

Memorandum of Agreement dated this 22nd day of June, 2007

BETWEEN

*The Corporation of The Town of The Blue Mountains*  
(Hereinafter referred to as the "Town")

AND THE

*The Grey Sauble Conservation Authority*  
(Hereinafter referred to as the "Authority")

1. Purpose

The purpose of this Memorandum of Agreement is to describe the framework within which the Authority will provide Planning Act application review and technical clearance services to the Town.

2. Roles and Responsibilities

- a) The Town and the Authority mutually agree that:
  - i) this Memorandum of Agreement applies to the Authority and the area under its jurisdiction which is located in the Town of The Blue Mountains
  - ii) the Authority desires and has the expertise to provide the Planning Act application review and technical clearance services to the Town identified in this Memorandum of Agreement and that the Town is relying on said expertise. The parties acknowledge that the Town remains the approval authority for those planning applications for which the Town is so designated by statute;
  - iii) nothing in this Memorandum of Agreement precludes the Authority from commenting to the Town from a Conservation Authority perspective, as it normally would on an application circulated by the Town under the Planning Act, including appeals to the Ontario Municipal Board for such matters as the Authority deems to be within its mandate.
  - iv) this Memorandum of Agreement may be amended by mutual agreement, in writing, from time to time to reflect changes in the programs of parties to this Memorandum of Agreement, or as a result of changes in provincial policies, or as a result of subsequent discussions between the parties hereto; and
  - v) any party to this Memorandum of Agreement may terminate the agreement at any time, in writing to the other party to the agreement, with a minimum of six months notice.
- b) The Town commits to:
  - i) circulate to the Authority under this Memorandum of Agreement those development/planning applications listed in Appendix A, Schedule 1.

- ii) transfer appropriate policy statement, guidelines, manuals, maps, information, data and criteria from the Town to the Authority, and transfer said material to the Authority as it is received from the Province of Ontario, or make arrangements to have said material transferred directly from the Province to the Authority, to reflect the terms of this Memorandum of Agreement;
  - iii) make other arrangements to provide the Planning Act application review and technical clearance services identified in this Memorandum of Agreement, when in the opinion of the Town and Authority, utilizing the services of the Authority as specified in this agreement could result in a conflict of interest for the Authority; and,
  - iv) collect fees as prescribed in Appendix A, Schedule 3(a), on behalf of the Authority. The municipality acknowledges that the Authority may charge to the applicant directly a Technical Clearance Fee as prescribed in Appendix A, Schedule 3 (b) for the assessment of technical reports submitted in support of a development application.
  - v) accept appropriate liability for applications not circulated to the Authority in accordance with clause 4 of Appendix A - Schedule 1.
- c) The Authority commits to:
- i) provide the Town with those services listed in Appendix A, Schedule 2 at no extra cost to the Town,
  - ii) provide its comments to the Town within 30 calendar days of receipt of an application from the Town, except for minor variance and consent applications, in which case the Authority shall provide its comments within 10 calendar days of receipt of the application, or request an extension with reasons;
  - iii) comment on whether the application complies with applicable Provincial Policies as set out in the Provincial Policy Statement and in the Town's Official Plan, and other planning documents as mutually agreed upon by the Parties, in the Planning Act application review services it provides the Town;
  - iv) apply all relevant Provincial and Town operational procedures and guidelines in the plan review and technical clearance services it provides the Town;
  - v) not disseminate any data, maps, information or other documents either received directly from the Province or identified as "Provincial data" by the Town;
  - vi) disseminate Town data, maps, information or other documents when requested, only in accordance with Town policies and procedures;
  - vii) make provision for staff to attend Ontario Municipal Board Hearings, upon the request of the Town, with respect to the Planning Act application review and technical clearance services provided pursuant to this Memorandum of Agreement, at no extra cost to the Town; and

- viii) pre-screen proposals, as required, to determine what studies may be needed to support an application and to assess whether the application may be frivolous; subject to a pre-consultation fee to be paid directly to the Authority where required.

3. The Authority agrees that The Town is not liable for any errors or omissions in the carrying out of the duties of this agreement.

