

AGREEMENT
FOR PLAN REVIEW, TECHNICAL CLEARANCE, AND FEE COLLECTION

BETWEEN

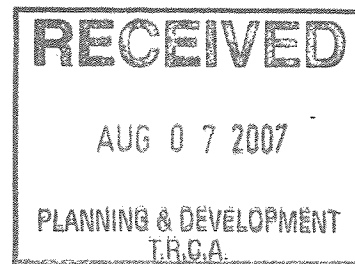
THE CORPORATION OF THE TOWN OF MARKHAM

(the "Town")

AND

**THE TORONTO AND REGION
CONSERVATION AUTHORITY**

("TRCA")



1. PURPOSE OF AGREEMENT

The purpose of this agreement is to:

- (a) provide for TRCA plan review and technical clearance expertise to assist the Town in making decisions on planning applications; and
- (b) streamline the municipal planning system where opportunities exist to facilitate the creation of a "one stop" planning system operating from the Town.

2. ROLES AND RESPONSIBILITIES

The Town and TRCA agree that:

- (a) the Town will screen planning and development applications it has received and will forward to TRCA those applications that require conservation authority 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) the TRCA will provide the Town with plan review and technical clearance services, as set out in Schedule 2 attached, in accordance with the Provincial Policy Statements, and Regional and Local Official Plans by fulfilling the functions described below:
 - (i) define features/functions, and establish requirements and conditions, to determine the need for and adequacy of studies (including environmental impact studies) which assess impacts and propose mitigation measures related to:
 - significant wetlands;
 - significant wildlife habitat;
 - habitats of threatened and endangered species;
 - fish habitat;
 - significant areas of natural and scientific interest;
 - significant woodlands;
 - significant valley lands;
 - flood, erosion, watercourse and valley land hazards;
 - ground water recharge areas;
 - ground water quantity and quality related to its contribution to baseflow and natural heritage features; and
 - surface water quantity and quality;
 - (ii) identify the need for a ground water and/or surface water taking permit;

- (iii) identify the need for an application to be processed and work through an application for mitigation or compensation under the *Federal Fisheries Act*;
 - (iv) advise on the potential need for an application under the *Lakes and Rivers Improvement Act* or any other applicable legislation;
 - (v) 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.
- (c) any information or data sources provided by the Province or generated through municipal or watershed studies will be shared;
- (d) notwithstanding the purpose of this agreement it is recognized that:
- (i) the TRCA will review and provide comments and advice in the context of the policies and land use designations of approved official plans and other guiding municipal 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, or a site specific proposal;
 - (iii) TRCA 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 TRCA from commenting to the Town as TRCA would normally exercise its rights under the *Planning Act*, the *Conservation Authorities Act*, or other applicable legislation.
- (e) the Town will review stormwater management plans in accordance with the Streamlining Procedures as set out in Schedule 1 attached. The Streamlining Procedures may be revised from time to time on written consent of each of the Parties;

3. TERM AND IMPLEMENTATION

- (a) The Town of Markham and the TRCA agree:
- (i) that the term of this agreement shall be for a period of three (3) years from the date of execution by the Town and that 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 TRCA, until terminated by either party in accordance with subsection 3(b) herein. Notwithstanding the above, the Screening Zones Map may be updated at any time at the discretion of the Town and TRCA.
 - (ii) that the Town and TRCA will review this agreement, to consider changes in programs of the parties or changes in provincial policies, at least three (3) months prior to the expiry of each three-year term. The Town's Development Services Department will monitor the agreement and its expiry;
 - (iii) to ensure pre-consultation in development applications where appropriate;
 - (iv) to explore further opportunities to streamline the plan review system as it relates to provincial and regional/local interests;
 - (v) to make provisions for TRCA staff to attend Ontario Municipal Board hearings with the Town, with respect to the plan review and technical clearance services provided pursuant to this agreement. Notwithstanding the aforesaid, TRCA will not be precluded from independently appealing a decision to the Ontario Municipal Board if it so chooses;
 - (vi) that TRCA will set their fees for plan review and technical clearance services as reflected in an approved schedule of fees and any approved revised schedules to be provided to the Town as they occur. The proponent shall submit these fees directly to TRCA;
 - (vii) that the Town shall revise their development application forms to include reference to TRCA's fees and/or attach the TRCA's information and invoice sheets to application forms;
 - (viii) that TRCA shall provide to the Town a hard copy or digital information for a Screening Zones Map as described in Schedule 1 as information is updated.

