

MEMORANDUM OF AGREEMENT

BETWEEN

The Regional Municipality of Hamilton-Wentworth
(herein referred to as the "Region")

AND

The Hamilton Region Conservation Authority
(herein referred to as the "HRCA")

AND

The Niagara Peninsula Conservation Authority
(herein referred to as the "NPCA")

DATED this 13th day of May, 1996.

1. PURPOSE

- a) The purpose of this Memorandum of Agreement is to describe the framework within which the HRCA and the NPCA will provide specified plan review and technical clearance services to the Region.

2. ROLES AND RESPONSIBILITIES

- a) The Region, the HRCA and the NPCA mutually agree that:
 - i) this Memorandum of Agreement applies to the HRCA and the NPCA and the areas under their jurisdiction which are located in the Regional Municipality of Hamilton-Wentworth;
 - ii) the HRCA and NPCA have the expertise to provide the plan review and technical clearance services to the Region identified in this Memorandum of Agreement and the Region is relying on said expertise. The parties acknowledge that the Region remains the approval authority for those planning applications for which the Region is so designated by statute and which authority has not been otherwise delegated by the Region;
 - iii) nothing in this Memorandum of Agreement precludes either the HRCA or the NPCA from commenting to the Region from a Conservation Authority perspective, as they normally would on an application circulated by the Region under the Planning Act;

- iv) those application types not listed in Appendix A, Schedule 1 (i.e., official plans, policy official plan amendments, comprehensive zoning by-laws, and policy zoning by-law amendments), will still be circulated to the HRCA and the NPCA for comment on these application types from the Conservation Authority perspective;
 - v) the traditional plan review functions delivered through Conservation Authorities for natural hazard matters will continue to be delivered to the Regional Municipality of Hamilton-Wentworth within the annual budget appropriation for this program approved by the Region;
 - vi) 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,
 - vii) any party to this Memorandum of Agreement may terminate the agreement at any time, in writing to all other parties to the agreement, with a minimum of 60 calendar days notice.
- b) The Region commits to:
- i) circulate to the HRCA under this Memorandum of Agreement only those development/planning applications listed in Appendix A, Schedule 1;
 - ii) transfer appropriate policy statements, guidelines, manuals, maps, information, data and criteria from the Region to the HRCA and NPCA, and transfer said material to the HRCA and NPCA as it is received from the Province of Ontario, or make arrangements to have said material transferred directly from the Province to the HRCA and NPCA; and,
 - iii) retain consultants other than the HRCA or the NPCA to provide the plan review and technical clearance services identified in this Memorandum of Agreement, when in the opinion of the Region or the HRCA or the NPCA, utilizing the HRCA or the NPCA as specified in this Memorandum of Agreement could result in a conflict of interest for the HRCA or the NPCA.
- c) The HRCA and the NPCA commit to:
- i) provide the Region with those services listed in Appendix A, Schedule 2 at no extra cost to the Region, i.e., within the annual budget appropriation for the HRCA and NPCA programs approved by the Region;

- ii) provide the Region with those services listed in Appendix A, Schedule 3 on a fee for service basis, mutually agreed upon by the parties to this agreement;
- iii) have the HRCA act as the "one-window" conservation authority for the Region by coordinating information with the NPCA as required prior to providing plan review and technical clearance services to the Region;
- iv) have the HRCA provide comments to the Regional Environment Department on behalf of the HRCA and the NPCA;
- v) have the HRCA provide its comments to the Regional Environment Department within 30 calendar days of receipt of an application from the Region for the following types of applications: consents, site-specific zoning by-law amendments, minor variances, and site plans;
- vi) have the HRCA provide its comments to the Regional Environment Department within 60 calendar days of receipt of an application from the Region for the following types of applications: plan of subdivision/condominium and site-specific local official plan amendment;
- vii) comment on whether the application complies with the Provincial Policy Statement and Guidelines in the plan review services it provides the Region;
- viii) apply all relevant Provincial and Regional operational procedures and guidelines in the plan review and technical clearance services it provides the Region;
- ix) not disseminate any data, maps, information or other documents either received directly from the Province or identified as "Provincial data" by the Region;
- x) disseminate Regional data, maps, information or other documents when requested, only in accordance with Regional policies and procedures; and
- xi) make provision for staff to attend Ontario Municipal Board Hearings, upon the request of Regional staff, with respect to the plan review and technical clearance services provided pursuant to this Memorandum of Agreement, at no extra cost to the Region (i.e., within the annual budget appropriation for the HRCA and NPCA programs approved by the Region).

3. TIMEFRAME FOR IMPLEMENTATION

- a) This Memorandum of Agreement will take effect on July 1, 1996.

The parties have duly executed this Memorandum of Agreement.

