



GUIDELINES

FOR THE REVIEW OF

GOLF COURSE DEVELOPMENTS

Approved by Resolution No. 90/05, October 14, 2005
Prepared by Susan Jorgenson, Planner/Ecologist, October 2005

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1.0 Introduction

1.1 Background

The Golf Course Guidelines were approved by the Executive Committee, Resolution No. 141/92, November 27, 1992 and have been revised to reflect CVC's technical advisory role with our local and regional watershed municipalities, our commenting responsibilities under the Planning Act, and our statutory responsibilities under the Conservation Authorities Act (Sec. 20 and 21, and Sec. 28, Ontario Regulation 146/90 as amended). The Guidelines provide a framework for CVC staff to review golf course developments to ensure that the new Provincial Policy Statement (March 2005), relevant official plan and secondary plan policies of the watershed municipalities, and current CVC policies, guidelines, practices and management study recommendations are addressed.

Golf course developments and their associated activities should conserve the existing natural heritage and hazard features, functions and linkages of the local landscape and subwatershed area in a self-sustaining state. Golf course proposals may also have the opportunity to restore and enhance lands that have been ecologically degraded through past extensive and/or intensive lands uses, e.g. gravel extraction, agriculture, etc.

1.2 Intent of the Guidelines

The Guidelines are to be used by CVC staff to ensure a consistent review of new golf course developments and major expansions of existing golf courses. In particular, staff should ensure that we:

- pre-consult and scope the environmental issues and our requirements with those of the local and/or regional municipality and the applicant;
- provide comments and conditions regarding the feasibility and detailed design of the golf course proposal, appropriate to the planning application;
- provide approvals in accordance with Ontario Regulation 146/90 as amended, and comments to other regulatory agencies, as requested;
- have the applicant acknowledge the risk and liability for developing a golf course within and/or adjacent to natural environmental hazards.

1.3 Natural Heritage Features and Hazardous Areas

The Golf Course Guidelines (hereafter referred to in this document as "Guidelines") are intended to identify the issues and requirements for the protection and conservation of natural heritage features and functions, and hazardous areas including, but not limited to:

- Valleylands;
- Wetlands;
- Environmentally Significant Areas (ESA's);
- Areas of Natural and Scientific Interest (ANSI's);

- Species at Risk and Species of Conservation Concern¹;
- Woodlands;
- Fisheries and Wildlife habitat;
- Flood and erosion hazards of watercourse and valley lands;
- Flood and erosion hazards of dynamic beaches;
- Groundwater recharge and discharge areas;
- Groundwater quantity and quality related to contribution to baseflow and natural heritage features, and;
- Surface water quantity and quality.

CVC will provide a copy of the Golf Course Guidelines, for information purposes, to both the local and regional municipalities, so that they are aware of our internal review process. In addition, we will provide a copy to an applicant upon receipt of a planning application or notification from an applicant regarding their proposal for a golf course development.

2.0 Development Application Review Process

2.1 General Municipal and Agency Requirements

Where local land use policies may permit a golf course development or a golf course development is being considered by the local and/or regional municipality, the Guidelines will assist CVC staff in reviewing the proposal.

Local and regional municipal official plan environmental policies and CVC policies are focused on long term conservation of natural heritage features and hazard areas, associated with valley lands, watercourses, wetlands and terrestrial features. New development is generally prohibited within valleylands, floodplains and wetlands, except for flood and erosion works, and passive recreation. The Guidelines have been designed to flexibly respond to the different municipal policy environments, and in particular, recognize that approved municipal policy may supercede the Guidelines.

CVC will review golf course developments in accordance with Ontario Regulation 146/90, as amended, for permits for alteration to watercourses, construction in the floodplain or fill placement in a regulated area. In addition, CVC may be asked to provide comments and/or conditions of approval to the local and/or regional municipality, and public agencies (that will issue regulatory approvals), including but not limited to:

- Municipal – Local and/or regional official plan and secondary plan amendments and/or zoning bylaw amendments; site plan approval; building permits; fill and/or topsoil removal permits; and woodlot and/or tree bylaws.
- Ministry of Environment (MOE) – Ontario Water Resources Act for Permit To Take Water (PTTW) and Certificate of Approval.

