



CAO's Office
Administration
1151 Bronte Road
Oakville ON L6M 3L1

February 1, 2017

Lesley Griffiths, Panel Chair
Milton Logistics Hub Project Review Panel
c/o Canadian Environmental Assessment Agency
160 Elgin Street
Ottawa ON K1A 0H3

By email: MiltonHubPanel@ceaa.gc.ca
CEAA Registry 80100

Dear Ms. Griffiths:

**RE: Participation of the Halton Municipalities in the
Milton Logistics Hub Project Review Panel Process**

On behalf of the five Halton municipalities, we are pleased to respond to your letter of January 6, 2017, requesting our participation in the Review Panel process. As similar letters were sent to each of the five Halton municipalities, all five Halton municipalities are pleased to continue their coordinated approach to this federal environmental assessment in responding to the questions raised in your letter.

The purpose of this response is to assist your preparation for our orientation session with you and your colleagues on the Review Panel scheduled for February or March of this year. We have focused on addressing the three key areas of interest you identify in your January letter.

1. The details of the legislative, policy or other directives under the responsibility of your Region that may relate to the Project or the environmental assessment

Constitutionally, municipalities are exclusively a provincial responsibility. Exceptionally, municipalities have received legal responsibilities through federal laws but otherwise municipalities depend entirely on provincial laws for their broad array of current responsibilities. The Halton Municipalities Brief provided by the Region to your secretariat in mid-December focused on municipal standards that are relevant to the Canadian Environmental Assessment Act, 2012 (CEAA) framework. It also sought to address key constitutional issues relevant to the CEAA framework.

The present document builds on the Halton Municipalities Brief. It provides details on several Ontario laws that, subject to constitutional limits, provide municipal powers and responsibilities over the CN Project.

The Regional Municipality of Halton

1.1. *Municipal Act, 2001*

This law reformed a 19th century statute and the enumeration of dozens of specific powers in favour of a modern approach. This modern approach has three distinctive features: first, it assigns municipal powers according to broad “spheres of jurisdiction” such as the “economic, social and environmental well-being of the municipality” and the “health, safety and well-being of persons;” second, it recognizes and distinguishes between upper-tier municipalities and lower-tier municipalities (i.e. Halton Region and the four area municipalities inside Halton); third, it authorizes municipal law-making within any sphere of jurisdiction so long as the law does not “conflict” with the laws of other jurisdictions, such as the province or the federal government. Under this regime, Halton Region has express jurisdiction over highways, traffic on highways, collection of stormwater and drainage from land. Region approval is required to access regional roads such as Britannia Road and Tremaine Road.

Similarly, Corporation of the Town of Milton (“Milton”) responsibilities relevant to the CN Project include its by-laws regulating site alteration, noise and access to local roads including Lower Base Line. The Site Alteration By-law provides Milton with the ability to regulate the placing and dumping of fill, the removal of topsoil and/or the alteration of the grading of the land. The intent of the by-law is to regulate re-grading operations to prevent the alteration of drainage patterns and to protect the environment. The Noise By-law is intended to control noise from any source. While not applying to vehicles on rails, it does apply to noise generated by the loading and unloading operations associated with the proposed facility. Milton’s Highway By-law, consistent with that of the Region, regulates the siting and installation of entrances as well as any alteration or widening of highways under its lower-tier municipal jurisdiction.

1.2. *Planning Act*

This law governs land use across Ontario. The *Planning Act* has existed in its present structure since 1983; however, within this structure, the province has enacted many important amendments to guide and structure municipal decisions. Under this Act, municipalities have exclusive power to zone land uses, approve the severance or subdivision of lands, and enact site plan controls.

Additionally, all municipalities have the duty to enact and keep current official plans to guide the physical development of their municipalities with upper-tier municipal official plans having paramouncy over lower-tier municipal official plans in case of conflict.

Since 2006, the Province has also played a dominant role in land use planning by demanding that (1) municipal decisions be “consistent” with any provincial policy statement approved by Cabinet, and (2) municipal decisions “conform” with all designated provincial plans.

The Provincial Policy Statement sets out the Province’s vision for land use across Ontario. It includes policies on how we settle our landscape, create our built environment, and manage our land and resources over the long term to achieve livable and resilient communities.

The Province approved a Greenbelt Plan in 2005 to create a permanent agricultural and natural area protection around the Greater Toronto Area. The Greenbelt Plan applies to nearly 800,000 hectares, and was created to limit the expansion of urban area and provide for the permanent protection of all designated “Protected Countryside” lands.

The Province approved a Growth Plan for the Greater Golden Horseshoe ("Growth Plan") in 2006 to manage growth across this area. The Growth Plan establishes growth targets and policies to manage growth to the year 2041. Municipalities must plan to accommodate the targeted growth by considering the distribution of growth through intensification and greenfield development. Numerous policies provide direction on achieving these distributions.

1.2.1. Regional Planning Context

The Regional Municipality of Halton was created through the *Regional Municipality of Halton Act, 1973*. Among other things, this Act required the Region to prepare and implement an official plan for the Regional area. Other provisions of the Act gave the Region sole responsibility for a Regional Road System, the supply and distribution of water, and the collection and disposal of all wastewater in the Regional area.

The Region passed its first official plan in 1980 to guide development in the Region. The Region continues to maintain and provide updates to its Official Plan in accordance with Provincial legislation. The Region's latest significant update to its Official Plan was in 2009 through "Sustainable Halton".

The "Sustainable Halton" initiative, including Regional Official Plan Amendment No. 38 ("ROPA 38"), amended the Regional Official Plan (the "ROP") to be consistent with the Provincial Policy Statement, 2005 ("PPS 2005") and in conformity with provincial plans, including the Greenbelt Plan (2005) and the Growth Plan. Through ROPA 38, the current ROP meets or exceeds standards established by the Province and customizes land use planning for the unique needs of Halton Region.

