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PL 2-5 (e)

June 12, 2008

City of Owen Sound
Clerk's Division
808 Second Avenue East
Owen Sound, ON N4K 2H4

Attention: Briana Long

Dear Briana:

**Re: By-Law No. 2008-82, Memorandum of Agreement Respecting Planning Act
Application Review**

Attached is one copy of the agreement duly signed by officers of the Authority. Please advise the planning department that the agreement has been executed.

As set out in the old agreement, we currently invoice the City for services on a quarterly basis. The next invoicing date is June 30th. We recommend that the existing procedure remain in place until that date to avoid any confusion. The new agreement would be utilized beginning July 1, 2008.

I trust this will be satisfactory. If there are any questions please contact me.

Yours very truly,

Douglas Hill
Director of Operations

DH:dr
attach

cc: Tim Lanthier, Planning Technician

Member of



Watershed Municipalities

Arran-Elderslie, Chatsworth, Georgian Bluffs, Grey Highlands,
Meaford, Owen Sound, South Bruce Peninsula, Blue Mountains



Schedule 'A' to By-law 2008-082

Memorandum of Agreement dated the 26th day of May, 2008

BETWEEN

The Corporation of the City of Owen Sound
(Hereinafter referred to as the "City")

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 City.

2. Roles and Responsibilities

a) The City 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 City of Owen Sound
- ii) the Authority desires and has the expertise to provide the Planning Act application review and technical clearance services to the City identified in this Memorandum of Agreement and that the City is relying on said expertise. The parties acknowledge that the City remains the approval authority for those planning applications for which the City is so designated by statute;
- iii) nothing in this Memorandum of Agreement precludes the Authority from commenting to the City from a Conservation Authority perspective, as it normally would on an application circulated by the City 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 City 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 City 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 City 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) provide to all applicants a copy of the Authority Planning Services Fees form, attached as Appendix A Schedule 4 to this agreement, to be completed by the applicant and submitted to the Authority with the appropriate fee. The municipality acknowledges that the Authority may additionally 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.
- c) The Authority commits to:
- i) provide the City with those services listed in Appendix A, Schedule 2 at no extra cost to the City,
 - ii) provide its comments to the City in accordance with the time frame as set out in the Planning Act or, in the case pre-circulation of proposals, provide comments within the time frame requested by the City or advise the City in the event that the time frame requested cannot be met.
 - iii) comment on whether the application complies with applicable Provincial Policies as set out in the Provincial Policy Statement and in the City's Official Plan, and other planning documents as mutually agreed upon by the Parties, in the Planning Act application review services it provides the City;
 - iv) apply all relevant Provincial and City operational procedures and guidelines in the plan review and technical clearance services it provides the City;
 - v) not disseminate any data, maps, information or other documents either received directly from the Province or identified as "Provincial data" by the city;
 - vi) disseminate City data, maps, information or other documents when requested, only in accordance with City policies and procedures;
 - vii) make provision for staff to attend Ontario Municipal Board Hearings, upon the request of the City, with respect to the Planning Act application

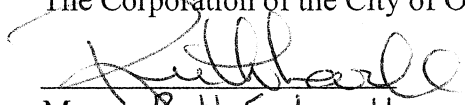
- viii) review and technical clearance services provided pursuant to this Memorandum of Agreement, at no extra cost to the City; and pre-screen proposals, as required, to determine what studies may be needed to support an application and to assess whether the application may be frivolous; subject to a pre-consultation fee to be paid directly to the Authority where required.

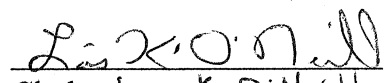
3. TIME FRAME FOR IMPLEMENTATION

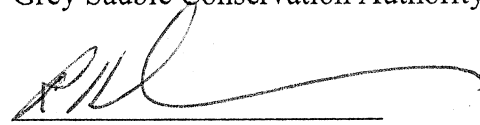
This Memorandum of Agreement replaces the previous agreement signed on February 4th, 2002, and will take effect on

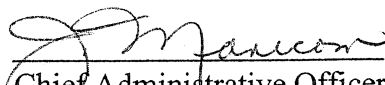
The parties have duly executed this Memorandum of Agreement under the hands of their authorized Officers.