4. TIME FRAME FOR IMPLEMENTATION

This Memorandum of Agreement replaces the previous agreement signed on November 1<sup>st</sup>, 2002, and will take effect on July 1<sup>st</sup>, 2007.

The parties have duly executed this Memorandum of Agreement under the hands of their authorized Officers.

Signed, Sealed and Delivered )

The Corporation of The Town of The  
Blue Mountains

Mayor

Clerk

I have authority to bind the Corporation.

Grey Sauble Conservation Authority

Chairman

Chief Administrative Officer

I have authority to bind the Corporation.

## APPENDIX A - SCHEDULE 1

### Circulation Status by Application Type and Definitions

1. The Town advises the Authority that under this agreement it will circulate the following types of development/planning applications to the Authority for comment as per the items in Appendix A, Schedule 2:
  - Consents;
  - Official Plans
  - Official Plan Amendments;
  - Comprehensive Zoning By-Laws
  - Zoning By-law Amendments;
  - Minor Variances;
  - Site Plans where deemed necessary by the municipality.
2. "Development/planning application review" as defined in Appendix A, Schedule 2 includes:
  - i) reviewing development applications to determine if and where a Provincial interest may be affected;
  - ii) identifying the need for and adequacy of technical reports and proposing mitigation measures for applications;
  - iii) assisting in the preparation of terms of reference for studies and reports;
  - iv) specifying conditions of approval; and,
  - v) providing advice and recommendations on the boundaries of Areas of Natural and Scientific Interest and Provincially Significant Wetlands.
3. "Technical Clearance" as defined in Appendix A, Schedule 2 includes:
  - i) assessing technical reports submitted by the proponent's consultants to determine if the reports have been prepared in accordance with Provincial, Town and Authority guidelines and standards.
4. The Authority agrees to waive the requirement for the circulation of applications and collection of fees as follows:
  - i) minor variances, with the exception of applications located within areas regulated under Ontario Regulation 151/06 "Development, Interference With Wetlands and Alteration To Shorelines and Watercourses" regulation and/or within lands zoned and/or designated hazard, environmental hazard, wetland, environmental protection, environmentally significant or open space.
  - ii) rezoning having the effect of changing zone standards, such as building height, size, lot coverage, frontage, setbacks, etc., but not including a change of use, with the exception of applications located within areas regulated under Ontario Regulation 151/06 "Development, Interference With Wetlands and Alterations To Shorelines and Watercourses" regulation and/or lands zoned and/or designated hazard, environmental hazard, wetland, environmental protection, environmentally significant or open space.
  - iii) consent applications, for the purposes of lot line corrections, easements, and lot additions, where a new lot is not created, with the exception of applications located within areas regulated under Ontario Regulation 151/06 "Development, Interference With Wetlands and Alterations To Shorelines and Watercourses" regulation and/or lands zoned and/or designated hazard, environmental hazard, wetland, environmental protection, environmentally significant or open space.

**Services To Be Provided by the Authority to the Town at No Extra Cost**

Description	List of Application Review Functions For: Subdivisions/Condominiums, Consents, Site-Specific OPA'S, Site-Specific Zoning By-Law Amendments, Minor Variances	
	Plan Review	Technical Clearance
Identify need for and conduct technical review of reports on wetland areas impacts and mitigation measures	X	X
Comment on and conduct technical review of reports on fish habitat impacts and mitigation (MNR to be consulted if there is a fisheries impact)	X	X
Review of site specific (off site) stormwater planning issues	X	X
Identify need for and conduct technical review of stormwater management facilities design reports	X	X
Review for sub-watershed planning/master drainage planning	X	
Comment on flood hazards	X	X
Comment and issue permit for development in floodplains	X	X
Review impact on significant Wildlife habitat	X	X
Review impact on habitats of threatened and endangered species	X	X
Review impact on significant areas of natural and scientific interest	X	X
Review impact on significant Woodlands	X	X
Review impact on significant Valleylands	X	X
Comments on lakes and rivers impacts (except fisheries). MNR to be notified if there is a fisheries impact.	X	
Comment on shorelines impact	X	X
Review and comment on top of bank erosion limits	X	X
Identify if Crown land involved and notify MNR is applicable	X	
Review and comment on natural resource - related impacts on groundwater recharge/discharge areas where there is a fisheries impact.	X	