¹ As per the federal Species at Risk Act and relating to CVC's Species of Conservation Concern.

- Department of Fisheries and Oceans (DFO) – Fisheries Act authorization for the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat, including the Canadian Environmental Assessment Act and Navigable Waters Act.
- Ministry of Natural Resources (MNR) – Lakes and Rivers Improvement Act (LRIA) approval for watercourse alterations.

For golf course proposals that are within and/or adjacent to the natural heritage features and hazardous areas, as identified in Section 1.3 of this document, CVC will require the preparation of an environmental report. Therefore, the Guidelines should be used in combination with CVC's Environmental Impact Study Terms of Reference (EIS TOR). CVC will provide comments, conditions of approval and/or regulatory permits at appropriate points in the development application review process as outlined in the following sections.

2.2 Pre-Consultation

Pre-consultation is an opportunity for the applicant, municipality and CVC to discuss the golf course proposal and the issues and concerns for protection of the natural heritage features and functions, and hazards lands of the subject site. CVC encourages pre-consultation prior to the submission of the development application to the municipality or submission of the Regulatory permit application. The intent of pre-consultation is to:

- review current legislative and policy requirements, and discuss existing information, data and recommendations provided in other studies, including subwatershed studies, the Credit River Fisheries Management Plan (CRFMP), future source protection plans, etc. that may be relevant to the subject lands and the golf course proposal;
- co-ordinate and integrate the Guidelines and environmental report (eg. CVC's Environmental Impact Study Terms of Reference) with the local/regional municipal golf course guidelines and/or environmental report requirements (eg. Environmental Impact Analysis) or a site specific terms of reference prepared by the applicant;
- scope the environmental report based on the significance and sensitivity of the natural heritage features, hazards and associated functions of the subject site and adjacent lands, and the scale of the proposal;
- identify future site visits to be coordinated by the applicant/consultants with the municipality and CVC to field review and/or stake the natural feature boundaries (eg. top of bank, wetlands, etc.); potential locations for watercourse crossings; geotechnical hazards, etc.

Pre-consultation information to be provided by CVC will include:

- Natural heritage feature and hazardous area mapping;
- Policies, study recommendations, etc.

We would encourage the applicant to bring the following information, if available:

- The proposed development application;
- Preliminary site plan and routing plan;
- Existing background information.

2.3 Environmental Report

From the existing information overview, an environmental report may be required. The terms of reference for the environmental report (e.g. environmental impact study) would be scoped with the local/regional municipality and the applicant, to define the type and extent of the supporting reports and information required to address the protection and conservation of natural heritage features and hazardous areas, including functions.

The supporting reports may include:

- a) Biophysical inventories for Earth, water, vegetation, fisheries and wildlife resources eg. Ecological Land Classification; wetland evaluation; fish habitat surveys; breeding bird and amphibian surveys; etc.
- b) Water budget report, including hydrogeological study;
- c) Water quality assessment, including baseline water quality, nutrient management, and wastewater servicing;
- d) Stormwater management report;
- e) Flood plain hydraulic analysis mapping;
- f) Geotechnical slope stability report;
- g) Fluvial geomorphologic review of the watercourse/s;
- h) Sediment and erosion control report/plans;
- i) Restoration and/or enhancement plans, eg. bioengineering of existing erosion problems, riparian vegetation, buffer plantings, etc.;
- j) Pre and post-development monitoring reports;
- k) Fish compensation package, and;
- l) Other reports as deemed necessary by CVC or the local municipality, eg. tree inventory/assessment, woodlot management, etc.

The environmental report will consolidate, review and analyze the information and recommendations provided in the supporting reports. CVC staff will use the data, information and recommendations of the environmental report and supporting technical reports to provide comments on the development application with respect to both the feasibility and detailed design of the proposal.

