

MEMORANDUM OF AGREEMENT dated 5th day of October, 2009.

BETWEEN

**THE CORPORATION OF THE MUNICIPALITY OF WEST GREY**

*(Hereinafter referred to as the "Municipality")*

AND

**THE SAUGEEN VALLEY CONSERVATION AUTHORITY**

*(Hereinafter referred to as the "SVCA")*

**1. PURPOSE**

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

**2. ROLES AND RESPONSIBILITIES**

(a) **The Municipality and the SVCA mutually agree that:**

- i) *this Memorandum of Agreement applies to the SVCA and the area under its jurisdiction which is located in the Municipality of West Grey;*
- ii) *the SVCA desires and has the expertise to provide the plan review and technical clearance services to the Municipality identified in this Memorandum of Agreement and that the Municipality is relying on said expertise. The parties acknowledge that the Municipality remains the approval authority for those planning applications for which the Municipality is so designated by statute;*
- iii) *nothing in this Memorandum of Agreement precludes the SVCA from commenting to the Municipality from a Conservation Authority perspective, as it normally would on an application circulated by the Municipality under the Planning Act, including appeals to the Ontario Municipal Board for such matters as the Authority deems to be within its mandate.*
- v) *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 or County policies, or as a result of subsequent discussions between the parties hereto; and*

- vi) *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.*
- vii) *nothing in this Memorandum of Agreement precludes the SVCA from administering and enforcing its Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 169/06), under Section 28 of the Conservation Authorities Act, R.S.O. 1990, Chap. C.27.*

(b) **The Municipality commits to:**

- i) *circulate to the SVCA under this Memorandum of Agreement all those development/planning applications listed in Appendix A, Schedule 1;*
- ii) *transfer appropriate policy statements, guidelines, manuals, maps, information, data and criteria from the Municipality to the SVCA, and transfer said material to the SVCA as it is received from the Province of Ontario or County of Grey, or make arrangements to have said material transferred directly from the Province or County to the SVCA to reflect the terms of this Memorandum of Agreement;*
- iii) *make other arrangements to provide the plan review and technical clearance services identified in this Memorandum of Agreement, when in the opinion of the Municipality and the SVCA utilizing the services of the SVCA as specified in this agreement could result in a conflict of interest for the SVCA; and,*
- iv) *collect fees as prescribed in Appendix A, Schedule 3(a) on behalf of the SVCA.*
- v) *accept all liability for applications not circulated to the SVCA for commenting in accordance with clause 4 of Appendix A – Schedule 1.*

(c) **The SVCA commits to:**


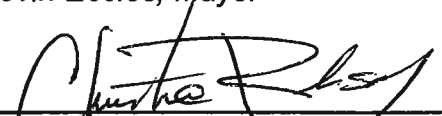
- i) *provide the Municipality with those services listed in Appendix A, Schedule 2 at no extra cost to the Municipality;*
- ii) *provide its comments to the Municipality prior to the public hearing, or public meeting, or due date for submitting comments as indicated on the circulated application or notice, 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 County of Grey and Local Official Plans, and other planning documents as mutually agreed upon by the Parties, in the plan review services it provides the Municipality;*
- iv) *apply all relevant Provincial and Municipal operational procedures and guidelines in the plan review and technical clearance services it provides the Municipality;*
- v) *not disseminate any data, maps, information or other documents either received directly from the Province or identified as "Provincial data" by the Municipality, unless permission has been obtained;*
- vi) *disseminate Municipal data, maps, information or other documents when requested, only in accordance with Municipality policies and procedures; and,*
- vii) *make provision for staff to attend Ontario Municipal Board Hearings, upon the request of the Municipality, with respect to the plan review and technical clearance services provided pursuant to this Memorandum of Agreement, at no extra cost to the Municipality.*

**3. TIME FRAME FOR IMPLEMENTATION**

*This Memorandum of Agreement will take effect on October 15, 2009.*

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

Signed, Sealed and Delivered ) **THE CORPORATION OF THE MUNICIPALITY OF**  
 ) **WEST GREY**  
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 ) Kevin Eccles, Mayor  
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 ) Christine Robinson, Chief Administrative Officer/Clerk  
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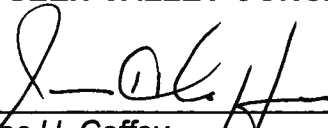
) SAUGEE VALLEY CONSERVATION AUTHORITY

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) James H. Coffey,  
) General Manager/Secretary-Treasurer

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) Douglas C. Freiburger, Chairman