## APPENDIX A, SCHEDULE 3 (A)

### Fee Schedule - Grey Sauble Conservation Authority

#### Application Review Fee

- charged to all applicants
- collected by the Town in the form of a cheque (payable to the Grey Sauble Conservation Authority) and forwarded by the Town to the Conservation Authority with the circulated copy of each planning application
- no charge for municipally sponsored applications

Official Plan Amendment	\$200.00 per application
Zoning By-law Amendment	\$200.00 per application
Consent (severance)	\$200.00 per new lot created
Minor Variance	\$150.00 per application
Site Plans	\$150.00

#### Notes and Definitions

1. The Authority reserves the right to waive the application fee or reduce the fee on a case by case basis. The Authority will notify the applicant and the town if a fee is waived or reduced.
2. Fees for multiple joint applications made at the same time for the same parcel and for the same development proposal for Official Plan Amendments, Zoning By-law Amendments, Minor Variances and Consents will be discounted as follows:

First application	Full Fee per lot/application
Additional applications	50% of full fee per lot/application
3. That on January 1<sup>st</sup> of each year, commencing January 1<sup>st</sup>, 2008, the fees as listed in Schedule 3 (A): Fee Schedule shall automatically increase on a percentage basis, rounded up to the nearest ten dollar increment, in a manner consistent with the Statistics Canada "Consumer Price Index" for the previous calendar year, if the index shows an increase.



## APPENDIX A - SCHEDULE 3 (b)

### Fee Schedule - Grey Sauble Conservation Authority

Technical Clearance	Flat Fee (Also See Note 10)
1. <u>Scoped Site</u> Environmental Impact Studies for proposed mitigation measures related	\$500.00
2. Full Site Environmental Impact Studies for proposed mitigation measures related to any natural heritage features (refer to Appendix A, Schedule 2)	\$1,250.00
3. Subwatershed Study/Master Drainage Plan or Tributary Study	\$500.00
4. Stormwater management studies and proposed facilities. This fee includes review of all Phases of SWM plans from preliminary or conceptual to final engineering design (Quality, quantity and Sediment and Erosion control)	\$1,250.00
5. <u>Scoped Site</u> Impact studies and proposed mitigation measures for any proposal that is potentially impacted by natural hazards (flooding, slope stability, shorelines)	\$500.00
6. <u>Full Site</u> Impact studies and proposed mitigation measures for any proposal that is potentially impacted by natural hazards (flooding, slope stability, shorelines)	\$1,250.00
7. Any combination of two of the above	Sum of the two less \$175.00
8. Any combination of three of the above	Sum of the three less \$350.00
9. Any combination of four or more of the above	Sum of the four or more less \$500.00
10. All technical clearance fees are subject to the <b>Supplementary Fee</b> , where applicable, in addition to the flat fee	See Note 5 below

#### Notes and Definitions:

- For the purpose of this fee schedule, Scoped Site studies are generally recommended in situations where the nature of the natural feature or hazard is well documented, similar development has been previously proposed, modelled and analyzed, impacts are not expected due to the location or nature of a proposed development, and mitigation options have been developed.
- For the purpose of this fee schedule, Full Site studies are generally recommended in situations which are more complex, where information is lacking, or where the risk or significance of the impact is high.
- It is anticipated that the determination of the type of studies required will be made by the Town, following consultation with the Conservation Authority. The fee for the technical clearance is to be paid by the proponent directly to the Authority. The Authority will notify the applicant of any fees payable for technical clearances.

APPENDIX A - SCHEDULE 3 (b) Continued  
Fee Schedule - Town of The Blue Mountains

4. Where a Fill, Construction or Alteration to Waterways permit approval is required in addition to the planning approval, the fee for the Conservation Authority permit may be discounted at the Authority's discretion.
5. For the purpose of this fee schedule, the Supplementary Fee applies when the Conservation Authority chooses to use specific technical assistance from another source to supplement their review of a technical document, and hereby direct costs are incurred by the Authority. This fee is in addition to the flat rate fee and is to be paid by the proponent directly to the Authority. The Supplementary Fee charged to the proponent is equal to the costs invoiced to the Authority by the other source for that specific review.
6. No charge for municipally-sponsored applications.