Summarizing the provincial framework of land use law and policy, the key document is the municipal official plan, in this case, the ROP. This document was approved by the Province for its conformity to all applicable provincial plans and policy statements. Equally, provincial law requires that this official plan direct and have paramountcy over local official plans. Thirdly, where a project requires a rezoning or zoning by-law amendment, provincial law requires that such amendment conform with the applicable official plan (i.e., the ROP). Beyond the ROP, Halton has also published relevant interpretive guidance, including:

- i. Halton Region Official Plan Guidelines,
- ii. Transportation Impact Study Guidelines,
- iii. Transportation Master Plan,
- iv. Water and Wastewater Master Plan, and
- v. Development Engineering Review Manual

1.2.2. Local Planning Context

Milton has adopted its own official plan and secondary plans. It has also passed a Comprehensive Zoning By-law to establish development standards and control growth in conformity with the policies of the local Official Plan. The *Planning Act* provides the authority for such by-laws to restrict or prohibit the use of land and the erecting, locating or using of buildings which are subject to flooding, unstable, hazardous, subject to erosion or to natural or artificial perils, subject to contaminated soils and sensitive or vulnerable areas, natural features and

areas as well as significant archaeological resources and regulate the construction of buildings and structures including their area, density and height.

Proposed development is required to comply with the provisions of the Zoning By-law and neither site plan approval nor building permits can be issued until such time as compliance is achieved.

Milton has also adopted a Site Plan Control By-law in accordance with section 41 of the Planning Act. Within a designated site plan control area, no development may occur until such time as the municipality has reviewed and approved drawings and plans which ensure that the development will meet municipal technical and design standards.

1.2.3. Halton Municipalities Brief

The *Halton Municipalities Brief* focusses on the Halton, land use planning framework. Having regard for the federal environmental assessment framework and its attention to significant adverse environmental effects, the *Halton Municipalities Brief* sets out municipal standards relevant to assessing whether effects upon the valued components (“VCs”) identified in the EIS Guidelines for this Project are “significant” under federal law.

These standards address the majority of biophysical VCs identified in the Environmental Impact Statement (EIS) Guidelines under the headings of Water, Natural Heritage, and Agriculture. They also address virtually all human VCs identified in the EIS Guidelines that are relevant to the Project under the headings of Transportation, Residential, and Employment.

1.2.4. Provincial Review

Halton Region enacted its current official plan consistent with the PPS 2005 but, in 2014, the Province approved an updated Provincial Policy Statement. Similarly, Halton Region enacted its current official plan in conformity with the Province’s Greenbelt Plan (2005) and the Growth Plan; however, both of these plans are now subject to a comprehensive provincial review.

The Province is expected to release final versions of the new plans in early 2017.

Examples of municipal *Planning Act* instruments relevant to this CN Project include: Milton’s zoning and site plan control by-laws.

1.3. Ontario’s *Environmental Assessment Act*

This Act applies automatically to public sector undertakings. Exemptions include private sector undertakings unless they are specifically designated. Municipal undertakings are subject to this Act but generally follow what the Act describes as a “class” environmental assessment approval process that has been granted to all Ontario municipalities where the undertaking fits within an identified class of municipal water, wastewater, road, and transit projects.

The Municipal Class EA provides an environmental assessment process for individual projects as well as master plans that cover a range of projects over a long-term period (i.e., 20 years). The Region has approved master plans for transportation, water, and wastewater.

This Act is relevant to the CN Project. For example, Halton has just approved a major environmental assessment to govern the expansion of Britannia Road north of the CN Project site and to which CN wants access. The CN Project may require Halton to file a future addendum to its already concluded environmental assessment. Also relevant to the CN Project is the CN proposal that the Town of Milton undertake the construction and operation of a new underpass to avoid crossing new and existing CN rail lines. Milton cannot proceed with this undertaking unless it first complies with the applicable municipal class environmental assessment.

1.4. *Building Code Act, 1992*

This Act applies to buildings and structures. Municipalities have the responsibility to appoint a chief building official and have this official review and approve building permits.

CN proposes several new buildings and structures. These buildings will require a building permit, including the proposed administration building. Since CN does not propose to service the site with municipal water service, this Act imposes additional requirements with respect to the provision of water for fire services.

1.5. *Ontario Heritage Act*

This Act protects cultural heritage resources. These resources include heritage buildings, cultural heritage landscapes, and archaeological resources. The Act authorizes municipalities to pass by-laws to designate heritage properties, heritage conservation districts, and cultural heritage landscapes. The CN lands proposed for development include or are adjacent to many properties listed for heritage attributes.

1.6. *Development Charges Act, 1997*

This Act authorizes municipalities to pass by-laws to collect development charges from private sector developers. These charges are intended to compensate municipalities for the cost of establishing and operating municipal services to new developments.

The CN Project will trigger development charges for the cost of proposed or required municipal infrastructure.

1.7. *Assessment Act*

This Act and the *Municipal Act* authorize municipalities to generate revenue through property taxes that are based on the market value of property. Although the Province is responsible for

identifying the market value of a property, a municipality has the responsibility to set the tax rate within identified land use categories consistent with the market value.

The CN lands will trigger assessment and taxation based on the combination of identified market value and the Town of Milton's assessment rate.

Conclusions

In sum, the Halton municipalities have many legislative and policy responsibilities, powers, duties and functions that are triggered by or relate to the proposed CN Project.

2. A description of the interest or expertise of your Region including its local municipalities as it relates to the Project or the environmental assessment

The Halton Municipalities Brief sets out municipal interests and standards in water, natural heritage, transportation, agriculture, residential, and employment matters.

Additionally, our municipal interests include:

- a) Maintaining land use compatibility in the area having regard for nearby existing and approved residential communities and the new rail lines, facilities, and proposed 24/7 rail, handling, and truck operations;
- b) Maintaining municipal financial sustainability when this Project will add new infrastructure costs and reduce municipal revenues for the Project lands and nearby lands compared to the planned future land uses approved in ROPA 38;
- c) Adherence to municipal design standards;
- d) Compliance with Ontario and municipal environmental assessment requirements for changes to regional and local road infrastructure;
- e) Prevention of adverse effects to human health and the environment through adherence to Ontario and municipal standards for (i) air quality, (ii) noise emissions, (iii) stormwater discharge quality and quantity, (iv) water takings, (v) river improvements, and (vi) endangered species and their habitat;
- f) Protection of public safety and the environment arising from increased carriage, handling, and storage of toxic and other harmful substances and products;
- g) Protection to public health and safety arising from increased road and rail traffic associated with the Project; and
- h) Ensuring that, in light of the above, this Project design and location is the preferred means of meeting CN's stated purpose for the Project in comparison to alternatives that also meet this purpose and have fewer and lower impacts.

