

PLAN REVIEW AGREEMENT
BETWEEN
THE CORPORATION OF THE CITY OF NORTH BAY
(the Municipality)
and the
NORTH BAY-MATTAWA CONSERVATION AUTHORITY
("NBMCA")

Date: _____ 2024

Background and Legislative Context

Under the Planning Act, the Municipality is an approval authority and responsible for making planning decisions that will determine the future of its communities. In accordance with the Act, it is required to provide notice of municipal policy documents and planning and development applications to public commenting bodies, including Conservation Authorities. The Municipality is responsible for ensuring consistency with Provincial Policy Statements released under the Planning Act. Implementation of the Provincial Policy Statement requires extensive experience and expertise.

NBMCA's plan input and review services are governed by three provincial acts:

Conservation Authorities Act

The Conservation Authority reviews circulated policy documents as well as planning and development applications to ensure delegated responsibilities from the province are addressed. Conservation Authorities were delegated natural hazard responsibilities by the Minister of Natural Resources in April 1983. Natural hazard responsibilities include floodplain management, hazardous slopes, Great Lakes shorelines, unstable soils, and erosion which are encompassed by the "Natural Hazards" section of the Provincial Policy Statement (PPS). In this delegated role, the Conservation Authority is responsible for representing the "Provincial Interest" on planning matters where the province is not involved.

Conservation Authorities are involved in the planning process as watershed-based resource management agencies with a mandate (as defined under Section 20 and 21 of the Conservation Authorities Act) to protect and manage the local watershed, including but not limited to natural hazards, and water. Through plan input and review, the Conservation Authority works to ensure that its program interests are addressed. It is also an opportunity to advise municipalities of regulatory responsibilities (e.g., Ontario Regulation 177/06: NBMCA: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses).

Clean Water Act

Conservation Authorities administer Source Protection programs, as per the Clean Water Act, under the oversight of the source protection committee and the source protection authority. In administering this program NBMCA will provide advice to source protection municipalities on the review of planning proposals in Vulnerable Areas to ensure Source Protection Plan policies are considered where required.

Building Code Act

NBMCA is prescribed responsibility in the building code for the enforcement of provisions of the Building Code Act and the building code related to sewage systems in the Districts of Nipissing and Parry Sound, as prescribed in the building code.

A Conservation Authority can enter into agreements with municipalities to outline the planning service provided by the Conservation Authority to the Municipality and may charge a fee for such services to recover costs on a user-pay basis. NBMCA'S fees are set out in its Fee Policy & Schedule, which may be updated from time to time following a period of public consultation.

Conservation Authorities are involved in plan input and review of planning applications under the Planning Act in four ways: as an agency with provincially delegated responsibility for the natural hazard policies of

the Provincial Planning Statement (PPS); as a municipal technical advisor, as a public body and as landowners. Under the Conservation Authorities Act (see section 21.1(1) programs and services) Conservation Authorities are required or permitted to provide programs and services as follows:

- * **Category 1:** Mandatory programs and services that are required by regulation.
- * **Category 2:** Municipal programs and services that the authority agrees to provide on behalf of municipalities situated in whole or in part within its area of jurisdiction under a memorandum of understanding; and
- * **Category 3:** Such other programs and services as the authority may determine are advisable to further its objects.

1) **THE PURPOSE of this Agreement is to:**

Establish a co-operative arrangement between the Municipality and NBMCA to work together to improve the delivery of the Land Use Plan Review function to residents. The Municipality (Approval Authority) will contract with NBMCA to provide effective and timely plan review and technical clearance support/expertise to assist the municipality in making decisions on planning documents and site-specific planning applications. NBMCA has directly delegated responsibilities from the province with respect to Natural Hazards in reference to section 3.1 of the Provincial Policy Statement 2020 (PPS). As the North Bay-Mattawa Source Protection Authority, NBMCA will review and comment on proposals made under the Planning Act to determine whether they relate to drinking water threats, or potential impacts on drinking water sources. NBMCA has delegated responsibilities under Part 8 (Sewage Systems) of the Ontario Building Code (OBC) and will provide plan review advice with respect to consistency with Part 8 of the OBC.