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

DATE



J.D. Thomas
Commissioner of the Regional Environment Department



HAMILTON REGION CONSERVATION AUTHORITY

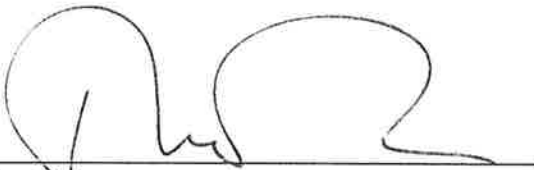
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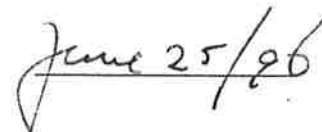
AS Allan Stacey
Chairman



DATE

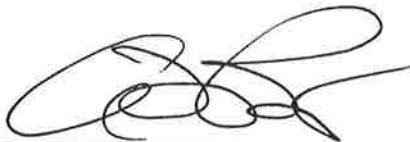


Ben Vanderbrug
General Manager

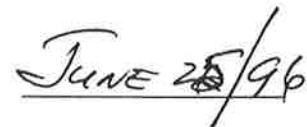


NIAGARA PENINSULA CONSERVATION AUTHORITY

DATE



Andrew Burt
Secretary-Treasurer



APPENDIX A -- SCHEDULE 1

CIRCULATION STATUS BY APPLICATION TYPE AND DEFINITIONS

1. The Region advises the HRCA that under this agreement it will circulate the following types of development/planning applications to the HRCA for comment as per the items in Appendix A, Schedules 2 and 3:

- Subdivisions;
- Condominiums;
- Consents;
- Site-Specific Local Official Plan Amendments;
- Site-Specific Zoning By-Law Amendments;
- Minor Variances; and,
- Site Plans.

2. "Plan Review" as defined in Appendix A, Schedules 2 and 3, includes:
 - i) screening development applications to determine if and where a Provincial interest may be affected;
 - ii) identifying the need for technical reports; and,
 - iii) specifying conditions of approval.

3. "Technical Clearance" as defined in Appendix A, Schedules 2 and 3, includes:
 - i) assessing technical reports submitted by 'the proponent's consultants to determine if the reports have been prepared in accordance with Provincial guidelines and standards.

SERVICES TO BE PROVIDED BY HRCA AND NPCA TO REGION AT NO EXTRA COST

APPENDIX "A" - SCHEDULE 2

MINISTRY OF ENVIRONMENT AND ENERGY (MOEE)	LIST OF PLAN REVIEW FUNCTIONS FOR: SUBDIVISIONS/CONDOMINIUMS, CONSENTS, SITE-SPECIFIC LOPA'S, SITE-SPECIFIC ZONING BY-LAW AMENDMENTS, MINOR VARIANCES AND SITE PLANS	
DESCRIPTION	PLAN REVIEW	TECHNICAL CLEARANCE
Review for site specific (off site) stormwater planning issues	X	X
Identify need for and conduct technical review of stormwater management facilities design reports	X	X
Review for sub-watershed planning/master drainage planning	X	

SERVICES TO BE PROVIDED BY HRCA AND NPCA TO REGION AT NO EXTRA COST
APPENDIX "A" - SCHEDULE 2

MINISTRY OF NATURAL RESOURCES (MNR)	LIST OF PLAN REVIEW FUNCTIONS FOR: SUBDIVISIONS/CONDOMINIUMS, CONSENTS, SITE-SPECIFIC LOPA'S, SITE-SPECIFIC ZONING BY-LAW AMENDMENTS, MINOR VARIANCES AND SITE PLANS	
DESCRIPTION	PLAN REVIEW	TECHNICAL CLEARANCE

Comment on impact on aggregate resources and identify need for Aggregate Resources Impact Study.	X	
Comment if impact on Petroleum Resources Act	X	
Comment on wayside pits	X	
Comment on hazardous geology	X	
Identify need for and conduct technical review of reports on: wetland areas impacts and mitigation measures	X	X
Identify wildlife habitats and comment on wildlife habitat impacts and mitigation measures	X	
Comment on impacts on endangered and threatened species	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

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DESCRIPTION	PLAN REVIEW	TECHNICAL CLEARANCE

Identify ANSI's and comment on ANSI impacts and mitigation measures (MNR to be consulted if necessary)	X	
Comment on woodlands impact (Greenlands Study may be used)	X	
Comment on flood hazards	X	
Comment and issue permit for development in floodplains	X	X
Comment 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 if applicable	X	

SERVICES TO BE PROVIDED BY HRCA AND NPCA TO REGION ON A FEE FOR SERVICE BASIS

APPENDIX "A" - SCHEDULE 3

MINISTRY OF NATURAL RESOURCES (MNR)	LIST OF PLAN REVIEW FUNCTIONS FOR: SUBDIVISIONS/CONDOMINIUMS, CONSENTS, SITE-SPECIFIC LOPA'S, SITE-SPECIFIC ZONING BY-LAW AMENDMENTS, MINOR VARIANCES AND SITE PLANS	
DESCRIPTION	PLAN REVIEW	TECHNICAL CLEARANCE
Review and comment on impacts on groundwater recharge/discharge areas (where there is a fisheries impact, application will be circulated to MNR)	X	