To address their responsibilities, the Halton municipalities employ or have retained a broad array of senior internal and external experts.

The range of expertise available to the Halton Municipalities to assist in its participation before the Panel includes the individuals set out below.

Area of Expertise	Technical Lead(s) for the Halton Municipalities
Land Use Planning	Ron Glenn, Chief Planning Official Halton Region
Growth Management Planning and Economic and Demographic Forecasting	Russell Mathew, Hemson Consulting Ltd.
Transportation	Ali Hadayeghi, CIMA Hart Solomon, CIMA Alvaro Almuina, EII So Consulting Inc.
Water and Wastewater Servicing	Chris Hamel, GM BluePlan
Municipal Finance	Gary Scandian, Watson and Associates
Noise	Scott Penton, Novus Environmental
Air Quality	Franco DiGiovanni, Airzone One Ltd
Human Health	Dr. George Thurston, NYU
Lighting	TBD
Natural Heritage Systems Planning	Mirek Sharp, North-South Environmental
Water: Groundwater, Surface Water, Morphology, Ecology, and Fish Habitat	Ronald Scheckenberger, Amec Foster Wheeler Bill Blackport, Blackport & Associates Jim Dougan, Dougan & Associates Cam Portt, C. Portt & Associates John Parish, Parish Aquatic Services, Matrix Solutions Inc.
Transportation – Intermodal Facility Design and Operation	John Vickerman, Vickerman and Associates
Archaeology	Lisa Merritt, ASI

3. The details of when and how your Region interacts with other organizations in the course of fulfilling its legislative, policy or other directives as mentioned above

In fulfilling its respective mandates, the Halton municipalities interact with many other organizations. In some cases, these interactions are governed by terms outlined in a memorandum of understanding (MOU). This letter attaches two MOUs that are relevant to this Project and describe our interactions with other organizations:

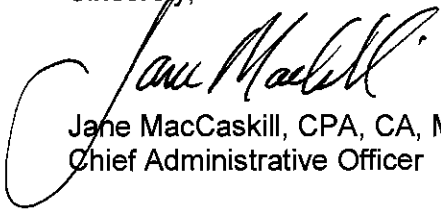
- a) First, as set out in Attachment A, the Region has an MOU with the Province of Ontario relating to the review of plans and development applications; and
- b) Second, as set out in Attachment B, the Halton municipalities have MOUs with the local Conservation Authorities, school boards, and the Halton Regional Police Service.

Sufficiency Review

In addition to what we provide through this letter, please note that we are also preparing a coordinated Halton municipalities' response to your request for various determinations regarding whether there is sufficient information for the Region to provide advice to the Review Panel on

the Project. We will be providing this information to you as soon as it is assembled and no later than March 6, 2017.

Sincerely,



Jane MacCaskill, CPA, CA, MBA
Chief Administrative Officer

On behalf of the Halton municipalities

Appendices: Attachment #1 *Memorandum of Understanding between the Province of Ontario and Halton Region regarding Municipal Plan Review*

Attachment #2 *Memorandum of Understanding for the Implementation of An Integrated Halton Area Planning System*

cc James Ridge, City Manager, City of Burlington
Brent Marshall, CAO, Town of Halton Hills
Bill Mann, CAO, Town of Milton
Ray Green, CAO, Town of Oakville

MEMORANDUM OF UNDERSTANDING

Amongst

the Regional Municipality of Halton,

the City of Burlington,

the Town of Oakville,

the Town of Milton,

the Town of Halton Hills,

the Halton Regional Police Services Board,

the Halton District School Board,

the Halton Catholic District School Board,

the Halton Region Conservation Authority,

the Credit Valley Conservation Authority, and

the Grand River Conservation Authority

Regarding the Implementation of

AN INTEGRATED HALTON AREA PLANNING SYSTEM

PART 1 OF 9

The Preamble

1 Introduction and Purpose

1.1 The following Memorandum of Understanding (Memorandum) has been prepared by the eleven "local" government "planning" authorities (herein after referred to as "the Halton planning partners") which operate within the Halton Region Planning Area. The Halton planning partners consist of:

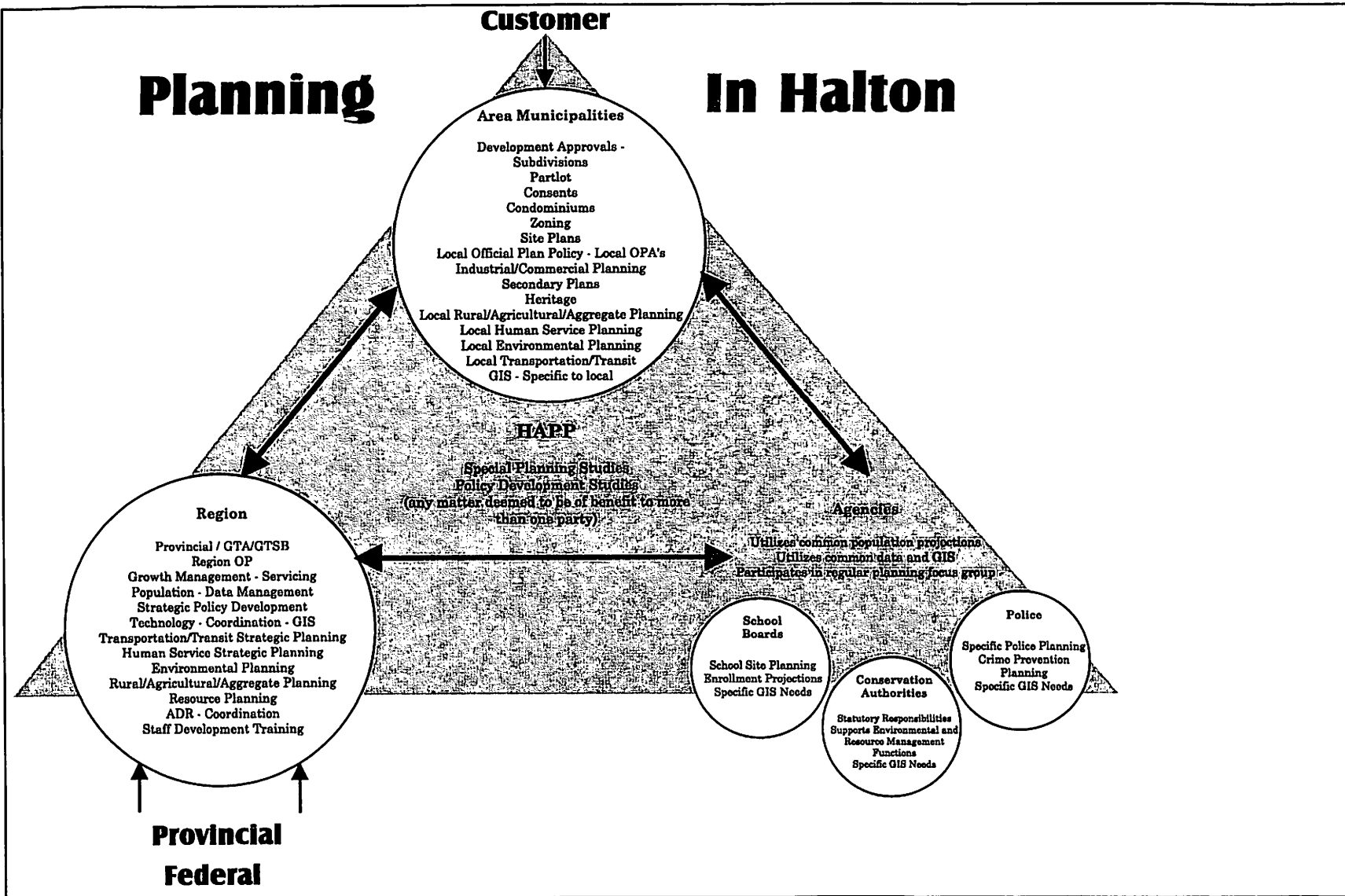
- a) the Council for the Regional Municipality of Halton (hereinafter referred to as "the Region");
- b) the Councils of the City of Burlington, the Town of Oakville, the Town of Milton and the Town of Halton Hills (hereinafter collectively referred to as "the Area Municipalities");
- c) the Halton Regional Police Services Board (hereinafter referred to as "the Police Services Board");
- d) the Halton District School Board and the Halton Catholic District School Board (herein collectively referred to as "the School Boards"); and
- e) the Halton Region Conservation Authority, the Credit Valley Conservation Authority, and the Grand River Conservation Authority (hereinafter collectively referred to as "the Conservation Authorities").

This Memorandum has been prepared by Planning staff of the above noted Halton planning partners in accordance with the recommendations of the Halton Area Services Review Planning Team Report (June 1997) as originally endorsed, and amended, by the affected Councils and Boards as shown in Part 9 - Schedules to the Memorandum.

The Halton Area Services Review Planning Team Report of June 1997 outlines the vision for the creation of a new local government planning partnership within Halton as depicted by the attached figure. The Halton planning partners have agreed to re-distribute and administer certain Region, Area Municipality, Police Services Board, School Board, and Conservation Authority planning approval authorities and responsibilities as currently practised in the Halton Planning Area and as assigned and delegated by Provincial legislation, regulation, order, and/or by-law.

Planning

In Halton



1.2 The purpose of this Memorandum is to:

- (a) eliminate unnecessary duplication,
- (b) enhance accessibility and clarity of the development review process through a one-window approach for customers,
- (c) reduce development process time and steps,
- (d) provide for better quality service based on a more efficient plan review process and information base,
- (e) provide for the better co-ordination of regional data management systems and therefore more accessible and better quality data at reduced overall costs,
- (f) provide for the more efficient allocation of existing government resources, and
- (g) maximize the utilization of existing staff expertise.

2 ***Authority***

2.1 This Memorandum has been approved by the Councils or Boards of the eleven Halton planning partners in accordance with the Planning Act and other pertinent Provincial legislation. The Ministry of Municipal Affairs and Housing is aware of the contents of this Memorandum and has advised it is consistent with both the Region's Memorandum of Understanding with the Province regarding the Transfer of Municipal Plan Review, and Provincial legislation, regulations, orders, and programs regarding delegation and restructuring.

2.2 This Memorandum has been prepared in accordance with the recommendations of the Halton Area Services Review Planning Team Report (June 1997) as originally endorsed, and amended, by the above mentioned Councils and Boards as shown in Part 9 - Schedules to the Memorandum.

3 ***Contents***

There are Nine Parts to this Memorandum. Parts 1 to 8 inclusive deal with the basic framework of the Memorandum as approved by the participating Councils and Boards as outlined below:

PART 1 - The Preamble

PART 2 - Transfer of Certain Development Approval and Related Administrative Functions from the Regional Municipality of Halton to the Area Municipalities

PART 3 - Delineation of Planning Roles Regarding Policy Research & Development, Data Assembly & Analysis, Transportation Planning, and Resource Management for the Region, the Area Municipalities, the Conservation Authorities, the School Boards, and the Police Services Board

PART 4 - Region, Area Municipality and Conservation Authority Review of Planning Applications as they Relate to the Natural Environment

PART 5 - Region, Area Municipalities and the School Boards

PART 6 - Region, Area Municipalities and the Police Services Board

PART 7 - Halton Area Planning Partnership Terms of Reference

PART 8 - Implementation and Performance Evaluation

PART 9 - Schedules to the Memorandum outlines various administrative matters referred to in Parts 1 to 8 inclusive as outlined below:

Schedule A - Resolutions, Terms and Conditions of the Eleven Affected Councils and Boards

A1 - The Regional Municipality of Halton

Schedule B - Halton Region Delegation By-laws

B1 - Local Official Plan Amendment Exemption Bylaws,

B2 - Condominium Delegation By-laws,

B3 - Subdivision Delegation By-laws,

B4 - Consent Delegation By-laws

Schedule C - Development Application and Building Permit Data Needed to Support Land Use Related Data Bases and Projections

C1 - Region and Area Municipalities,

Schedule D - Collection Agency, Level of Aggregation and General Responsibility for Data Assembly of Historical and Forecasted Land Use Information

- D1 - Region and Area Municipalities,*
- D2 - Region, Area Municipalities and Conservation Authorities,*
- D3 - Region, Area Municipalities and School Boards,*

Schedule E - Criteria for Halton Region Natural Environment Map

Schedule F - Municipality Guide to Referring Certain Types of Planning Applications to the Conservation Authorities for Review and Clearance