2) **DEFINITIONS:**

In this document:

“Board Members” or **“Member”** shall mean the individuals appointed to NBMCA’s Board of Directors by the participating municipalities in NBMCA’s area of jurisdiction. Board Members have the responsibilities of Directors of the corporation that is NBMCA.

“Plan Input” - Plan input includes providing input on policies and long-range plans generated by municipalities. The cost of plan input services is covered 100% by the municipal levy and provincial operating grants where comments are provided which pertain to provincial interest under section 3.1 of the Provincial Policy Statement (2020).

“Plan Review” - The review of applications as set out in the Planning Act, identifying the need for and assessing the adequacy of technical surveys, studies and reports relating to watershed natural hazards; the North Bay-Mattawa Source Protection Authority’s (NBMSPA) *Source Protection Plan* and policies; and private on-site sewage systems and specifying and clearing conditions of approval.

“Technical Clearance” - Assessing technical reports submitted by the proponent to determine if the reports satisfy NBMCA conditions through the plan review process and in order to clear the conditions.

“Technical Review” - Assessing technical reports submitted by the proponents' consultants in terms of applicable and most recent technical guidelines and standards and the approved terms of reference; specifying modifications or additional technical studies required and conditions of acceptance; validating the technical methods used to determine potential impacts, identifying the nature and extent of mitigation measures required; recommending modifications to or acceptance of the technical report.

3) ROLES AND RESPONSIBILITIES:

a) General

- i) This Agreement applies to the Municipality and the area under its jurisdiction.
- ii) NBMCA acknowledges that the City of North Bay is the approval authority for Planning Act applications for which technical review is required from NBMCA pursuant to this Plan Review Agreement.
- iii) This Agreement may be amended by mutual agreement in writing from time to time to reflect changes in the programs of parties to this Agreement, or because of changes in provincial policies or as a result of subsequent discussions between the parties hereto.
- iv) The NBMCA and Municipality will share Geographical Information System (GIS) data related to the services provided in compliance with any applicable licensing agreements.
- v) Nothing in the Agreement precludes NBMCA from commenting to the Municipality, and implementing NBMCA's regulatory responsibilities, as they would normally exercise their rights under the Planning Act, the Conservation Authorities Act, Building Code Act, Clean Water Act, Environmental Assessment Act, delegated responsibilities, or other applicable legislation.
- vi) Nothing in this Agreement precludes the Municipality from exercising responsibility under the Municipal Act, Planning Act or any other statutory requirement.
- vii) Nothing in this Agreement precludes the parties from respectfully disagreeing with comments provided by the other party.
- viii) Where NBMCA is in conflict between legislated responsibilities and the responsibilities of this Agreement, the Municipality may seek third party opinions.

b) The Municipality commits to:

- i) Request NBMCA's participation in official plan and comprehensive zoning by-law reviews, special zoning studies and related by-laws, land use planning studies, community design plans, master servicing studies, environmental management plans, subwatershed studies and other similar studies as appropriate, based on NBMCA's interests as defined in Schedule 1.

