

THE CORPORATION OF THE TOWN OF MATTAWA

BY-LAW 23-34

BEING a by-law authorizing the signing of service agreements with the North Bay Mattawa Conservation Authority for municipally delegated programs and services and a plan review agreement.

WHEREAS Section 8 of the Ontario Municipal Act 2001, c. 25 empowers and authorizes a municipality to enter into an agreement to enable them to govern their affairs as they consider appropriate.

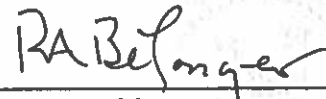
AND WHEREAS the attached Agreement for Services, Appendix "A" and Plan Review Agreement, Appendix "B" outlines the level of services agreement and therefore forms part of this By-law.

NOW THEREFORE, the Council of the Town of Mattawa enacts as follows:

1. **THAT** the Mayor and Interim CAO/Treasurer are hereby authorized to execute the aforesaid Agreements on behalf of the Council of the Corporation of the Town of Mattawa, in accordance with the terms and conditions referred to in this agreement attached to this By-law and known as Appendix "A" and Appendix "B".
2. **THAT** this Agreement shall be effective and shall remain in effect and force in accordance with the terms of the agreement subject to any amendments thereto or the termination of the said agreement.

READ A FIRST and SECOND TIME, this 18th day of December, 2023.

READ THIRD TIME and FINALLY PASSED, this 18th day of December, 2023.



Mayor



Clerk

AGREEMENT FOR SERVICES
THIS AGREEMENT dated this 18th Day of December 2023

Appendix 'A'
to By-law 23-34

BETWEEN

THE NORTH BAY-MATTAWA CONSERVATION AUTHORITY
(hereinafter called "Authority")

OF THE FIRST PART

– and –

THE TOWN OF MATTAWA
(Hereinafter called the "Member")

OF THE SECOND PART

WHEREAS NBMCA is required to provide mandatory programs and services (Category 1) including but not limited to programs and services related to understanding and addressing the risks of natural hazards, flood forecasting and warning, drought or low water response, ice management, water control and erosion control infrastructure, providing technical comments on applications under prescribed acts including the *Planning Act*, conservation and management of its lands, and fulfilling its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts.

AND WHEREAS in carrying out its mandate under the Act, NBMCA provides Municipally delegated programs and services (Category 2) and other programs and services (Category 3) to municipal partners within its jurisdiction including but not limited to water quality monitoring and stewardship projects.

AND WHEREAS under the Conservation Authorities Act, mandatory programs and services (Category 1) are to be funded through the budget and apportionment process in accordance with the applicable regulations.

AND WHEREAS pursuant to Ontario Regulation 687/21 Conservation Authorities are required to enter into an agreement to levy members for services provided to Members for Category 2 programs and services per Conservation Authorities Act Section 21.1.1 (1)); and Category 3 other programs and services per Conservation Authorities Act Section 21.1.2 (2) if financing from the participating municipality is necessary.

AND WHEREAS the Conservation Authority is prepared to continue to provide Category 2 and Category 3 programs and services to its Members.

AND WHEREAS the Members wish to avail themselves of these services and to pay the amount levied for the services.

NOW THEREFORE, in consideration of the terms of this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The Authority agrees to provide to the Member the services outlined in the Inventory of Programs and Services attached hereto as Schedule "A".
2. The Member agrees to be charged a levy for such services in accordance with the approved budget.
3. The Authority will not add to or delete from the programs or services funded through the levy without first consulting with the Member. Any such change would require an amendment to this Agreement agreed to by all parties.

4. The parties will maintain the current annual approval process for setting the levy and budget (i.e. weighted vote based upon current value assessment in the watershed for approval of the levy).
5. The Member will continue to support the current Inventory of Programs and Services throughout the period of this Agreement.
6. This MOU shall commence on the Effective Date and shall continue for four (4) years (the "Initial Term"). Thereafter this MOU shall continue for additional four (4) year periods (each a "Renewal Term") unless either party provides written notice of termination to the other party at least sixty (60) days prior to the expiry of the Initial Term or Renewal Term, as the case may be.
7. This MOU shall be reviewed by the parties on an annual basis as part of the budget and apportionment process.
8. NBMCA shall identify Category 2 and Category 3 services in the budget, and shall comply with the prescribed methods of apportionment, including the Modified Current Value Assessment (MVCA) apportionment method (the ratio that the participating municipality's MVCA bears to NBMCA's MVCA) and the benefit-based apportionment method (the benefit that each participating municipality obtains from the program or service to which the operating expense or capital cost is related), or where permitted in accordance with the applicable regulations, by agreement.
9. This Agreement may be executed in any number of counterparts and by the parties hereto by separate counterparts, each of which when so executed and delivered shall be an original, but such counterparts together shall constitute one and the same instrument.