In particular, the environmental report should:

- prepare a Constraints and Opportunities Plan that will and/or has:
 - delineated the extent of natural features and hazards (based on the biophysical inventory and analysis);
 - incorporate the results of the water budget analysis (eg. Water taking locations, sizing of irrigation ponds, etc.);
 - reflect the preliminary grading and stormwater management issues to demonstrate the limitations and/or restrictions of the subject property and therefore, the feasibility of the golf course proposal, eg. Number of holes, water availability, etc. The draft Constraints and Opportunities Plan can be used to comment on a concept/routing plan if one is available from the applicant.

- analyze the golf course proposal to assess the impact of the development on the natural features, functions and hazardous areas, both onsite and offsite. This assessment should consider cumulative and short and long term impacts and the potential for further demand or stress on the natural features and functions;
- identify mitigative and/or compensation measures, including buffers and setbacks; and
- identify the requirements and recommendations that should be incorporated into the detailed design of the golf course including the requirements for a Monitoring program, as appropriate.

CVC should ensure that the following supporting reports have been adequately prepared prior to providing conditions of approval to the development application.

2.3.1 Water Budget

CVC requires that a water budget be prepared to ensure that any water taking will not have an unacceptable negative impact on surface water bodies and groundwater with respect to fish habitat and productivity, channel morphology gradients, recharge/discharge points, local upwellings and springs/seeps, etc.

There are many water taking protocols developed (or being developed) by various agencies which need to be considered in preparing and assessing a “water budget”, including MOE (PTTW) and DFO. A project protocol will be determined based on site specific concerns and issues. The applicant should ensure that the project protocol will address the MOE requirements for a PTTW which would be applied for during detailed design.

Appendix M of the EIS TOR identifies the background information that should be collected to support the “Calculation of Water Taking”.

2.3.2 Water Quality Assessment

Golf course developments must not have an unacceptable negative impact on surface and groundwater quality with respect to fish habitat and productivity, including benthic communities and riparian vegetation, and wetlands. A project protocol will be determined based on site specific concerns and issues.

CVC would note that the applicant is responsible to determine if a Certificate of Approval is needed from MOE if wastewater flows are expected to be above 10,000 L/day.

Appendix N of the EIS TOR identifies the background information which should be collected to support the Water Quality Assessment.

2.4 Official Plan/Zoning Bylaw Amendment - Site Plan Application

In commenting on the planning application, CVC staff should review the feasibility of the golf course to ensure that:

- there are sufficient lands for the desired and/or modified golf course development, (eg. the number of holes) beyond the natural heritage features and hazardous areas to be conserved; and
- appropriate services can be provided, either onsite and/or offsite, to facilitate the golf course including water for irrigation, sanitary, etc.

To undertake this review, CVC may recommend the preparation of a Concept Plan that would illustrate the general layout and extent of the proposed golf course including:

- Location of buildings, structures, service infrastructure (eg. septic systems, etc.), parking areas and driving ranges, if applicable;
- Roadways, internal accesses and watercourse crossings;
- Routing plan for the all tees, greens and fairways;
- Location of all water taking facilities, eg. wells, irrigation ponds and associated infrastructure;
- Preliminary grading and stormwater management (pre- and post-drainage patterns); and
- Buffers and setbacks.

CVC will use the recommendations of the environmental report and supporting technical reports, as appropriate, in providing conditions of approval for the planning application. Ideally, the planning application should include a Concept Plan that has incorporated the recommendations of the environmental report and is in compliance with local and/or regional municipal policies, and CVC policies, programs and requirements.

Should the planning application include detailed design of the golf course proposal, then staff should ensure that the following issues have been adequately addressed including:

- Detailed site development plan, including: grading, construction, access and servicing plans; watercourse crossings; bioengineering; etc.
- Recognition of timing guidelines to be implemented during construction to protect fish habitat, migratory birds, amphibians, etc.
- Final stormwater management report.
- Sediment and erosion control plan.
- Fish Habitat Compensation Plans.
 - Approvals may be required under Ontario Regulation 146/90 as amended, CVC; Federal Fisheries Act, DFO; and Lakes and Rivers Improvement Act, MNR.
- Restoration/enhancement plans such as:
 - forest improvement (including edge management and enhancement)
 - stream bank stabilization and re-vegetation where required
 - valley land restoration

- riparian habitat enhancement, both terrestrial and aquatic (no net loss principle to be adhered to).
- Woodlot Management Plan.
- Turf Maintenance Plan, including irrigation and fertilizer requirements.
- Integrated Pest Management Plan (eg. detailed scheduling and monitoring of herbicides and pesticides usage).
- Monitoring Plan as identified in the EIS TOR – may be necessary for water taking, stormwater management, environmental resources, etc., where necessary.

