

SERVICE AGREEMENT
FOR PLAN REVIEW, TECHNICAL CLEARANCE & FEE COLLECTION

BETWEEN
THE CORPORATION OF TOWN OF ORANGEVILLE
(the "Town")

AND
CREDIT VALLEY CONSERVATION AUTHORITY
("Conservation Authority" or "CVC")

Date: January 30, 2017

1. THE PURPOSE of this agreement is to:

- a) provide for Conservation Authority plan review and technical clearance expertise to assist the Town of Orangeville to make decisions on planning (and where applicable, infrastructure) applications; and
- b) streamline the municipal planning system where opportunities exist to facilitate as much as possible the creation of a "one stop" planning system operating from the Town of Orangeville;
- c) to provide for a similar review process for any application in the Conservation Authority's jurisdiction in the Town of Orangeville.

2. ROLES AND RESPONSIBILITIES

The Corporation of the Town of Orangeville (hereinafter the "Town") and the Credit Valley Conservation Authority (hereinafter "CVC") agree that:

- a) the Town will screen planning and development (including infrastructure work) applications received by it and forward those applications which require CVC review. 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) CVC will provide the Town with plan review and technical clearance services, as set out in Schedule 2 attached, in accordance with the Provincial Policy Statement and applicable Provincial plans, as well as provide assistance to Town staff in assessing the adequacy of technical environmental studies in meeting the Town's Official Plan and CTC Source Protection Plan policy requirements and objectives 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 enhancements. 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 potential impacts and propose appropriate development limits defined through policy, mitigation, restoration and/or enhancement measures related to:
 - significant wetlands and wetlands;
 - significant wildlife habitat;
 - habitats of threatened and endangered species;
 - watercourses, fish and aquatic habitat;
 - areas of natural and scientific interest;
 - significant woodlands and woodlands;
 - significant valley lands , valley lands and stream corridors;
 - flood and erosion hazards (stream erosion and unstable slopes);
 - hazardous sites (unstable soils or bedrock);

- ground water recharge areas;
 - ground water quantity and quality
 - surface water quantity and quality.
- (iii) identify, where appropriate, the potential need for an application for a Permit To Take Water and/or application under the *Lakes and Rivers Improvement Act*;
- (iv) advise, where appropriate, the potential need to undertake the Department of Fisheries and Oceans self-assessment process pursuant to the *Federal Fisheries Act*;
- (v) advise, where appropriate, the potential need for application under the *Endangered Species Act*;
- (vi) 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; and
- (vii) Provide technical expertise, as requested by the Town, in achieving conformity with the CTC Source Protection Plan prepared under the *Clean Water Act, 2006*. In particular, serve as a technical advisor to the Town in the review of water balance assessments submitted, on a fee-for-service basis, for relevant new developments in the Orangeville-Amaranth-Mono Significant Groundwater Quantity Threat Area.
- d) any information or data sources provided by the Province or generated through municipal or watershed studies will be shared;
- e) notwithstanding the purpose of this agreement it is recognized that:
- (i) CVC will review and provide comments and advice in the context of the policies and land use designations of approved official plans, zoning bylaws and other guiding municipal or provincial 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, Conservation Authority natural heritage system mapping, or a site specific proposal;
 - (iii) CVC will continue to provide comments and recommendations as outlined in 2(b)(i), on planning matters circulated by the Town such as official plans and policy amendments and municipal studies; and
 - (iv) nothing precludes CVC from commenting to the Town, and implementing their Regulatory responsibilities, as they would normally exercise their rights under the *Planning Act*, the *Conservation Authorities Act*, *Environmental Assessment Act*, delegated responsibilities, or other applicable legislation.

- (v) CVC will review and provide comments and advice in the context of the policies and programs of CVC, which may include, but is not limited to, consideration of cumulative impacts, natural heritage systems, water resource systems and the need for mitigation and adaptation measures to address potential impacts of climate change;
- (vii) under certain circumstances, as identified by CVC or the Town, the CVC may recommend that the Town attain an external peer review of technical reports, where a potential conflict of interest has been identified, and/or where it has otherwise been identified as being in the best interest of the Town.