SIGNED SEALED AND DELIVERED THIS ____ DAY OF _____ 2023.

THE NORTH-BAY MATTAWA CONSERVATION AUTHORITY

Per: _____
Chair – Dave Britton

Per: _____
CAO, Secretary Treasurer – Chitra Gowda

I/we have the authority to bind the Corporation.

SIGNED SEALED AND DELIVERED THIS 18th DAY OF December 2023.

THE TOWN OF MATTAWA

Per: RA Belonger
Mayor – Raymond Belonger

Per: Paul Lapierre
Interim CAO/Treasurer – Paul Lapierre

I/we have the authority to bind the Corporation.

Schedule A

Program Area	Program and Service (Current and NEW)	Description	Legislative Reference	Category	Operating/ Capital
GENERAL FUNCTIONS per O. Reg. 402/22					
	Governance (Current)	CA Board of Directors, Advisory Committees, Corporate Strategy, reports, CA meetings, events, media.	O. Reg. 402/22 - General	General	Operating
	Administration (Current)	Section 39 MNRF funding eligible. Office of the CAO, CAO, Secretary Treasurer, Executive Assistant Financial Services: Annual budget, accounts payable and receivable, financial analysis, risk mitigation and audit, administration of reserves, financial reports for funding agencies, CRA reports, insurance applications, maintenance, property tax. Human Resources: Attendance records, payroll, benefits program administration, employment, personnel policy, performance management, health and safety, WSIB, Employee Assistance Program. Geographical Information Systems (GIS): GIS maintenance and support, CA map layer updates, data sharing/ licence agreements. Corporate communications: marketing, website updates, corporate events, support media relations, corporate publications incl. Annual Report, factsheets, brochures.	O. Reg. 402/22 - General Operating Expenses.	General	Operating
A. Corporate Services/ General Functions	Legal Expenses (Current)	Costs related to agreements, contracts, litigation matters, administrative by-law updates, etc.	O. Reg. 402/22 - General Operating Expenses.	General	Operating
	Information Technology/Management (IT/IM), (Current)	Hardware (servers, computers, phones, etc.)	O. Reg. 402/22 - General Operating Expenses.	General	Capital
	Information Technology/Management (IT/IM), (Current)	Software, IT troubleshooting, cyber security, data management system, records retention	CA Act S. 20. O. Reg. 402/22 - General Capital Costs.	General	Operating
	Office Equipment (Current)	Administrative office equipment	CA Act S. 20. O. Reg. 402/22 - General Capital Costs.	General	Capital
	Office Supplies (Current)	Administrative office supplies	O. Reg. 402/22 - General Operating Expenses.	General	Operating
	Administration Buildings (Current)	Administrative office and workshop used to support staff, programs and services. Includes utilities, insurance, phone bills, property tax. Includes minor maintenance and repair.	O. Reg. 402/22 - General Operating Expenses.	General	Operating
	Communications, Outreach and Education (Current)	Administrative office and workshop used to support staff, programs and services. Includes major capital asset improvements and new capital assets.	CA Act S. 20. O. Reg. 402/22 - General Capital Costs.	General	Capital
		Promoting public awareness of natural hazards including flooding, drought, and erosion. Public events, materials. Social media services.	Reg. 686/21 s.1(2) Reg. 686/21 s.1(3)/4	General	Operating
		Vehicle and equipment fuel, licenses. Includes routine maintenance and repair.	O. Reg. 402/22 - General Operating Expenses.	General	Operating
	Vehicles and Equipment (Current)	Vehicle fleet and machinery/ equipment purchase, disposal, major repair. Vehicle and equipment program through internal charge to programs to fund maintenance and purchase.	CA Act S. 20. O. Reg. 402/22 - General Capital Costs.	General	Capital