CVC may also be asked to provide comments and/or recommendations to:

- the local and/or regional municipality regarding their topsoil/fill and woodlot/tree removal bylaw approvals; and
- MOE regarding any proposed water taking, as appropriate.

2.5 Conditions of Approval and Permit Issuance

Upon our review of satisfactory environmental and technical supporting reports and detailed design plans, staff should be prepared to:

- release conditions of approval to the local and/or regional municipality once the applicant has entered into a Golf Course Liability Reduction Agreement to acknowledge their risk and liability related to the development within hazard lands;
- Issue permits in accordance with Ontario Regulation 146/90 (the Fill, Construction and Alteration to Waterways Regulation) including construction in the floodplain, grading in a fill regulated area or alteration to a watercourse. Depending on the scale of the project the work may be authorized through the issuance of staged permits to minimize and/or localize impacts to significant and/or sensitive natural heritage features and functions.

3.0 CVC Requirements for Golf Course Developments

With respect to both our technical advisory services and our commenting responsibilities under the Planning Act, CVC staff will review golf course developments to ensure that the new Provincial Policy Statement (March 2005) and relevant official plan and secondary plan policies of the watershed municipalities are addressed. The development application will also be reviewed with respect to current CVC policies, guidelines, practices and the recommendations and requirements of other studies including:

- Credit River Watershed Water Management Strategy, Phase 1 (1990), Phase 2 (1992) and Phase 3 (2004 draft).
- Credit Watershed Natural Heritage Strategy, 2002.
- CVC Policies on Flood Plain Management (Resolution No. 19 EC 94).
- Watercourse and Valley Land Protection Policies (Resolution No. 14 EC 94) ('96 revised).
- CVC Policies on the protection of ESAs (Resolution No. 409 EC 84).

- Technical Guidelines for Pedestrian Bridge Crossings (Aug.93).
- Technical Guidelines for Floodproofing (Oct. 93).
- Credit River Fisheries Management Plan, 2003.
- Subwatershed Studies, Source Protection Plans, Master Drainage and Servicing Management Plans, Environmental Implementation Reports, etc.
- Other CVC policies that may be approved from time to time.

3.1 Natural Hazards

1. Buildings and structures, parking facilities, service infrastructure (eg. septic systems, etc.) and their associated grading shall not be permitted within the valley or watercourse corridor, including identified hazard areas (eg. regulatory flood plain, stability and erosion hazards, meander belt width, ice jams, etc.) and development setbacks, as applicable.
2. Grading of the valley slope will not be permitted for the purpose of extending the tableland or altering the valley floor to facilitate the construction of buildings and structures, parking facilities, service infrastructure (eg. Septic beds) or greens and tees.
3. Access routes, cart paths and fairways should be limited on valley slopes, and should be designed to take advantage of existing impacted or open areas on the valley slope (eg. agricultural fields, existing farm lanes; non-vegetated slopes, etc., where feasible).
4. Grading in the Regulatory floodplain to facilitate greens, tees and fairways, must maintain existing flood levels or velocities upstream, downstream, or through the site, for any storm event from the 2 year to the regulatory flood, through a balanced cut and fill. Detailed field measurements, computational analysis (eg. flood plain storage and conveyance, erosion potential, etc.) and a thorough review of alternative options must accompany such proposals.
5. Greens, fairways and tees should be located beyond the watercourse hazards, including the erosion hazard and meander belt width, where feasible. Grading of greens, fairways and tees should direct runoff to lot level conveyance measures prior to entering the watercourse.
6. The realignment or channelization of the watercourse and/or engineered channel bank erosion measures will not be permitted to facilitate a new golf course design and/or for the purpose of protecting future golf course infrastructure.
7. There may be opportunities to restore and/or remediate past engineering impacts (eg. realignments, channelization and/or erosion measures) to the watercourse channel and/or banks that would also facilitate the new golf course design and/or protect future golf course infrastructure.