- (b) 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.
- (c) Any notice to be given pursuant to this agreement shall be delivered to the parties at the following address:

The Corporation of the Town of Markham
 101 Town Centre Blvd.
 Markham, ON L3R 9W3
 Attention: Commissioner of Development Services

The Toronto and Region Conservation Authority
 5 Shoreham Drive
 Downsview, ON M3N 1S4
 Attention: Manager, Development Services Section

APPROVED TOWN OF MARKHAM	
COUNCIL <input checked="" type="checkbox"/>	RESOLUTION # <u>9</u>
CMTE <u>DSC</u>	REPORT # <u>RTA</u>
BY-LAW # _____	DATE <u>MAY 11/99</u>
<u>EM</u>	

THE CORPORATION OF THE TOWN OF MARKHAM

Sheila Birrell
 Town Clerk - Sheila Birrell

MAY 30, 2002
 Date

Frank Scarpitti
~~Mayor - Don Cousens~~
 Deputy Mayor - FRANK SCARPITTI

MAY 30, 2002
 Date



THE TORONTO AND REGION CONSERVATION AUTHORITY

Craig Mather
 Chief Administrative Officer

May 23/02
 Date

INTERPRETATION (Schedule – 1)

The TRCA – Markham Screening Zones Map for the Town of Markham is to provide the Town with a reference for the circulation of development applications and/or policy documents.

The TRCA – Markham Screening Zone is a compilation of various information sources to delineate the following areas of interests: Engineered floodplain mapping and estimated floodplain mapping prepared by engineering consultants and assigned an allowance of up to 15 metres. Erosion Hazards determined by TRCA and assigned an allowance of up to 15 metres. Shoreline Hazards determined by TRCA and assigned an allowance of up to 15 metres. Provincially Significant Wetland (PSW), Locally Significant Wetland (LSW) and Oak Ridges Moraine (ORM) wetland delineations provided by the Ministry of Natural Resources. All other wetlands delineations were determined by using TRCA Ecological Land Classification (ELC) System mapping. PSW and ORM wetlands greater than 0.5 hectares in size assigned an allowance of 120 metres in order to identify lands where development could interfere with the function of a wetland. LSW and ELC wetlands greater than 0.5 hectares in size assigned an allowance of 30 metres. Please refer to 'Reference Manual for Determination of Regulation Limits' (TRCA, 2005) or for more information contact TRCA (416-661-6600).

Note: The TRCA Screening Zone includes areas subject to TRCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation. The text of the Regulation takes precedence over the Regulation Limit mapping. Some regulated features may not appear on the Regulation Limit mapping. Screening Zone will be updated as new information becomes available.

Town Wide Application

All policy documents that may affect natural heritage and/or natural hazard issues will be circulated to the TRCA for comment, and may include Official Plan and Secondary Plan Amendments, Policy Amendments, Background Municipal Studies, Subwatershed Studies, Environmental Assessments and other environmental studies.

TRCA Screening Zone (dark green areas)

Where the land area of a development application is wholly or partially within or abutting the TRCA Screening Zone described on this map, the following applications should be forwarded to the TRCA as part of the approvals process:

1. Site Specific Official Plan Amendment Applications
2. Site Specific Rezoning and Minister's Zoning Order Applications
3. Plan of Subdivision Applications
4. Consent Applications including consents involving easements, where new lots or part lots are created, or where changes to boundaries occur

5. Plan of Condominium Applications which have not received previous site plan or subdivision approval
6. Site Plan Approval Applications (pursuant to Section 41 of the *Planning Act*)
7. Building Permit Applications
8. Minor Variance Applications are generally not circulated to the TRCA unless, in the opinion of Town of Markham staff, such comment would assist in the evaluation of the development application.

Any works proposed within or adjacent to a valley or stream corridor, wetland or other areas regulated by the TRCA (generally those areas within the dark green TRCA Screening Zone) will require Conservation Authority approval for a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit under Ontario Regulation 166-06.

For these works TRCA staff will review the detailed design and construction aspects of these works including:

- a) detailed stormwater management facility reports
- b) other technical studies in support of the proposed development (e.g. geotechnical, environmental impact study etc.)
- c) detailed landscaping/planting plans
- d) erosion and sediment control measures.

Woodlands (brown)

The location of tableland woodlands is provided for information purposes. Applications which include or abut these woodlands are not required to be circulated to the TRCA. Development applications may however, be circulated to the TRCA for comment, where in the opinion of Town of Markham staff, such comment would assist in the evaluation of the development application.