Schedule A

Program Area	Program and Service (Current and NEW)	Description	Legislative Reference	Category	Operating/ Capital	
CATEGORY 1 (MANDATORY): NATURAL HAZARDS RISK MANAGEMENT per O. Reg. 686/21						
B. Planning and Regulations <i>The main goal is to protect life and property from natural hazards specified in O. Reg. 686/21. These were previously called Section 28 Operating and Watershed Planning programs in the 2023 NB/MCA budget book.</i>	Section 28 Permits (Current)	CA Act Section 28 Permits including review and processing permit applications, site visits, technical reports, customer service, communication with applicants, agents, consultants, legal costs, enforcement and compliance.	CA Act S. 21.1(1) 1(0), S.28, O. Reg. 686/21 S.1 - Risk of Natural Hazards, S. 8 - Administer and enforce the Act.	Category 1	Operating	
	Natural Hazard Plan Input and Review (Current) – Member Municipalities and Planning Boards	Section 39 MNRF funding eligible. Input: To municipal land-use planning documents (Official Plan, Comprehensive Zoning By-law, Secondary plans) related to natural hazards, on behalf of MNRF (delegated to CAs in 1983). Review: Technical information and comments to municipalities on circulated municipal land use planning applications (Official Plan and Zoning By-law Amendments, Subdivisions, Condominium, Site Plan Approvals, Consents, Minor Variances, etc.).	CA Act S. 21.1(1) 1(0). O. Reg. 686/21 S.1 - Risk of Natural Hazards, S.7 - Plan Review, Comments.	Category 1	Operating	
	Natural Hazard Plan Input and Review – Unincorporated Areas	Providing comments on applications for Unincorporated Areas in CA area of jurisdiction (PHELPS, Orlig, Boulder, Lauder, Ballantyne, Wilkes, Pentland, Boyd, Biggar, Oster, Lister). Comments are made directly to the Ministry of Municipal Affairs and Housing (MMAH), when requested by the Ministry and within their timeframes, on applications or other matters under the Planning Act.	O. Reg. 686/21 S.7.(2) 2	Category 1	Operating	
	Flood Forecasting and Warning (Current)	Section 39 MNRF funding eligible. Ongoing collection and monitoring of weather forecasts, provincial & local water level forecasts, snow surveys and other watershed conditions. Flood event forecasting. Flood warning and communications. Maintenance of equipment.	CA Act S. 21.1(1) 1(0). O. Reg. 686/21 S.1 - Risk of Natural Hazards, S.2 - Flood forecasting and warning.	Category 1	Operating	
	Flood Forecasting and Warning (Current)	Purchase and installation of streamflow gauges, rain gauges, climate stations and other equipment. Climate monitoring station (in East Ferris), rain gauge (in Chisholm)	CA Act S. 21.1(1) 1(0). O. Reg. 686/21 S.1 - Risk of Natural Hazards, S.2 - Flood forecasting and warning.	Category 1	Capital	
	Technical Studies and Policy Review (Current)	Section 39 MNRF & FHIMP MNRF-federal govt. funding eligible. Data collection, studies and projects to inform natural hazards management including floodplain mapping, watershed hydrology data collection and analysis, natural hazard risk identification and assessment including climate change impacts, regulated areas map updates, floodplain policy, shoreline management. Projects often span several years and are carried out as human resources and funding are available.	CA Act S. 21.1(1) 1(0). O. Reg. 686/21 S.1(3)1.&2. - Risk of Natural Hazards.	Category 1	Operating	
	Flood and Erosion Control Infrastructure - Operation and Management (Current)	Section 39 MNRF funding eligible AND Water and Erosion Control Infrastructure (WECI) Operation and Management MNRF funding eligible. Includes all MNRF identified WECI (Parks Creek Backflow Control, Oak Street pumps, Chippewa Creek channel sections in North Bay) that are annually inspected, and routine maintenance work completed. Municipal levy is from the City of North Bay.	O. Reg. 686/21 S. 5(1) - Infrastructure	Category 1	Operating	
	Flood and Erosion Control Infrastructure - Major Capital Asset Improvements and New Capital Assets. (Current)	Major capital asset improvements and new capital assets related to Water and Erosion Control Infrastructure (WECI) as required. Projects are based on WECI funding from MNRF and 50% cost share support from the City of North Bay. Technical studies related to capital works.	O. Reg. 686/21 S. 5(1) - Infrastructure, S.5(1)3.- Technical or engineering studies - infrastructure.	Category 1	Capital	
	C. Water Resources Management <i>The main goal is to protect life and property from natural hazards specified in O. Reg. 686/21. These were previously called Flood Forecasting, Flood Control, Erosion Control, Ice Management, Water Quality (operations) and S. 28 DIA Technical, Integrated Watershed Management (IWM), and Water Erosion Control Infrastructure (WECI) (capital) programs in the 2023 NB/MCA budget book.</i>					