Schedule G - Matters Subject to Conservation Authority Peer Review and Technical Clearance Regarding Planning Applications Affecting the Natural Environment

Schedule H - Scope of Conservation Authority Plan Review and Technical Clearance Work

Schedule I - Halton "Municipalities" and Conservation Authorities Arrangement Concerning Storm Water

Schedule J - Peer Review Fees for the Conservation Authorities

Schedule K - Rationalized List of Land Use Planning Functions in the Halton "Area" - June 1997

PART 2 OF 9

***Transfer of Certain Development Approval
and Related Administrative Functions***

from

the Regional Municipality of Halton

to

the Area Municipalities

4. Halton Region Conditions For Delegation or Exemption

4.1 The Regional Municipality of Halton is required by legislation to prepare, adopt, and maintain a (regional) official plan for the Halton Planning Area. The Region is also assigned, under the Planning Act, the following specific approval authorities:

- a) Local Official Plan Amendments;
- b) Plans of Subdivision;
- c) Plans of Condominium;
- d) Consents and Validation of Title; and
- e) Partlot Control By-laws.

The Council of the Regional Municipality is empowered, by the Planning Act, to delegate all or parts of it's assigned approval authorities to it's Area Municipalities subject to such conditions the Region Council deems appropriate. In accordance with provincial legislation, regulations and orders, and requirements outlined in this Memorandum, the Region hereby agrees to adopt delegation or exemption by-laws which will enable the Area Municipalities to act as the Region's approval authority. The Region's proposed conditions are outlined in Schedules A and B of this Memorandum. The final delegation or exemption by-laws may also be subject to additional Provincial or Region conditions specified at the time of adoption.

4.2 The Region agrees to adopt an Exemption By-law for Local Official Plan Amendments, upon issuance of an Order by the Minister of Municipal Affairs and Housing. The final Region adopted Exemption By-law may be subject to such terms and conditions as the Minister may require.

4.3 The effective date of delegation to each of the Area Municipalities may vary depending on the readiness, (resources and training) of the particular Area Municipality in question and requirements for public notice. The exact dates for delegation will be specified in the appropriate By-law, however the expected dates are as follows:

Burlington - Local Official Plan Amendments Exemption - January 1999;
Subdivision Delegation - January 1999;
Condominium Delegation - January 1999;
Consent Delegation - January 1999;
Partlot Control Delegation - January 1999.

Oakville - Local Official Plan Amendments Exemption - January 1999;
Subdivision Delegation - January 1999;
Condominium Delegation - January 1999;
Consent Delegation - January 1999;
Partlot Control Delegation - January 1999.

Milton - Local Official Plan Amendments Exemption - January 1999;
Subdivision Delegation - January 1999;
Condominium Delegation - January 1999;
Consent Delegation - January 1999;
Partlot Control Delegation - January 1999.

Halton Hills - Local Official Plan Amendments Exemption - January 1999;
Subdivision Delegation - January 1999;
Condominium Delegation - January 1999;
Consent Delegation - January 1999;
Partlot Control Delegation - January 1999.

4.4 Notwithstanding the delegation of subdivision approval authority to the Area Municipalities as outlined in Schedule B, the Area Municipalities are not to **approve** Partlot Control By-laws for any subdivision final approved (and registered) by the Region. The Area Municipality shall forward Part Lot Control By-laws concerning Region registered subdivision plans to the Region for approval. Partlot Control By-laws concerning plans of subdivision approved (and registered) by the Area Municipality shall be approved by the Area Municipality.

- 4.5 The Region shall be responsible for ensuring that all Alternative Dispute Resolutions concerning any Region delegated or exempted planning application is handled in a coordinated fashion and in accordance with required Provincial, Regional and Area Municipality practises and procedures for such matters.
- 4.6 The Area Municipalities agree to administer - process all planning applications concerning Region delegated approval authorities in accordance with the Region conditions as outlined in this Memorandum and the Region delegation or exemption By-laws.
- 4.7 Approval and Execution of this Memorandum is to be viewed as completing the Region and the Area Municipalities requirements for written notice under all Planning Act Regulations.

PART 3 OF 9

***Delineation of Planning Roles Regarding
Policy Research and Development, Data Assembly & Analysis, Transportation
Planning,
and Resource Management
for
the Region, the Area Municipalities, the Conservation Authorities, the School Boards,
and the Police Services Board***

5 General Roles and Responsibilities

- 5.1 The basic tenet of this Part of the Memorandum is an open and free exchange of planning information, by all Halton planning partners, in a cooperative spirit and in the pursuit of common interests so as to achieve for the public a planning system that is accessible, understandable, non-duplicative, easily implementable, and cost-effective.
- 5.2 In light of the recommendations of the Halton Area Services Planning Team Report of June 1997 and Section 5.1 above, the Region will act as the central clearing house of all region planning data bases. The other Halton planning partners are to collect and facilitate the flow of appropriate land use information to the Region for incorporation into the region planning data bases. The Region is responsible for adding value to the region planning data bases and for supplying the end products (information reports and data) to the Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities in a format agreeable to all Halton planning partners.
- 5.3 In accordance with:
- a) Provincial legislation regarding planning in Halton;
 - b) The Provincial Policy Statement;
 - c) Other Provincial requirements regarding matters of Provincial Interest as established by the Planning Act and/or Minister's Order; and
 - d) Halton's Memorandum of Understanding with the Province regarding the Municipal Transfer of Review;

- e) The Halton Region Official Plan; and
- f) The Halton Area Services Review Planning Team Report (June 1997), as originally endorsed and amended by the Councils and Boards for the Halton planning partners;

the Region, (Division of Planning and Development Services), shall be responsible for, and will concentrate its resources in, the following policy matters, in cooperation with the other Halton planning partners:

- i) Protection of Provincial land use policy interests, as established by various Provincial legislation and Section 2 of the Planning Act, the Provincial Policy Statements as established by Section 3 of the Planning Act, and Halton's Memorandum of Understanding with the Province regarding the Municipal Transfer of Review;
- ii) The Halton Region Official Plan, policies, studies, conformity, comments, implementation, and Amendments;
- iii) Urban Boundaries;
- iv) Population and Employment planning concerning region wide policies, studies, estimates, municipal macro distributions, conformity and comments;
- v) Housing planning concerning region wide policies, studies, conformity and comments;
- vi) Property Data and Development tracking for School Board Enrolment Projections;
- vii) Human Services planning policies, studies, trends analysis, conformity and comments;
- viii) Archaeological planning policies, studies, conformity and comments;
- ix) Municipal Water Supply and Sewage disposal policies, studies, conformity and comments;
- x) Transportation planning and Transit Services for region wide policies, studies, conformity and comments;
- xi) Regional Environmental planning policies, studies, conformity and comments;

- xii) Regional Forestry planning policies, studies, conformity and comments;
- xiii) Agreement Forest Master Plans;
- xiv) Rural Planning for region wide policies, studies, conformity and comments;
- xv) Mineral Aggregate, policies, studies, conformity and comments;
- xvi) Agriculture Planning for region wide policies, studies, conformity and comments;
- xvii) Environmental Assessment on Region projects and integration strategies.