) We have authority to bind the Corporation

## **APPENDIX A - SCHEDULE 1**

### **CIRCULATION STATUS BY APPLICATION TYPE AND DEFINITIONS**

1. *The Municipality of West Grey advises the SVCA that under this agreement it will circulate the following types of development/planning applications to the SVCA for comment as per the items in Appendix A, Schedule 2:*
  - Subdivisions (unless circulated by the County of Grey);*
  - Condominiums (unless circulated by the County of Grey);*
  - Consents;*
  - County and Municipality Official Plans (unless circulated by the County of Grey);*
  - County and Municipality Official Plan Amendments (unless cir. by Co. of Grey);*
  - Part Lot Control By-laws (unless circulated by the County of Grey);*
  - Comprehensive Zoning By-laws;*
  - Zoning By-law Amendments; and,*
  - Site Plans, where deemed necessary by the Municipality or as requested by the SVCA.*
  
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 or Official Plan policy 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, County, Municipal, and Authority guidelines and standards.*

4. *The Municipality shall continue to circulate all development/planning applications to the SVCA; however, for those development/planning applications listed below the SVCA agrees to not provide review comments and to waive the requirement for collection of fees. Where applicable the Municipality will indicate on the circulated notice or application form sent to the SVCA those proposals for which comments are not expected and no fee collected. The development/planning applications subject to clause 4 of Appendix A, Schedule 1 are as follows:*

- i) minor variances, except as noted in clause 4(iv);*
- 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, except as noted in clause 4(iv);*
- iii) consent applications, for the purposes of lot line corrections, easements, and lot additions, where a new lot is not created, except as noted in clause 4(iv);*
- iv) but not including minor variances, rezoning, and consent applications:
  - a) that are located within areas subject to Ontario Regulation 169/06 "Development, Interference With Wetlands and Alterations to Shorelines and Watercourses" regulation, and/or;*
  - b) that are located within lands zoned and/or designated to recognize natural hazards (e.g. environmental protection, no development, natural environment), wetlands, or open space; and/or;*
  - c) where stormwater management is appropriate.**

**APPENDIX A - SCHEDULE 2**

**SERVICES TO BE PROVIDED BY SVCA TO WEST GREY AT NO EXTRA COST**

	<b>LIST OF FUNCTIONS FOR DEVELOPMENT/PLANNING APPLICATION REVIEW AND TECHNICAL CLEARANCE</b>	
<b>DESCRIPTION</b>	<b>DEVELOPMENT/PLANNING APPLICATION REVIEW</b>	<b>TECHNICAL CLEARANCE</b>
<i>Identify need for and conduct technical review of reports on wetland areas impacts and mitigation measures</i>	X	X
<i>Comment on and conduct technical review of reports on fish habitat impacts and mitigation</i>	X	X
<i>Review for site specific (off site) stormwater planning issues</i>	X	X
<i>Identify need for and conduct technical review of stormwater management facilities design reports</i>	X	X
<i>Review for sub-watershed planning/master drainage planning</i>	X	
<i>Comment on natural hazards</i>	X	X
<i>Comment and issue permit for development in Regulated Areas</i>	X	X
<i>Review impact on significant Wildlife habitat</i>	X	X
<i>Review impact on habitat of threatened and endangered species</i>	X	X
<i>Review impact on significant areas of natural and scientific interest</i>	X	X
<i>Review impact on significant Woodlands</i>	X	X
<i>Review impact on significant Valleylands</i>	X	X

<i>Comment on lakes and rivers impacts</i>	X	X
<i>Comment on shorelines impact</i>	X	X
<i>Review and comment on erosion limits</i>	X	X
<i>Identify if Crown Land involved and notify MNR if applicable</i>	X	
<i>Review and comment on natural resource - related impacts on groundwater recharge/discharge areas where there is a fisheries or wetland impact</i>	X	X



**APPENDIX A**

**SCHEDULE 3(a)**

**FEE SCHEDULE - Municipality of West Grey**

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**APPLICATION REVIEW FEE**

- *The Application Review Fee shall be charged to all applicants.*
- *The Application Review Fee shall be collected by the Municipality on behalf of the Authority and remitted to the Authority monthly, or in accordance with any other mutually agreeable timeframe.*
- *No Application Review Fee shall be charged for municipally sponsored applications.*
- *For any application that is circulated by the County and not the Municipality (e.g. Plan of Subdivision) then the Application Review Fee shall be collected by the Authority from the applicant.*