Schedule A

Program Area	Program and Service (Current and NEW)	Description	Legislative Reference	Category	Operating/ Capital
CATEGORY 1 (MANDATORY): NATURAL HAZARDS RISK MANAGEMENT per O. Reg. 686/21					
Cont'd: C. Water Resources Management The main goal is to protect life and property from natural hazards specified in O. Reg. 686/21. These were previously called Flood Forecasting, Flood Control, Erosion Control, Ice Management, Water Quality (operations) and S. 28 DIA Technical, Integrated Watershed Management (IWM), and Water Erosion Control Infrastructure (WECI) (capital) programs in the 2023 NBMCA budget book.	Ice Management (Current)	Management of ice build up on Parks Creek outlet to Lake Nipissing, to mitigate the potential for flooding of homes along Lakeshore Drive and area in North Bay. Municipal levy is from the City of North Bay.	O. Reg. 686/21 S.4(1) - Ice Management	Category 1	Operating
	Drought or Low Water Response (Current)	Conditions monitoring and analysis. Technical & administrative support to the Low Water Response Team representing major water users and decision makers, i.e. input to those who initiate drought response actions.	O. Reg. 686/21 S.3 - Drought or Low Water Response	Category 1	Operating
	Watershed Monitoring (Current)	Provincial Water Quality Monitoring Network (PWQMN): CA-MECP partnership for stream water quality monitoring. Provincial Groundwater Monitoring Network (PGMN): CA-MECP partnership for groundwater level and quality monitoring. For PWQMN and PGMN, NBMCA maintains equipment, transfers data to MECP, water sampling. MECP provides lab analysis, equipment, standards, data management.	CA Act S. 21.1(1). O. Reg. 686/21 S. 12(1)2, 12(1)1.	Category 1	Operating
	Watershed Monitoring (Current)	Equipment such as: Hydrolab sonde for blue green algae monitoring in the Callander ICA		Category 1	Capital
	Natural Hazard Infrastructure Operational Plan (NEW)	Review and update the Parks Creek Backflood Control Structure and Oak Street pumps operational plans.	O. Reg. 686/21 S. 5(2)1. - Infrastructure Operational Plan	Category 1	Operating
	Natural Hazard Infrastructure Asset Management Plan (NEW)	Develop asset management plan for the Parks Creek Backflood Control Structure and Oak Street pumps.	O. Reg. 686/21 S. 5(2)2. - Infrastructure Asset Management Plan	Category 1	Capital
	Ice Management Plan (NEW)	The development and updating of the ice management plan with municipal partners, for the Parks Creek outlet to Lake Nipissing where ice jamming issues are known to occur in the City of North Bay.	O. Reg. 686/21 S.1 (2),(3) - Ice Management Plan	Category 1	Operating
	Watershed-based Resource Management Strategy (NEW)	Develop guiding principles and objectives that inform the design and delivery of programs and services that the CA is required to provide. Compile existing resource management plans, watershed plans, studies and data. Review programs and services. Develop the strategy, implement and undertake annual reporting. Include a process for periodic review.	CA Act S. 21.1(1). O. Reg. 686/21 S.12(1)3 & S. 12(4).	Category 1	Operating