5.4 In terms of policy research and data management, the Area Municipalities, in cooperation with the other Halton planning partners, shall be responsible for and will concentrate their resources in the following policy matters:

- a) Local Official Plan Policies;
- b) Secondary Plans;
- c) Local Policy Analysis;
- d) Data Collection;
- e) Assembly and Analysis of Data on Smaller Planning Districts;
- f) Neighbourhood and Municipal Units;
- g) Local Transportation and Transit Planning;
- h) Local Environmental Matters; and
- i) Local Community Services Planning.

6. **Provincial Plans, Plan Amendments, Legislation, Regulations, Policy Statements, Guidelines, and Other Planning Matters of Provincial Interest**

6.1 The Region (Division of Planning and Development Services) will, upon receipt or being made aware of any proposed Provincial plans, plan amendments, legislation, regulations, policy statements, guidelines, and other planning matters of Provincial interests that have implications for the Halton planning partners:

- (a) bring such matters to the attention of the Area Municipal Planning Directors/designates and the Police Services Board, the School Boards, and the Conservation Authorities General Managers;
- (b) consult them on the local and Board/Authority perspective of such issues and establish the need and a time frame for reporting to the respective Councils and/or Boards; and
- (c) prepare a joint Regional/Area Municipal/Board response which recognizes the positions taken by all Halton planning partners, and make such available to the Area Municipal and Board staff within the agreed upon time frame.

6.2 The Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities will:

- (a) bring to the attention of the Region Chief Planning Official or his/her designate any proposed Provincial plans, plan amendments, legislation, regulations, policy statements, guidelines, and other planning matters of Provincial interest that Regional staff may not be aware of;
- (b) deal with such matters independently if they are primarily of Local Municipality or Board interest;
- (c) provide input to the Region on matters of both Regional and Local or Board interest per Section 6.1(b) within the agreed upon time frame; and
- (d) use the joint Regional/Area Municipal/Board response, with independent local commentary (that may be contrary to the Regional position), in reporting the issues to their respective Councils or Boards.

7 **Population, Employment, Housing and Other Land Use Related Data and Projections**

7.1 The Region (Division of Planning and Development Services) and Area Municipalities will jointly:

- (a) establish and maintain the following data bases:
 - i) historic population counts,
 - ii) historic employment statistics by major industrial groups,
 - iii) historic housing information by housing type and tenure, and
 - iv) historic patterns and extent of non-residential uses;

(b) generate the following forecasts:

- i) population,
- ii) employment,
- iii) housing units, and
- iv) non-residential site areas and gross floor areas; and

(c) undertake research and studies or generate secondary data bases or produce reports and pamphlets, as mutually established by the Region and Area Municipalities, that will promote understanding of growth patterns and socio-economic trends in the Region.

7.2 Each Area Municipality and Board will establish a protocol with the Region in the exchange of information, including those detailed in Schedule C of this Memorandum, to accomplish the tasks under Sections 7.1(a) through (c).

7.3 The collection agency, level of aggregation, and general responsibilities for assembly of the data described under Sections 7.1(a) and (b) are detailed in Schedule D.

7.4 The Region will advise and discuss with the Area Municipalities, at mutually agreeable times, initiatives relating to projections of population, employment, housing and land use data and will provide the Area Municipalities with such information in an efficient and timely manner.

8 **Geographic Information System (GIS), Land Use Activity Data Base, and GIS-Based Planning Applications**

8.1 The Region will:

- (a) provide and to the Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities that do not have ARC/VIEW software licences up to two such licences for the purpose of using Halton View to access Regionally supported GIS data bases and applications;
- (b) install same on their computer system, if compatible;
- (c) develop, in cooperation with all Halton planning partners, a mechanism for the exchange and/or conversion of compatible data amongst the various corporate GIS systems;
- (d) provide training, data and system updates, and technical support on an on-going basis;

- (e) establish and maintain, in conjunction with the Area Municipalities, a Land Use Activity Data Base that contains information on existing and forecasted activity (e.g. population, housing, gross floor area, etc.) by time period on each individual land parcel; such a data base at the parcel level is intended as an internal working file among the Region and Area Municipalities and will not be available to the public because of protection of privacy legislations;
- (f) provide software applications for aggregating the Land Use Activity Data Base from parcels to specified geographic units; and
- (g) develop other GIS-based planning applications as mutually established by the Region and the Area Municipalities.

8.2 The Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities will:

- (a) be responsible for the supply of appropriate hardware to operate ARC/VIEW and Halton View and their compatibility and data exchange with their corporate GIS system;
- (b) Each Area Municipality, Police Services Board, School Board, and Conservation Authority will establish a protocol with the Region in the exchange of information to accomplish the tasks under Sections 8.1(e) through (g).

9 Transportation Planning

9.1 Transportation planning as used in this Memorandum refers to the planning of the movement of people and goods and does not include the planning of recreational trails and bikeways.

9.2 The Region (Division of Planning and Development Services) will:

- (a) establish and maintain a transportation planning model with the capability of producing travel demand forecasts and will make the transportation model available to the Area Municipalities for their use in local studies;
- (b) establish and maintain, with the assistance of the Area Municipalities, the necessary land use, road network and transit network data bases for the operation of the transportation planning model under Section 9.2(a);
- (c) generate travel demand forecasts based on land uses for specified target years as mutually established by the Region and the Area Municipalities;

- (d) interpret the results of Section 9.2(c) to determine Regional transportation infrastructure needs for the specified target years;
- (e) establish, in consultation with the Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities, a prioritized list of major transportation infrastructure needs for the Region as a whole;
- (f) act as the key agent for the Region, its Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities in dealing with Regional and inter-regional transportation planning matters;
- (g) provide expert advice to the Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities on transportation planning matters if so requested.