8. Where site-specific erosion control may be permitted, measures based on a fluvial geomorphic review of the watercourse, soft engineering (bio-engineering), is the preferred approach. Where structural measures are required, these should be combined with watercourse crossings, water taking (eg. weirs, etc.) or other suitable sites, where feasible.
9. The number of watercourse crossings should be limited and the crossings should be located and designed in consideration of fluvial geomorphologic processes, flow conveyance, fish habitat, riparian vegetation, and in accordance with CVC criteria for pedestrian crossings.

3.2 Natural Features and Habitats

10. Direct fish habitat and indirect contributing fish habitat shall be maintained or enhanced. Impacts to fish habitat will be reviewed in consideration of the Credit River Fisheries Management Plan (CRFMP), the Fisheries Act and the DFO's Policy for the Management of Fish Habitat.
11. The location and alignment of greens, tees, fairways, and cart paths, including watercourse crossings, should be compatible with the maintenance and/or creation of natural self-sustaining riparian vegetation zones adjacent to these areas, as feasible. Riparian vegetation along stream banks should be retained, enhanced and/or established as defined in the CRFMP for cold, mixed and warmwater fish habitat.
12. No encroachment into provincially significant wetlands (PSW) or the significant portions of habitat of Species at Risk shall be permitted. Development adjacent to these natural heritage features must maintain or enhance the PSW and/or Species at Risk habitat and its functions.
13. Golf course infrastructure within and/or adjacent to ESAs, Life Science ANSIs and locally significant wetlands, woodlands and wildlife habitat must be designed to maintain or enhance the features and functions of these natural heritage areas.
14. The construction of a golf course proposal must respect timing guidelines related to the protection of fish and wildlife species and habitat as defined in CVC's Environmental Impact Study.
15. Other natural heritage features, including corridors, linkages, cultural vegetation communities, hedgerows and swales should be incorporated into the design and landscaping of the golf course, as feasible.

3.3 Groundwater and Surface Water

16. A comprehensive hydrogeological and/or hydrologic study may be required to demonstrate that a water taking will not have an unacceptable negative impact on

surface and/or groundwater quality and quantity with respect to fluvial processes, fish habitat, the hydraulic gradient of local upwellings, wetlands, terrestrial vegetation, etc., both onsite or on adjacent lands.

17. A stormwater management plan, including a Best Management Practices (BMP) plan must ensure that: post-development flows are maintained at pre-development levels; stormwater management facilities are located and designed with regard to natural heritage features, functions and hazardous areas, and contributes to these features and processes.
18. Estimation of projected post-development chemical and nutrient loadings, including base line information for all watercourses, will be required. Specifics of these requirements will be determined on a case by case basis.
19. A turf management plan should be prepared that includes Integrated Pest Management (IPM) that identifies measures to protect natural features, including watercourses, wetlands, Species at Risk habitat, etc. from unacceptable negative impacts related to fertilizers and herbicide/pesticide contamination that may result from golf course maintenance. Monitoring of the turf management plan and IPM will be required, and the terms of reference established through the future monitoring program.
20. Golf courses are encouraged to be designed and have prepared an IPM that would qualify for an environmental certification program, eg. Greenlinks Eco-Efficiency Rating; Audubon Cooperative Sanctuary Program; Audubon Signature Series Program; ISO 14001–Environmental Management.
21. All greens and tees, or other areas scheduled for regular chemical use in non-sensitive areas shall be located such that the final elevation is a minimum 1.5 to 2.0 metres above the water table or bedrock, or as required by the Nutrient Management Act. In sensitive areas (determined in consultation with CVC), site-specific factors will have to be considered to determine the appropriate elevation above the water table or bedrock.
22. Ponds incorporated into the golf course design should be included in the stormwater management plan; located off-line to a watercourse and/or drainage feature and be designed with a bottom draw to maintain/enhance water quality, including temperature, and lined in areas of coldwater fish habitat.
23. Sanitary servicing for the golf course should tie into existing municipal services, where possible. Where private sanitary services are proposed, the infrastructure (eg. septic system, etc.) and associated grading must be located beyond the valley and watercourse corridor, including identified hazard areas (eg. Regulatory floodplain, stability and erosion hazards, meander belt width, etc.) and development setbacks, as applicable.