3. TERM AND IMPLEMENTATION

(1) The Town and CVC agree:

- a) the term of this agreement shall be for a period of three years from the date of execution by the Town 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 Town and CVC, until terminated by any of the parties in accordance with subsection 3(2) herein. Notwithstanding the above, the Screening Zone Maps may be updated at any time at the discretion of the Town and CVC;
- b) that the Town and CVC will generally 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 Town will monitor the agreement and its expiry;
- c) to explore further opportunities to streamline the plan review system as it relates to Provincial and regional/local interests;
- d) to make provisions for CVC staff to attend Ontario Municipal Board Hearings with Town staff, with respect to the plan review and technical clearance services provided 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 agencies' interests, at the mutual agreement of both parties. Notwithstanding the aforesaid, CVC will not be precluded from independently appealing a decision to the Ontario Municipal Board if they so choose;
- e) that fees for plan review and technical clearance services shall be set by CVC, as reflected in approved Schedule of Fees and any approved Revised Schedules to be provided to the Town as they occur. The Town shall collect the initial fee and remit any fees collected in a timely manner with the application to CVC.
- f) that CVC shall be responsible for collecting any further Processing/Approvals/and/or Final Clearance Fees as required;
- g) that the Town shall revise their development application forms to include reference to CVC fees and/or attach the information and invoice sheets to application forms. And, that Town staff will actively ensure that applicants are


well informed with respect to the need to address the payment of any additional CVC fees where applicable; and

- h) that CVC shall provide to the Town a Screening Map, as described in Schedule 2, updated periodically.
- (2) Any party may terminate this agreement at any time upon delivering thirty days 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.
- (3) Any notice to be given pursuant to this agreement shall be delivered to the parties at the following address:

Town of Orangeville
87 Broadway
Orangeville, ON L9W 1K1
Attention: Chief Administrative Officer

Credit Valley Conservation
1255 Old Derry Road
Mississauga, ON L5N 6R4
Attention: Chief Administrative Officer


THE CORPORATION OF THE TOWN OF ORANGEVILLE



Jeremy D Williams.....
Mayor

April 27th 2017

Date



Susan Greatrix.....
Clerk

Date



CREDIT VALLEY CONSERVATION AUTHORITY



Deb Martin Downs
Chief Administrative Office

March 29/2017

Date

SCHEDULE -1

Screening Procedure

1. The following Screening Criteria is to be used in conjunction with the Credit Valley Conservation (CVC) Screening Map to provide the Town of Orangeville (Town) 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 CVC lands should be circulated to CVC for comment - e.g. Official Plan and Secondary Plan Amendments, Policy Amendments, Background Municipal Studies, Subwatershed Studies, Environmental Assessments, infrastructure master plans, and other environmental studies.
 3. Where the land area of a development application is wholly, or partially within or abutting the CVC Screening Area described on the Screening Map*, the following applications should be forwarded, along with the required Preliminary Analysis or Review Fee, to CVC as part of the approvals process:
 - a. Site Specific Official Plan Amendment Applications.
 - b. Comprehensive, Town initiated, and site specific Rezoning and Minister's Zoning Order Applications.
 - c. All Plan of Subdivision Applications within the screening area, in addition to applications 5 hectares or greater which are outside the screening area. If there are a number of adjacent development sites each less than 5 hectares and outside of the screening area, those development applications may be circulated to CVC for review. CVC will be asked to assess whether additional technical studies are required, or revisions to conditions of draft approval are appropriate, when a request for renewal of draft approval has been received.
 - d. Plan of Condominium Applications, including applications 5 hectares or greater which are outside the screening area.
 - e. Consent Applications involving easements, creation of new lots or part lots, and/or lot boundary adjustments or additions.
 - f. All Minor Variance Applications within the screening area. Minor Variance applications outside of, or adjacent to the screening areas for which there is question as to whether CVC's interests may be affected will be circulated. For applications adjacent to, or outside of the screening area, which are circulated to CVC for comments, or those applications within the screening area that are determined by CVC to not affect program or policy interests, CVC will confirm whether a review fee shall be required.
 - g. Site Plan Approval Applications (pursuant to Section 41 of the *Planning Act*). Site Plan Approval Applications wholly or partially within or abutting the screening area and applications 5 hectares or greater which are outside the screening area.
 - h. Applications for part lot control (or exemptions thereof).
- Notwithstanding the above, CVC may comment on applications located outside of the areas identified on the Screening Map, should those applications effect the programs or policies of CVC.