Schedule A

Program Area	Program and Service (Current and NEW)	Description	Legislative Reference	Category	Operating/ Capital
CATEGORY 1 (MANDATORY): CONSERVATION AND MANAGEMENT OF LANDS OWNED OR CONTROLLED BY THE AUTHORITY per O. Reg. 686/21					
D. Conservation Areas and Lands <i>The main goal is to protect, conserve and manage conservation areas and lands owned by NBMCA, including providing safe, passive recreation to the public.</i>	Conservation Areas - Land Interests and Section 29 regulation (Current)	The management and maintenance of NBMCA properties including 15 conservation areas and trails owned by NBMCA to secure interests in its lands and protect from liability under the Occupiers' Liability Act. This includes Section 29 regulation enforcement and compliance governing the use by the public, prevention of unlawful entry, and for protection and preservation of the property. Related legal costs. Complete regular and timely inspections. Maintain equipment, facilities, trails, and other amenities that support public access and recreational use, hazard management, carrying costs including taxes and insurance.	CA Act S. 21.1(1). O. Reg. 686/21 S.9(1)2. i, ii.	Category 1	Operating
	Conservation Areas - Major Capital Asset Improvements and New Capital Assets (Current)	Major capital asset improvements and new capital assets such as gates, fencing, signage, boardwalks, handrails, washroom facilities, waste bins, pedestrian bridges, trails, parking lots, pavilions, benches, picnic tables, roads, equipment, planning. Land purchases due to expropriation.	CA Act S. 21.1(1). O. Reg. 686/21 S.9(1)2. i, ii.	Category 1	Capital
	Planning Act Comments (Current)	As the land owner, make applications or comments on Planning Act matters.	CA Act S. 21.1(1). O. Reg. 686/21 S.9(1)2. iii.	Category 1	Operating
	Natural Heritage Protection (Current)	Conserve, protect, rehabilitate, establish, and manage natural heritage located within the lands owned or controlled by NBMCA.	CA Act S. 21.1(1). O. Reg. 686/21 S.9(1)2. iv.	Category 1	Operating
	Tree Planting (Current)	Plant trees on lands owned or controlled by the authority, excluding commercial logging.	CA Act S. 21.1(1). O. Reg. 686/21 S.9(1)2. v.	Category 1	Operating
	Policy for Land Acquisition and Disposition (NEW)	Develop a policy to guide the acquisition and disposition of land that help fulfill the objectives of the NBMCA.	CA Act S. 21.1(1). O. Reg. 686/21 S.9(1)2. vi.	Category 1	Operating
	Land Inventory (NEW)	Develop a land inventory that will include: location, date obtained, method and purpose of acquisition, land use.	CA Act S. 21.1(1). O. Reg. 686/21 S.9(1)3. S. 11	Category 1	Operating
	Conservation Area Strategy (NEW)	Develop a strategy to guide the management of NBMCA owned properties including guiding principles, objectives, land use categories on conservation authority owned land, recommended management principles for different land categories, etc.	CA Act S. 21.1(1). O. Reg. 686/21 S.9(1)1. S. 10	Category 1	Operating

Schedule A

Program Area	Program and Service (Current and NEW)	Description	Legislative Reference	Category	Operating/ Capital
CATEGORY 1 (MANDATORY): SOURCE PROTECTION AUTHORITY UNDER THE CLEAN WATER ACT, 2006 per O. Reg. 686/21					
E. Source Protection Authority <i>The main goal is to protect existing and future municipal drinking water sources in the North Bay-Mattawa Source Protection Authority (NBMSPA) per the Clean Water Act, 2006.</i>	Governance (Current)	Source Protection Authority (SPA) Board of Directors, Source Protection Committee (SPC), program management, reports, meetings, events.	CA Act S. 21.1(1) O. Reg. 686/21 S.13	Category 1	Operating
	Technical Studies, Policy Development and Review (Current)	Lead technical studies, policy development and review as required. Liaise with stakeholders including municipalities, the province, landowners and others.	CA Act S. 21.1(1) O. Reg. 686/21 S.13	Category 1	Operating
	Proposal Review, Comments and Responses	Review and comment on proposals made under another Act that are circulated to the NBMSPA to determine whether the proposal relates to a significant threat under the source protection plan or has a potential impact on drinking water sources protected by the plan. Respond to inquiries.	CA Act S. 21.1(1) O. Reg. 686/21 S.13	Category 1	Operating
	Source Protection - Plan Input and Review (Current)	Review and comment on proposals made under the <i>Planning Act</i> that are circulated to the NBMSPA to determine whether the proposal relates to a significant threat under the source protection plan or has a potential impact on drinking water sources protected by the plan.	CA Act S. 21.1(1) O. Reg. 686/21 S.13 Clean Water Act S.38	Category 1	Operating
	Significant Threat Policy Implementation: Education and Outreach	Implement policies in the source protection plan to address significant threat policies that designate NBMCA/NBMSPA as an implementer for education and outreach to landowners regarding identified activities.	CA Act S. 21.1(1) O. Reg. 686/21 S.13 Clean Water Act S.38	Category 1	Operating
	Significant Threat Policy Implementation: Monitoring and Research	Implement significant drinking water threat policy (in the source protection plan) that designates NBMCA as an implementer. The policy specifies monitoring in the Callander Issue Contributing Area (monitoring: Callander Bay, Wasi Lake, Wasi River, Burford Creek, Windsor Creek, Lansdowne Creek).	CA Act S. 21.1(1) O. Reg. 686/21 S.13 Clean Water Act S.38	Category 1	Operating
CATEGORY 1 (MANDATORY): ON-SITE SEWAGE SYSTEM PROGRAM UNDER PART 8 OF THE BUILDING CODE ACT per O. Reg. 696/21					
F. On-site Sewage System Program <i>The main goal is to regulate existing and new septic systems to protect the environment per the Building Code Act, 1992, Part 8</i>	Permitting and Compliance	NBMCA is named under the OBC to implement Part 8. Enforce provisions of the Building Code Act and the building code related to on-site sewage systems (septic systems) in municipalities and territory without municipal organization prescribed in the building code. Policy, workplanning, program delivery, legal fees, communications, administration, staffing, data management and other program support.	CA Act S. 21.1(1) O. Reg. 686/21 S.14	Category 1	Operating
	Mandatory Maintenance Inspections (Current)	Approximately 527 septic systems are identified as significant threat activities in the Callander Bay Issue Contributing Area (ICA) and Powassan Wellhead Protection Area (WHIPA) vulnerable areas, under the Clean Water Act, 2006. The Ontario Building Code (OBC) requires that mandatory maintenance inspections (MMI), i.e. inspections every 5 years, apply to these septic systems. NBMCA is named under the OBC to implement Part 8 including MMI.	CA Act S. 21.1(1) O. Reg. 686/21 S. 13, S.14, Clean Water Act S.38 Section 1.10.2 of Division C of the Ontario Building Code (OBC)	Category 1	Operating