- ii) Circulate to NBMCA the following types of planning applications:
 - (1) Site specific Official Plan amendments
 - (2) Site specific Zoning By-law amendments
 - (3) Plans of subdivision/condominium
 - (4) Community Planning Permit System, if applicable
 - (5) Consents
 - (6) Minor Variances
 - (7) Site Plan Control Agreements
 - (8) Public Road/laneway closures
 - (9) Shore Road Allowance Closures
 - iii) Request, with reasonable notice, the participation of NBMCA in pre-consultation meetings, as appropriate.
 - iv) Collect fees on behalf of NBMCA for the purpose of this Agreement and remit them to NBMCA on a monthly basis.
- c) NBMCA commits to:
- i) Provide the Municipality with *Plan Input* services for municipal land-use planning documents such as the Official Plan, Comprehensive Zoning By-law. The cost of Category 1 plan input services is covered 100% by the municipal levy and provincial operating grants.
 - (1) Category 1 Plan Input:
 - (a) Natural Hazards on behalf of the Ministry of Natural Resources and Forestry (MNRF), delegated to CAs in 1983.
 - (b) NBMCA as a Source Protection Authority and responsibilities under the Clean Water Act.
 - (2) Category 3 Plan Input:
 - (a) Ontario Building Code (OBC), Part 8 Sewage Systems. The cost of this review and service is not covered by municipal levy or provincial operating grants. As the principal authority for enforcement of provisions of the Building Code Act and the OBC, the cost of plan input shall be borne by the program.
 - ii) Provide the Municipality with *Plan Review* services for an application fee as set out in NBMCA's Fee Schedule at www.nbmca.ca . The Plan Review services are as follows and are detailed in Schedule 1:
 - (1) Category 1 Plan Review services:
 - (a) Natural Hazards. NBMCA will, as per their delegated responsibility from the province, undertake a *technical review* and provide comments as to whether planning applications are consistent with section 3.1 (Natural Hazards) of the Provincial Policy Statement 2020 (PPS).

- (b) Ontario Regulation 177/06 NBMCA Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. NBMCA will undertake a *technical review* and provide comments as to whether planning applications are consistent with O.Reg. 177/06 and related NBMCA policies.
 - (c) Source Protection Authority. NBMCA will undertake a *technical review* and provide comments as to whether planning applications relate to a drinking water threat, or have potential impacts on drinking water sources, as per the *North Bay-Mattawa Source Protection Authority Source Protection Plan*.
- (2) Category 3 Plan Review services:
- (a) Ontario Building Code (OBC), Part 8 Sewage Systems. NBMCA will undertake a *technical review* and provide advice to the Municipality as to whether planning applications are consistent with Part 8 of the OBC and related NBMCA policies.
- iii) Make provision for its staff to attend Public Meetings, Ontario Land Tribunal (OLT) Hearings, Development Application Review Team (DART) meetings and other consultation meetings as required, upon the request of the Municipality, with respect to the plan review services provided pursuant to this Agreement, at no extra cost to the Municipality (i.e., within the annual budget appropriation for the NBMCA's program approved by the Municipality).
 - iv) Advise the Municipality of the adequacy of technical studies compared to the Municipality's Official Plan policy requirements and objectives.
 - v) Advise on the need for technical reports, the adequacy with reference to relevant guidelines, standards, or related conditions of approval, including but not limited to such studies or plans as:
 - (1) Flooding hazard limit study
 - (2) Erosion hazard limit assessment
 - (3) Lot grading and drainage plans
 - (4) Geotechnical/Slope stability study
 - (5) Hydrogeological assessment
 - (6) Erosion and sediment control
 - (7) Environmental Impact Studies and related natural hazard impacts and mitigation measures
 - (8) Subwatershed studies
 - (9) Wetland water balance report
 - vi) Assist with projects, initiatives, and committees that fall outside of this Agreement, but the municipality is seeking NBMCA's technical advice.

4) IMPLEMENTATION:

- a) The Conservation Authority and the Municipality shall mutually agree on timeframes for responding to planning document amendments and development applications in keeping with the requirements of legislated timelines and included in Schedule 2.
- b) Where an application is complex, a pre-consultation meeting between the Municipality, NBMCA and applicant and their agents shall take place. Extensions to the agreed-to timelines in Schedule 2, if necessary, should be discussed at the pre-consultation meeting.

5) SERVICE DELIVERY STANDARDS:

- a) Service delivery and workload information summaries are reported on a quarterly basis to the NBMCA *Members* including five-year actuals. The summary includes a brief description of the program, and captures unusual increases, trends, or routine workloads.
- b) The percentage of target timelines that were achieved for all planning type of applications will be monitored and reported quarterly to the NBMCA *Members*.