9.3 The Area Municipalities the Police Services Board, the School Boards, and the Conservation Authorities will:

- (a) provide to the Region available information necessary for establishing and maintaining the land use, road network and transit network data bases under Section 9.2(b);
- (b) participate in any region-wide transportation planning studies as well as the region-wide prioritization of transportation infrastructure needs under Section 9.2(e); and
- (c) may utilize the results of Section 9.2(c) in any municipal-wide or sub-area transportation or transit planning studies.

10. ***Resources Management and Planning***

10.1 The Region (Division of Planning and Development Services) will:

- (a) establish and maintain Geographic Information System (GIS) data bases related to the management of natural, rural and other resources within the Region Planning Area, including but not necessarily limited to the following:
 - i) environmentally sensitive areas as defined in *The Regional Plan*,
 - ii) woodlands,
 - iii) fish habitats,
 - iv) wildlife habitats,
 - v) Provincial and Regional areas of natural and scientific interests (ANSI's),

- vi Provincial and Regional significant wetlands,
- vii) endangered and threatened species,
- viii) flood related and flood prone areas,
- ix) river and valley systems,
- x) soil capability,
- xi) archaeological resources; and
- xii) mineral aggregate resources;

- (b) undertake research and studies leading to the development of region-wide resource management policies; and
- (c) be responsible, in conjunction with the appropriate Conservation Authority(ies), for the undertaking of watershed studies within the Region Planning Area.

10.2 The Area Municipalities will coordinate and forward to the Region and the Conservation Authorities any subwatershed resource management studies and data they collect or assemble in the course of their planning duties.

10.3 The Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities will coordinate and forward to the Region any available resource management data as described under Section 10.1(a), collected or assembled as part of their own independent studies.

11 ***Human Services Planning***

11.1 The Region will:

- (a) establish and maintain data bases related to the social, economic, health and safety conditions of population in the Region Planning Area;
- (b) make available to the Area Municipalities the Police Services Board, the School Boards, and the Conservation Authorities such data bases when requested; and
- (c) undertake, in consultation with the Area Municipalities, research and studies leading to the development of human services policies, including a Human Services Plan, for the Region.

11.2 The Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities will participate in the research and studies under Section 11.1(c).

11.3 The Police Services Board agrees to provide the following information to the Region:

- a) Traffic collision data as collected by officers on their traffic collision reports;
- b) Marine information in the form of a detailed quarterly report summarizing incidents handled by the Marine Unit;
- c) As required, general criminal activity statistics for parks, schools, arenas, community/recreation centres, and conservation areas;
- d) Annual crime rate information for each municipality; and
- e) Appropriate data stemming from the Police services Board involvement in the Crime Prevention Through Environmental Design process.

12 **Monitoring and Reporting**

- 12.1 A Specific Working Group, consisting of designated Regional, Area Municipality, Police Services Board, School Board, and Conservation Authority, staff shall be struck to coordinate and oversee the progress and completion of tasks described under this Part of the Memorandum.
- 12.2 It is recognized by all Halton planning partners that implementation of this Part of the Memorandum may be incremental, over several years, in accordance with available financial, technical and staff resources.

PART 4 OF 9

***Region, Area Municipality and Conservation Authority
Review of Planning Applications
As They Relate to***

The Natural Environment

13. **General Provisions**

- 13.1 The ~~Region~~ (Planning and Development Services Division), in ~~cooperation with the Halton Region Ecological and Environmental Advisory Committee and the designated Conservation Authority Peer Review Partners~~, shall be responsible for ensuring the proper review of all planning applications for possible impacts on the natural environment as required by:
- a) the Halton Region Official Plan;
 - b) Halton's Memorandum of Understanding (MOU) with the Province regarding the Municipal Transfer of Review; and
 - c) other Provincial requirements regarding matters of Provincial Interest and the Provincial Policy Statement as established by the Planning Act and/or Minister's Order.
- 13.2 The Region agrees to prepare and maintain, with the assistance of the Area Municipalities and the Conservation Authorities, a **Halton Region Natural Environment Map**. This map shall define most, if not all, of the Region, Area Municipality and Conservation Authority geographic areas of interest in the Natural Environment as outlined in **Schedule E - Criteria for Halton Region Natural Environment Map**.
- 13.3 The Area Municipalities shall circulate all planning applications to Halton Region for review and comment on possible impacts on the natural environment as established by both this Memorandum and Halton's MOU with the Province regarding the Municipal Transfer of Review.
- 13.4 The Area Municipalities and the Region shall circulate to the Conservation Authorities, for comment and/or technical clearance, any Halton "area" planning application which appears to be located in proximity to a Conservation Authority property or appears to have a possible impact on the Statutory responsibilities of the Authorities as established by the Conservation Authorities Act and its Regulations.

- 13.5 Notwithstanding Sections 13.1 to 13.4 of this Memorandum, the Region and the Area Municipalities agree to use the Conservation Authority staff as Peer Review experts to support the Region's environmental and resource management responsibilities.
- 13.6 The Conservation Authorities agree that any Conservation Authority Peer Review of any Halton "area" planning application under this Memorandum shall be in accordance with Halton's MOU with the Province regarding the Municipal Transfer of Review.
- 13.7 The Region and the Area Municipalities both agree to use and abide by Schedule - F Municipality Guide to Referring Certain Types of Planning Applications to the Conservation Authorities for Review and Clearance whenever either Municipality is considering whether a Planning Application should be subject to Conservation Authority Peer Review.
- 13.8 The Region and the Area Municipalities agree to use the Halton Region Natural Environment Map, in accordance with Section 13.7 above, in determining whether a planning application should be referred to the affected Conservation Authority for comment and/or technical clearance.
- 13.9 In addition to providing comments regarding the Conservation Authorities' statutory responsibilities, the Conservation Authorities shall provide both Plan Review Comments and/or Technical Clearance for those matters outlined in Schedule G - Matters Subject to Conservation Authority Peer Review and Technical Clearance Regarding Planning Applications Affecting the Natural Environment.
- 13.10 The Referring Municipality shall advise the designated Conservation Authority of the work to be undertaken in accordance with Schedule H - Scope of Conservation Authority Peer Review and Technical Clearance Work
- 13.11 Once a planning application has been referred (by the appropriate Municipality) to the designated Authority, that designated Conservation Authority will respond directly to the referring Municipality.
- 13.12 Halton Region, the Area Municipalities, and Conservation Authorities agree that they will continue to encourage Pre-consultation i.e. the review of a proposed development application before it is formally submitted to either the Region or the Area Municipalities for processing and approval.
- 13.13 Approval and Execution of this Memorandum is to be viewed as completing the Region, the Area Municipalities, and the Conservation Authorities requirements for written notice under all of the Planning Act Regulations.