Schedule A

Program Area	Program and Service (Current and NEW)	Description	Legislative Reference	Category	Operating/ Capital
CATEGORY 2 (MUNICIPALLY DELEGATED): PROGRAMS AND SERVICES PROVIDED ON BEHALF OF A MUNICIPALITY					
G. Watershed-Municipal Programs These are municipal programs and services that NBMCA provides on behalf of a municipality.	Watershed Monitoring (Current and NEW)	Current NBMCA watershed monitoring of interest to member municipalities: Four Mile Creek, Parks Creek (North Bay), Trout Lake (North Bay, East Ferris), Lake Nobsong (East Ferris, Bonfield), Wasi Lake (Chisholm), Boulder Creek, Bear Creek (Callander), Turtle Lake, Pine Lake, Lake Talon, Sharpes Creek (Bonfield), Smith Lake, Pautois Creek (Calvin), Papineau Lake, Taggart Lake, Earls Lake, Lake Chant Plein (Papineau-Cameron), Boom Creek (Mattawa). POTENTIAL NEW monitoring of interest to City of North Bay: PFAS contaminant monitoring in Trout Lake, Lees Creek and other water resources.	CA Act S. 21.1.1	Category 2	Operating
	On-site Sewage System Program Re-inspection Program (Current)	Septic System Re-inspection Program: Re-inspection program under the Trout Lake Management Plan (as required by the City of North Bay Official Plan). Approximately 100 homes annually. Municipal levy is from the City of North Bay.	CA Act S. 21.1.1	Category 2	Operating
CATEGORY 3 (NBMCA DETERMINED): PROGRAMS AND SERVICES ADVISABLE BY NBMCA					
H. Watershed-Support Programs These are programs and services that NBMCA has determined are advisable to provide to further the purposes of the CA Act.	Watershed Monitoring (Current)	Water quality: North River and Balsam Creek (Phelps) Benthic/Biological Monitoring and Assessment Program (OBBN): samples collected annually and processed/identified by staff. This process evaluates surface water quality using macro-invertebrates (insect larvae, etc.) living in streams and supports Watershed Report Card Evaluations and Watershed Health Checks.	CA Act 21.1.2 (1)	Category 3	Operating
	Watershed Report Card (Current)	Report backs to the community on the current state of the watershed(s) based on surface water and groundwater quality, forest cover and wetland cover. The report card focuses on sub-watershed areas.	CA Act 21.1.2 (1)	Category 3	Operating
	Land Acquisition and Disposition (Current)	Acquisition and management of lands containing important natural heritage or natural hazard features or strategically aligned with existing NBMCA land holdings. Disposition of lands considered surplus to the vision, mandate and strategic goals of NBMCA.	CA Act 21.1.2 (1)	Category 3	Capital
	Land Lease and Agreement Management (Current)	Critical for the Land Inventory which is a Category 1 program and service. Management of current and future land /property leases and agreements. These help drive land based revenues to offset the costs associated with management and maintenance of NBMCA's land holdings.	CA Act 21.1.2 (1)	Category 3	Operating
	Stewardship and Restoration (Current and NEW)	Apply for and manage external funding to support and promote community tree planting, private land stewardship, outreach, Provide advice to property owners. Includes Trees for Nipissing and Clean Green Beautiful stewardship programs.	CA Act 21.1.2 (1)	Category 3	Operating
	Mistwaadesi (Current)	"Mistwaadesi" is Ojibwe for Painted Turtle. The turtle petroform is on the Chippewa Creek EcoPath in North Bay, where Indigenous and non-Indigenous people can gather while developing an appreciation of the significance of water. Fundraising is underway to complete the amphitheater seating area. Through an MOU in 2021 with the North Bay Indigenous Friendship Centre (NBIFC), NBMCA is responsible for all maintenance costs and site security. Municipal levy is from City of North Bay.	CA Act 21.1.2 (1)	Category 3	Capital