4. For Building Permit Applications, the Town will advise applicants to confirm any requirements directly with CVC, and ensure that the application is in accordance with the requirements of the

Ontario Building Code applicable law provisions that building permits shall not be issued for properties that may be subject to flood and erosion hazards or hazardous land (associated with unstable soil or unstable bedrock), until such time as requisite clearances have been provided by the applicable CA. Where the land area of a Building Permit Application is wholly or partially within CVC Screening Area described on the Screening Map*, the CVC will review the subject application and provide clearances as necessary.

5. Any works proposed within or adjacent to a valley or stream corridor or other areas regulated by CVC, may require a permit pursuant to Ontario Regulation 160/06. Where it has been identified by CVC that such a permit is required, this requirement shall be identified in, and where feasible be a condition of, all *Planning Act* approvals provided by the Town.
6. For all development applications not within the CVC regulated area, or other area of interest to CVC, the Town 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 CVC, landscape and planting requirements, in addition to sediment and erosion control requirements may be applied by CVC, and shall be considered by Town staff in their review of affected applications.
8. For all applications listed in number 3 (above), CVC may require review of, and/or request additional studies in support of the proposed application, including but not limited to, a Stormwater Management, Hydrogeological, Geotechnical, Fluvial Geomorphological, Hydraulic or Environmental Impact study/assessment,
9. The Town and CVC recognize that sediment and erosion control generated through land development, including servicing, is a primary concern for the protection of watercourses, drainage features and other natural heritage features throughout the municipality. As such:
 - a) The Town agrees to review and update development standards with CVC as new technology and/or criteria relevant to erosion control are developed (e.g. stabilization of disturbed areas, stabilization of SWM measures prior to the issuance of building permits, etc.);
 - b) CVC agrees to:
 - i) where possible, coordinate the compliance and enforcement process to ensure that all applicable legislation is being used to address sediment and erosion control, where CVC permits are issued; and
 - ii) to provide sediment and erosion control guidelines, as updated from time to time, and provide information on new technology as it becomes available.

*The location of natural features (e.g. tableland woodlots) outside of the screening area are provided for information purposes. Applications which include, or are adjacent to, these natural features are generally not required to be circulated to the CA. Development applications may, however, be circulated to the CA for comment where, in the opinion of staff, such comment would assist in the evaluation of the development application.

SCHEDULE-2

1. "Plan Review" is defined as:
 - (i) reviewing development applications in a timely manner (in accordance with the CA service delivery standards) recognizing the *Planning Act* (or other appropriate provincial legislation) objectives;
 - (ii) delineating the limits of the natural hazards, natural features and systems;
 - (iii) identifying the need for technical reports or assessments; and
 - (iv) recommending conditions of approval.

2. "Technical Clearance" is defined as:
 - (i) assessing technical reports submitted by the proponent to determine the adequacy of the reports and/or if the reports satisfy the conditions specified;
 - (ii) clearing the conditions, and/or providing written confirmation that the reports meet the requirements of CVC; and
 - (iii) assessing whether the technical reports are consistent with the Town of Orangeville's environmental policy objectives or requirements, as requested by the Town.

3. "Screening Map" is defined as:
 - (i) a map delineating the area of the interest of the Conservation Authority as may be relevant to policy formulation or development applications. Specifically, the area of interest may include wetlands, valley and stream corridors, natural hazard areas (flood and erosion), watercourses, environmentally significant areas, Areas of Natural and Scientific Interest, threatened and endangered species' habitats, woodlands, fish habitat, natural heritage systems, and an associated allowance. The screening map (or a separate screening map) may also include areas requiring additional technical evaluation to address the CTC Source Protection Plan prepared under the *Clean Water Act, 2006*, including, but not limited to, the Orangeville-Amaranth-Mono Significant Groundwater Quantity Threat Area.