24. Erosion and sediment control measures/plans must be provided to address all aspects of construction, including grading, watercourse crossings, buildings, etc.
25. All areas disturbed through the construction of the golf course development shall be stabilized and planted, as appropriate, to restore and enhance natural features, functions and linkages. CVC encourages golf course to include naturalized roughs and consider the long term ecological restoration for non play areas, especially those that were not disturbed during construction.

4.0 Acknowledgement of Risk and Liability

CVC recognizes that golf courses may be developed within and/or adjacent to potentially hazardous natural heritage features and functions (i.e. valley slopes, floodplains, wetlands, ice jams, etc.). Development on these lands may result in property damage to the golf course infrastructure and loss of life. CVC may require the proponent to enter into a Golf Course Liability Reduction Agreement to ensure that the applicant acknowledges the risk of these naturally hazardous lands to the golf course development and assumes liability for any damage caused by flooding, erosion, ice jams or the like. In addition, the applicant must recognize that damage could be caused by upstream development or even not be caused by anything in particular other than the fact that the proposal maybe located in the floodplain.

Prior to releasing our conditions of approval (to the planning application) and/or issuing permits pursuant to Ontario Regulation 146/90 as amended, the proponent shall enter into a Golf Course Liability Reduction Agreement with CVC as per the “Stormwater Management-Golf Courses and Associated Liability Reduction” policy (Resolution No. 116 EC 87). This agreement shall reference all approved reports and plans for the subject golf course development. A draft copy of this agreement is attached as Appendix 1.

DRAFT

Appendix 1 – Golf Course Liability Reduction Agreement

THIS AGREEMENT made in duplicate as of the _____ day of _____, _____.

B E T W E E N

(“the Club”)

OF THE FIRST PART

- and -

CREDIT VALLEY CONSERVATION AUTHORITY

(“ the CVC”)

OF THE SECOND PART

WHEREAS the Club has applied to the CVC for a permit pursuant to the authority vested in the CVC by Revised Regulation of Ontario 1990, Regulation 146/90, as amended made under the *Conservation Authorities Act*, R. S. O. 1990, c. C. 27, as amended, in respect of _____ *insert description of project* _____

at _____ *insert location of property* _____

_____ ;

AND WHEREAS by Resolution No. _____ the CVC granted its approval in principle to the Project which is to be located in the regulatory floodplain;

AND WHEREAS a condition of the CVC granting a permit for the Project the Club is required to enter into this Agreement;

Approved by Resolution No. 90/05, October 14, 2005

NOW THEREFORE THIS AGREEMENT WITNESSETH that, in consideration of the premises and for other and good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the parties agree as follows:

Definitions

1. In this Agreement:

- (1) "Club" shall mean on behalf of _____ and on behalf of its directors, officers, members, employees, agents, representatives, guests and their successors and assigns.
- (2) "CVC" shall mean the Credit Valley Conservation Authority and its member municipalities and their (CVC and its member municipalities) directors, officers, employees, agents, representatives, elected and appointed officials, volunteers, successors and assigns.
- (3) "Lands" shall mean

- (4) "Project" shall mean the Project and any works carried out under the Project all as described in the first recital of this Agreement and any and all buildings, structures or improvements that are constructed, erected, placed or installed on, in, under or over the Lands as part of the Project.

Acknowledgment of Risk

2. The Club agrees and acknowledges that the Lands are located within the regulatory floodplain and understands, agrees and accepts that as a consequence of the location of the Lands there is a risk of flooding, erosion, ice jams or the like occurring which may result in:
 - (1) death or injury to person; or
 - (2) damage to:
 - (a) the Lands or Project;
 - (b) other property owned or occupied by the Club; or

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- (c) other riparian lands for which the Club is liable in law for.