Schedule A

Program Area	Program and Service (Current and NEW)	Description	Legislative Reference	Category	Operating/ Capital
CATEGORY 3 (NBMCA DETERMINED): PROGRAMS AND SERVICES ADVISABLE BY NBMCA					
<p>Cont'd: H. Watershed-Support Programs <i>These are programs and services that NBMCA has determined are advisable to provide to further the purposes of the CA Act.</i></p>	Miskwaadesi (Current)	"Miskwaadesi" is Ojibwe for Painted Turtle. See above for details. Through an MOU in 2021 with the NBIFC, the NBMCA is responsible to coordinate all group bookings; secure NBIFC approval for requests for Indigenous programming. NBMCA is responsible for software and maintaining records related to bookings. Municipal levy is from City of North Bay.	CA Act 21.1.2 (1)	Category 3	Operating
	On-site Sewage Systems related Plan Input and Review – Member Municipalities/Planning Board (Current)	Technical information and advice to municipalities on circulated municipal land use planning applications (Official Plan and Zoning By-law Amendments, Subdivisions, Plan of Condominium, Site Plan Approvals, Consents, Minor Variances, etc.) and Input to municipal land-use planning documents with respect to on-site sewage systems. Input and Review are provided following OBC Part 8 method and procedures. Partly covered through fees, and remaining by municipal levies.	CA Act S. 21.1.1	Category 3	Operating
	On-site Sewage Systems related Plan Input and Review – Unincorporated Areas (CA Area of Jurisdiction) (Current)	Comments provided on Planning Act applications in unincorporated areas in CA area of jurisdiction (Phelps, Orlig, Boulter, Lauder, Ballantyne, Wilkes, Pentland, Boyd, Biggar, Osler, Lister). OBC Part 8 - septic systems. MMAH is the approval authority. Applications are received from applicant not MMAH. Input and Review are provided following OBC Part 8 method and procedures.	CA Act 21.1.2 (1)	Category 3	Operating
	On-site Sewage Systems related Plan Input and Review – other Municipalities and Planning Boards (Current)	Comments provided on Planning Act applications through the planning authority as a condition of their approval process. Input and Review are provided following OBC Part 8 method and procedures.	CA Act 21.1.2 (1)	Category 3	Operating
	On-site Sewage Systems related Plan Input and Review - Legal Inquiries (Current)	Respond to legal, permitting and real estate related inquiries of the on-site sewage system program. This is a revenue-generating service.	CA Act 21.1.2 (1)	Category 3	Operating
	Mattawa River Canoe Race (Current)	Host the 64 km canoe race on the Mattawa River annually, from North Bay to Town of Mattawa.	CA Act 21.1.2 (1)	Category 3	Operating
	Asset Management Plan (NEW)	Asset Management Plan for all NBMCA-owned assets including buildings/facilities, vehicle fleet, equipment, etc. (The natural hazard infrastructure asset management plan is included under Natural Hazards Risk Management, see Category 1).	CA Act S. 20. O. Reg. 402/22 - General Capital Costs.	Category 3	Capital
	Laurentian Ski Hill and Snowboarding Club - Routine Activities (Current)	Support to the Laurentian Ski Hill for operations, including staff time and all associated fees and expenses. Municipal levy is from the City of North Bay.	CA Act 21.1.2 (1)	Category 3	Operating
	Laurentian Ski Hill and Snowboarding Club - Major Capital Asset Improvements and New Capital Assets (Current)	Support to the Laurentian Ski Hill for capital asset upkeep, including staff time and all associated fees and expenses. This is not a levy but a request to all member municipalities.	CA Act 21.1.2 (1)	Category 3	Capital
	I. Ski Hill				