6) CONSERVATION AUTHORITY FEES:

NBMCA's Fee Schedule posted on www.nbmca.ca

7) TERM OF THIS AGREEMENT:

- a) The Municipality and NBMCA agree:
 - i) The term of this Agreement shall be for a period of 4 years from the date of execution by the Municipality and the Agreement shall be automatically extended for additional 4- year terms, on the same terms and conditions as contained herein at the discretion of the Municipality and NBMCA, until terminated by any of the parties in accordance with subsection 7 b) herein.
 - ii) That the Municipality and NBMCA will review this Agreement, to consider changes in programs of the parties or changes in Provincial policies, at least six months prior to the expiry of each 4-year term. The Municipality's Planning Department will monitor the Agreement and its expiry.
- b) Any party may terminate this Agreement at any time upon delivering six 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:

The Corporation of the City of North Bay
200 McIntyre Street East,
P.O. Box 360,
North Bay, ON P1B 8H8
Attention: John Severino, CAO

North Bay-Mattawa Conservation Authority
15 Janey Avenue
North Bay, Ontario P1C 1N1
Attention: Chitra Gowda, CAO, Secretary Treasurer

**The CORPORATION OF THE CITY OF
NORTH BAY**

**The NORTH BAY-MATTAWA CONSERVATION
AUTHORITY**

Mayor, Peter Chirico

Chair, Shelley Belanger

City Clerk, Karen McIsaac

CAO, Secretary Treasurer, Chitra Gowda

Date:

Date:

SCHEDULE 1

NBMCA Plan Review Services

NBMCA Technical Review and Technical Clearance
Category 1 - Natural Hazards (S3.1 PPS 2020 & O.Reg. 177/06)
Watercourses
Flood Hazards
Erosion Hazards (slope stability and stream erosion)
Erosion and Sediment Control (CA regulatory requirements/natural hazard related functions)
Great Lakes – St. Lawrence River System Shoreline (Lake Nipissing) Hazards (flooding, erosion or dynamic beaches)
Hazardous Sites (Unstable Soils/Bedrock)
Groundwater (CA regulatory requirements/natural hazard related functions)
Wetlands (CA regulatory requirements/natural hazard related functions)
Valleylands (CA regulatory requirements/natural hazard related functions)
Special Policy Areas
Stormwater Quantity
Stormwater Erosion Control
Buffer/Setback to identified Plan Review Component (CA regulatory requirements/natural hazard related functions)
Feature-based Water Balance (CA regulatory requirements/natural hazard related functions)
Category 1 – North Bay-Mattawa Source Protection Authority
NBMCA will provide advice to source protection municipalities on the review of planning proposals in Vulnerable Areas to ensure Source Protection Plan policies are considered where required.
Category 3 - On-site Sewage Systems, Part 8 (OBC)
Proposal meets OBC minimum requirements, applicable law and related NBMCA policies

SCHEDULE 2

Non-Statutory Development Application Review Timelines

APPLICATION TYPE	PRE-CONSULTATION	COMMENTS AFTER FIRST CIRCULATION
Site specific Official Plan Amendments	Meeting scheduled with all parties and the applicant within 21 calendar days of request ¹	NBMCA to provide comments within 20 calendar days
Site specific Zoning By-law Amendments	Same as above	NBMCA to provide comments within 20 calendar days
Draft Plans of Subdivision or Condominium	Same as above	NBMCA to provide comments within 20 calendar days
Site Plan Control Agreements	Same as above	NBMCA to provide comments within 10 calendar days
Consents	Same as above	NBMCA to provide comments within 10 calendar days
Minor Variances	Same as above	NBMCA to provide comments within 10 calendar days
Road Closures/Shore Road Allowance Closures		NBMCA to provide comments within 15 calendar days

¹To convene a pre-consultation meeting, the lead agency must have sufficient information from the applicant so that the parties can provide advice.