Signed, Sealed and Delivered

) The Corporation of the City of Owen Sound
)
) 
) Mayor, Ruth E. Lovell
)

) 
) Deputy Clerk, Lois K. O'Neill
) 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 City advises the Authority that under this agreement it will circulate all applications as per the requirements of the Planning Act.
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, City and Authority guidelines and standards.

APPENDIX A - SCHEDULE 2

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

	List of Application Review Functions For: Subdivisions/Condominiums, Consents, Site-Specific OPA'S, Site-Specific Zoning By-Law Amendments, Minor Variances	
Description	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) storm water planning issues	X	X
Identify need for and conduct review of proposed storm water management facilities in the context of the C.A. mandate for flood and erosion control, fish habitat and water quality	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 - City of Owen Sound

Application Review Fee

- charged to all applicants in accordance with the following schedule of fees
- no charge for municipally sponsored applications

Draft Plan of Subdivision or Condominium	\$50.00 per lot or block (minimum \$500/maximum \$6000)
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.
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 1st of each year, commencing January 1st, 2009, 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.
4. The Authority agrees to waive the requirement for the 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 Alterations 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.

APPENDIX A - SCHEDULE 3 (b)

Fee Schedule - City of Owen Sound

Technical Clearance	Flat Fee (Also See Note 10)
1. <u>Scoped Site</u> Environmental Impact Studies for proposed mitigation measures related	\$500.00
2. <u>Full Site</u> Environmental Impact Studies for proposed mitigation measures related to any natural heritage features (refer to Appendix A, Schedule 2)	\$1,250.00
3. <u>Sub-watershed Study</u> /Master Drainage Plan or Tributary Study	\$500.00
4. Storm water management studies and proposed facilities.	
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 Supplementary Fee , where applicable, in addition to the flat fee	See Note 5 below

Notes and Definitions:

1. 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.
2. 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.
3. Where the Authority has identified the need for technical clearance through its comments to the City the applicant will obtain the clearance directly from the Authority and will submit the appropriate fee as specified in the schedule of fees directly to the Authority.

APPENDIX A - SCHEDULE 3 (b) Continued
Fee Schedule - City of Owen Sound

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.



R.R.#4, 237897 Inglis Falls Road, Owen Sound, Ontario N4K 5N6
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Planning Services Fees

Property Location

Municipal Address: _____
Registered Plan Number: _____ Lot Number/s: _____
Assessment Roll Number: _____

Owner Information

Owner Name: _____
Address: _____ City: _____
Postal Code: _____ Phone Number: _____ Fax: _____
Cell Number: _____ E-mail: _____

Agent Information (if different from owner)

Applicant Name: _____
Address: _____ City: _____
Postal Code: _____ Phone Number: _____ Fax: _____
Cell Number: _____ E-mail: _____

The owner/agent acknowledges and agrees to deposit with the Grey Sauble Conservation Authority the total estimated fee of: \$ (See back for Fee Schedule)

Signature

Date

For Office Use Only

Date Received:	Fee Received:	Fee Required:
Application Complete:	Receipt Issued:	Date Application Approved:
Yes No	Yes No	_____ Approved By:

Grey Sauble Conservation Authority

Fee Schedule

Application Type	Fee	Amount
Minor Variance	\$150	
Site Plan	\$150	
Consent to Sever	\$200	
Official Plan Amendment	\$200	
Zoning By-law Amendment	\$200	
Plan of Subdivision or Condominium	\$50 per lot or block (minimum \$500/maximum \$6000)	

Total Fee

Notes:

1. Fees are collected by the City of Owen Sound on behalf of the Grey Sauble Conservation Authority.
2. The fees are for the review of planning applications and do not preclude the requirement for the payment of permit fees under Ontario Regulation 151/06 where applicable.
3. Additional technical review fees may also apply.
4. Fees for multiple applications made at the same time for the same parcel and for the same development proposals for Official Plan Amendments, Zoning By-law Amendments, Minor Variances and Consents will be discounted as follows:
 - First Application – full fee per lot or application
 - Additional Applications – 50% of full fee per lot or application