and provide solutions. Reduce duplication
Mandated roles and functions	Identified need to define roles and responsibilities	Effective tool to define roles and responsibilities