Assumption of Risk

3. The Club agrees to assume any and all liability for:

- (1) death or injury to person; or
- (2) damage to:
 - (a) the Lands or Project;
 - (b) other property owned or occupied by the Club; or
 - (c) other riparian lands for which the Club is liable in law for.

that is caused by flooding, erosion, ice jams or the like arising by reason of the CVC granting permission for the Project, but such death or injury to person or property damage need not necessarily be caused by the Project.

Indemnification and Save Harmless

4. The Club agrees to indemnify and save harmless the CVC from and against all actions, causes of actions, suits, debts, dues, accounts, claims, demands, damages, costs, other proceedings and liabilities of any nature and kind in respect of death or injury to person or damage to property, whether such death or injury to person or damage to property occurs on the Lands, other lands owned or occupied by the Club or on other riparian lands for which the Club is liable in law, arising by reason of the CVC granting permission for the Project and that is caused by flooding, erosion, ice jams or the like, which may be brought against the CVC or for which it may become liable, but such death or injury to person or property damage need not necessarily be caused by the Project, notwithstanding any such claim may have been contributed to or occasioned by the negligent acts or omissions of the CVC.

Release and Waiver

5. The Club releases, waives and forever discharges the CVC of and from all actions, suits, debts, dues, accounts, claims, demands, damages, costs and other proceedings and liabilities of any nature and kind in respect of death or injury to person or damage to the Lands or Project or other property owned or occupied by the Club caused by flooding, erosion, ice jams or the like arising as a result of the CVC granting permission for the Project, but such death or injury to person or property damage need

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not necessarily be caused by the Project, notwithstanding any such claim may have been contributed to or occasioned by the negligence of the CVC.

Insurance

6. (1) The Club shall throughout and during the entire term and continuance of this Agreement, and at its sole cost and expense, take out and keep in full force and effect and in the names of the Club and the CVC, as their respective interests may appear, the following insurance:
 - (a) comprehensive general liability insurance in respect of injury to or death of one or more persons or property damage with limits of not less than \$2,000,000.00 per occurrence and such higher limits as the CVC reasonably requires from time to time and all such policies shall contain a cross liability clause.
- (2) All policies shall be taken out with insurers acceptable to the CVC and shall be in a form satisfactory from time to time to the CVC. The Club agrees that certificates of insurance or, if required by the CVC certified copies of each such insurance policy, will be delivered to the CVC as soon as practicable after the placing of the required insurance. All policies shall contain an undertaking by the insurers to notify the CVC in writing not less than thirty (30) days prior to any material change, cancellation or termination thereof.
- (3) The Club agrees that if it fails to take out or to keep in force any such insurance referred to in this section, or should any such insurance not be approved by the CVC and should the Club not rectify the situation within forty-eight (48) hours after written notice by the CVC to the Club, the CVC has the right without assuming any obligation in connection therewith, to effect such insurance at the sole cost to the Club.

Purchasers

7. The Club agrees to require any purchaser of the Lands, or any part thereof, to adhere to this Agreement as a condition of the sale of any of the Lands to such purchaser.

Successors and Assigns

8. This Agreement shall be binding upon the Club, its successors and assigns, and enure to the benefit of the CVC, its successors and assigns.

Entire Agreement

9. This Agreement constitutes the entire contract between the parties to this Agreement pertaining to the subject-matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations, discussion, whether oral or written of all parties and there are no warranties, representations or other agreements between the parties in connection with the subject-matter of this Agreement except as specifically set forth herein.

Amendments

10. If at any time during the continuance of this Agreement the parties shall deem it necessary or expedient to make any alteration or addition to this Agreement they may do so by means of a written agreement properly executed by the appropriate signing officer(s) for each of the parties, which agreement shall be supplemental to and form part of this Agreement.

Invalidity

11. If any of the provisions contained in this Agreement are found by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity, legality or enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals.

Name _____

Per: _____ c/s

Per: _____

CREDIT VALLEY CONSERVATION AUTHORITY

Per: _____ c/s

Per: _____

Approved by Resolution No. 90/05, October 14, 2005