TRCA Stormwater Management Screening Zone (light green areas)

The Stormwater Management Screening Zone indicates those areas where preliminary and stormwater management plans (i.e. environmental master drainage plans, environmental and stormwater management studies, retrofit strategies, etc.) are not currently completed or approved. In addition to the TRCA Screening Zone, where the land area of a development application is wholly or partially within the TRCA Stormwater Management (SWM) Screening Zone described on this map, only the following applications should be forwarded to the TRCA as part of the approvals process:

1. Site Specific Official Plan Amendment Applications exceeding 5 hectares in area
2. Site Specific Rezoning and Minister's Zoning Order Applications exceeding 5 hectares in areas
3. Plan of Subdivision Applications exceeding 5 hectares in area
4. Any development application exceeding 5 hectares in area.

All development applications within the TRCA Stormwater Management Screening Zone will require preparation of a stormwater management report to be circulated to TRCA for review and approval. The stormwater management report must provide, as a minimum, the following level of detail:

- a) the establishment of the land use and developable area including the limits of natural hazards and features
- b) major and minor system drainage boundaries and details
- c) detailed design of the stormwater facilities (size, location, type, quantity and quality control level, hydrologic and hydraulic calculations, etc.) and modelling
- d) maintenance and monitoring requirements
- e) technical studies as required (e.g. water balance, geotechnical etc.)
- f) landscaping/restoration plans and details
- g) preliminary grading plans for all stormwater management facilities
- h) an implementation strategy that addresses timing of construction, phasing, land ownership, etc.

If significant changes are proposed to a previously approved stormwater plan (i.e. major drainage boundary, watercourse diversion, number of ponds, pond location, interim drainage works, etc.) or if interim stormwater management measures are required which were not approved through previous studies, then municipal staff must circulate the proposed changes and the associated development application to the TRCA for review and comment.

Outside of the Screen Zone (white area)

For all development applications within areas not regulated by the TRCA, the Town of Markham will be solely responsible for the review, approval, inspection and enforcement of erosion and sediment control measures during the construction period. Notwithstanding this, the TRCA reserves the right to comment on erosion and sediment control in areas of particular concern (e.g. adjacent to ESAs, valley and stream corridors, wetlandsetc.).

Where applications are being undertaken in accordance with the approved Master Environmental Servicing Plan or the Functional Servicing Plan, then the Town of Markham is responsible for review all details. Where applications not undertaken in accordance with the Master Environmental Servicing Plan or the Functional Servicing Plan, then all development applications must be circulated for review to the TRCA.

SCHEDULE - 2

1. "Plan Review" is defined as:
 - (I) reviewing development applications in a timely manner recognizing the Planning Act objectives;
 - (ii) identifying the need for technical reports; and
 - (iii) specifying conditions of approval.
2. "Technical Clearance" is defined as:
 - (I) assessing technical reports submitted by the proponent to determine if the reports satisfy the conditions specified; and
 - (ii) clearing the conditions.
3. "Screening Zone" is defined as:
 - a) an area of interest of the TRCA as may be relevant to policy formulation or development applications. Specifically, the area of interest may include wetlands, valley and stream corridors, regional storm flood plains, watercourses, environmentally significant areas, Areas of Natural and Scientific Interest, rare threatened and endangered species' habitats, woodlands, lake waterfront areas, special policy areas and fisheries habitats.
4. "Stormwater Management Screening Zone" is defined as:
 - a) an area that does not meet current water quality and quantity control criteria through approved preliminary stormwater plans (i.e. environmental master drainage plans, environmental and stormwater management studies, retrofit strategy, etc.).

In accordance with Section 2a) of the Agreement for Plan Review, Technical Clearance and Fee Collection entered into between the Town of Markham and Toronto and Region Conservation Authority in May 2002, which permits the revision of the Screening Procedures, subject to the written consent of each party, the parties consent to replacing the May 2002 map and Schedule 1 to the 2002 Agreement with the attached map, entitled "TRCA Screening Line", dated March 2007 and the attached Schedule 1.

Dated: _____

The Corporation of the Town of Markham

Frank Scarpitti
Mayor-Frank Scarpitti



Sheila Birrell
Clerk-Sheila Birrell

Dated: Sept. 12/07

The Toronto and Region Conservation Authority

Brian Denney
Brian Denney, CAO

APPROVED TOWN OF MARKHAM	
COUNCIL <input checked="" type="checkbox"/>	RESOLUTION # <u>9</u>
CMTE <u>DSC</u>	REPORT # <u>8</u>
BY-LAW # _____	DATE <u>MAY 11/99</u>
	<u>AW</u>