Appendix 'B'
to By-law 23-34

PLAN REVIEW AGREEMENT
BETWEEN
THE TOWN OF MATTAWA
(the Town)
and the
NORTH BAY-MATTAWA CONSERVATION AUTHORITY
("NBMCA")

Date: 18th day of December 2023

Background and Legislative Context

Under the Planning Act, the Town 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 Town 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 Town 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 Town and NBMCA to work together to improve the delivery of the Land Use Plan Review function to residents. The Town (Approval Authority) will contract with NBMCA to provide effective and timely plan review and technical clearance support/expertise to assist the Town 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 Town and the area under its jurisdiction.
- ii) NBMCA acknowledges that the Town of Mattawa 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 Town 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 Town, 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 Town 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 Town may seek third party opinions.

b) The Town 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 yearly basis.
- c) NBMCA commits to:
- i) Provide the Town 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 (MNR), 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 Town 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 Town 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, and other consultation meetings as required, upon the request of the Town, with respect to the plan review services provided pursuant to this Agreement, at no extra cost to the Town (i.e., within the annual budget appropriation for the NBMCA's program approved by the Town).
- iv) Advise the Town of the adequacy of technical studies compared to the Town'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 Town is seeking NBMCA's technical advice.

4) IMPLEMENTATION:

- a) The Conservation Authority and the Town 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 Town, 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.

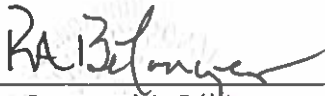
7) TERM OF THIS AGREEMENT:

- a) The Town and NBMCA agree:
 - i) The term of this Agreement shall be for a period of 4 years from the date of execution by the Town 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 Town and NBMCA, until terminated by any of the parties in accordance with subsection 7 b) herein.
 - ii) That the Town 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 Town'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 Town of Mattawa
160 Water Street
P. O. Box 390
Mattawa, ON P0H 1V0
Attention: Paul Laperriere, Interim CAO/Treasurer

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

The TOWN OF MATTAWA



Mayor, Raymond A. Bélanger



Interim CAO/Treasurer Paul Leperriere

Date: December 18, 2023

**The NORTH BAY-MATTAWA CONSERVATION
AUTHORITY**

Chair, Dave Britton

CAO, Secretary Treasurer, Chitra Gowda

Date:

SCHEDULE 1

NBMCA Plan Review Services

NBMCA Technical Review and Technical Clearance
Category 1 - Natural Hazards (53.1 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	CIRCULATION (for pre-consultation, or after an application is deemed complete, or for any subsequent circulations)	COMMENTS AFTER FIRST CIRCULATION
Site specific Official Plan Amendments	Meeting scheduled with all parties and the applicant within 21 calendar days of request ¹	Town to circulate to NBMCA within 3 business days	NBMCA to provide comments within 30 calendar days
Site specific Zoning By-law Amendments	Same as above	Town to circulate to NBMCA within 3 business days	NBMCA to provide comments within 30 calendar days
Draft Plans of Subdivision or Condominium	Same as above	Town to circulate NBMCA within 3 business days	NBMCA to provide comments within 30 calendar days
Site Plan Control Agreements	Same as above	Town to circulate NBMCA within 3 business days	NBMCA to provide comments within 10 calendar days
Consents	Same as above	Town to circulate NBMCA within 3 business days	NBMCA to provide comments within 20 calendar days
Minor Variances	Same as above	Town to circulate to NBMCA within 3 business days	NBMCA to provide comments within 15 calendar days
Road Closures/Shore Road Allowance Closures		Town to circulate to NBMCA within 3 business days	NBMCA to provide comments within 15 calendar days

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