<i>Official Plan Amendment</i>	<i>\$200.00</i>	<i>per application</i>
<i>Zoning By-law Amendment</i>	<i>\$200.00</i>	<i>per application</i>
<i>Consent (Severance)</i>	<i>\$200.00</i>	<i>per each new lot created</i>
<i>Minor Variance</i>	<i>\$150.00</i>	<i>per application</i>
<i>Draft Plan of Subdivision</i>	<i>\$50.00</i>	<i>per each lot or block, with a minimum flat fee of \$500.00 (Note: 0.3 metre reserve blocks shall not be included in the calculation of the number of blocks.)</i>
<i>Draft Plan of Condominium</i>		<i>the lesser of \$50.00 per unit or \$1200.00/ha with a minimum flat fee of \$500.00</i>
<i>Site Plan Application</i>		<i>the lesser of \$50.00 per unit or \$1200.00/ha with a minimum flat fee of \$500.00</i>
<i>Private "Multi-Lot" Residential Developments (as an OPA and/or ZBA)</i>		<i>\$50.00 per unit (parcel) or block with a minimum flat fee of \$500.00</i>
<i>Other Types of Applications not noted above</i>		<i>\$150.00 per application</i>

## **Notes and Definitions**

1. *The SVCA reserves the right to waive the application fee or reduce the fee on a case by case basis.*
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:*

<i>First application</i>	<i>Full fee per Application Review Fee above</i>
<i>Additional applications</i>	<i>50% of full Application Review Fee per lot/application</i>

*Note: The first Application Review Fee shall always be the higher of the applicable fees.*

3. *That on January 1<sup>st</sup> of each year, commencing January 1<sup>st</sup>, 2010, the fees as listed in Schedule 3 (a) "Fee Schedule" shall automatically increase on a percentage basis, rounded up to the nearest dollar increment, in a manner consistent with the Statistics Canada "Consumer Price Index" for the previous calendar year, if the index shows an increase. Such fee increases shall be implemented when the change is at least \$10.00 for a category (if less than \$10.00 then the increase is deferred and added to the subsequent year increase).*

**APPENDIX A  
Schedule 3(b)**

**FEE SCHEDULE - Municipality of West Grey  
(fees collected directly from the applicant by the Authority)**

**TECHNICAL CLEARANCE FEES**

<i>Technical Clearance</i>	<i>Flat Fee (Also See No.11)</i>
1. <i>Site Plans</i>	\$500.00
2. <b>Scoped Site</b> <i>Environmental Impact Studies for proposed mitigation measures related to any natural heritage features(refer to Appendix A, Schedule 2)</i>	\$500.00
3. <b>Full Site</b> <i>Environmental Impact Studies for proposed mitigation measures related to any natural heritage features (refer to Appendix A, Schedule 2)</i>	\$1,250.00
4. <i>Subwatershed Study/Master Drainage Plan or Tributary Study</i>	\$500.00
5. <i>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)</i>	\$50.00/lot or block
6. <b>Scoped Site</b> <i>Impact studies and proposed mitigation measures for any proposal that is potentially impacted by natural hazards (flooding, slope stability, shorelines)</i>	\$500.00
7. <b>Full Site</b> <i>Impact studies and proposed mitigation measures for any proposal that is potentially impacted by natural hazards (flooding, slope stability, shorelines)</i>	\$1,250.00
8. <i>Any combination of two of the above</i>	<i>Sum of the two less \$175.00</i>
9. <i>Any combination of three of the above</i>	<i>Sum of the three less \$350.00</i>
10. <i>Any combination of four or more of the above</i>	<i>Sum of the four or more less \$500.00</i>
11. <i>All technical clearance fees are subject to the <b>Supplementary Fee</b>, where applicable, in addition to the flat fee</i>	<i>See note 5 below</i>

**Notes and Definitions:**

1. *For the purpose of the fee schedule in Appendix A – Schedule 3(b), **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.*
2. *For the purpose of the fee schedule in Appendix A – Schedule 3(b), **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.*
3. *It is anticipated that the determination of the type of studies required will be made by the Municipality, following consultation with the SVCA. The fee for the technical clearance is to be paid by the proponent directly to the SVCA.*
4. *Where a Development, Interference with Wetlands and Alterations to Shorelines and Waterways Regulation permit approval is required in addition to the planning approval, the fee for the SVCA permit may be discounted at the Authority's discretion.*
5. *For the purpose of the fee schedule in Appendix A – Schedule 3(b), the **Supplementary Fee** applies when the SVCA chooses to use specific technical assistance from another source to supplement their review of a technical document, and thereby 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.*