14 **Storm Water**

- 14.1 In light of Provincial legislation specifying that both the Area Municipalities and the Conservation Authorities are responsible for, and have requirements regarding, Storm Drainage, the Region, the Area Municipalities and the Conservation Authorities agree to abide by the procedures outlined in **Schedule I - Halton "Municipalities" and Conservation Authorities Arrangement Concerning Storm Water**

15. **Lake Ontario and Burlington Bay Shoreline**

- 15.1 The Halton Region Conservation Authority (HRCA) will provide comments on those development applications along the Lake Ontario shoreline which the Region and/or the Area Municipality determines may impact on dynamic beaches or fisheries, result in sedimentation and/or involve shoreline protection works. After consulting with the HRCA, the Area Municipalities of Burlington or Oakville will provide any Final Clearances required for planning applications that propose Lake Ontario shoreline protection works that eventually will be assumed by the Area Municipality. The HRCA will provide any Final Clearances for planning applications that propose shoreline protection works that will be privately owned. Efforts will be made by all concerned that there is no duplication of government efforts.
- 15.2 The HRCA, in consultation with the Hamilton Region Conservation Authority, will provide comments on those development applications along the Burlington Bay shoreline which the Region and/or the City of Burlington determines may be affected by flooding and erosion hazards, may impact on dynamic beaches or fisheries, result in sedimentation and/or involve shoreline protection works. After consulting with the HRCA, the City of Burlington will provide any Final Clearances required for planning applications that propose Burlington Bay shoreline protection works that eventually will be assumed by the City. The HRCA will provide any Final Clearances for planning applications that propose shoreline protection works that will be privately owned.

16. **Financial Matters**

- 16.1 In light of the legal requirements regarding processing fees, the Region agrees to establish, and update as required, Conservation Authority Peer Review Processing Fees. These fees will be incorporated into the Region's Processing Fees Bylaw, in accordance with Section 69 of the Planning Act.
- 16.2 The Conservation Authority Peer Review and technical clearance work will be funded, for the most part, from Peer Review processing fees paid by the applicant - developer in accordance with **Schedule I - Peer Review Fees for the Conservation Authorities**.

The Conservation Authority Peer Review Processing Fees will reflect either: a flat rate per application and/or activity; or a set per hourly rate. Any changes to the current Conservation Authority Peer Review Processing Fees will be subject to approval by the Region and subject to review by Halton's development industry.

- 16.3 The Region and the Area Municipalities both agree to collect Conservation Authority Peer Review Processing Fees up front, at the time of initial application, in accordance with *Schedule - F Municipality Guide to Referring Certain Types of Planning Applications to the Conservation Authorities for Review and Clearance.*
- 16.4 Conservation Authority Fees Revenues collected by the Area Municipalities will be forwarded to the Region every three months. The Region will remit all Area Municipality and Region collected Conservation Authority Fees to the appropriate Conservation Authority every three months.
- 16.5 Where the Conservation Authority indicates that additional Peer Review work is required, above that initially specified - collected by the Region or the Area Municipality, the Conservation Authority will advise the Region or Area Municipality of the necessity for, and nature of, the additional work. The Region or Area Municipality will advise the applicant of the need for the extra Authority Peer Review, the upset additional costs/fees, and will seek concurrence from the applicant.
- 16.6 Where the applicant refuses to approve of the payment of extra Peer Review fees as per Section 16.5, the Region or Area Municipality will decide as to the need for any future (additional) Conservation Authority Peer Review work and will decide on the continued processing of the planning application.
- 16.7 There will be no planning application Conservation Authority Peer Review fees to provide plan input for those official plans, secondary plans, municipal studies, and watershed and subwatershed studies etc. generated by government.

PART 5 OF 9

Halton Region, the Area Municipalities

and

the School Boards

17. General Provisions

- 17.1 The School Boards agree to develop, maintain and provide to the Region and the Area Municipalities, criteria for the screening - identification of those planning applications which may impact and/or be of interest to the Boards.
- 17.2 The Region and the Area Municipalities agree to screen all planning applications, in accordance with the Board's Screening criteria, and shall circulate those planning applications which appear to meet the Board's Criteria, for Board review, comment and/or clearance.
- 17.3 Except for Regional Official Plan Amendments, the Area Municipalities will be the chief screening and circulation authority for the School Board review of all planning applications.
- 17.4 The Region agrees to provide the School Boards with information and advice on:
- i) Interpretation of the Provincial Policy Statement and matters of Provincial interest;
 - ii) Interpretation and conformity with the Halton Region Official Plan Policies;
 - iii) Population and Employment planning concerning Region wide policies, studies, estimates, municipal macro distributions, conformity and comments;
 - iv) Property Data and Development tracking;
 - v) Human Services planning policies, studies, trends analysis, conformity and comments;

- vi) Transportation planning and Transit Services for Region wide policies, studies, conformity and comments;
 - vii) Municipal Water Supply and Sewage Disposal;
 - vii) Alternative Dispute Resolution.
- 17.5 The Area Municipalities agree to provide the School Boards with information and advice on:
- i) Interpretation and conformity on the Local Official Plan Policies;
 - ii) Interpretation and compliance with Local Zoning By-laws;
 - iii) Community and Subdivision design;
 - iv) Housing units, mix, distribution and affordability;
 - v) The status of all active development applications;
 - vi) Municipal Storm Drainage and Subwatershed Plans;
 - vii) Local Transportation Planning and Transit Services Planning;
 - viii) Opens Space Planning;
 - ix) Site Plan Design and processing, and Site Alteration;
- 17.6 The School Boards agree to use the Region and Area Municipality Official Plans and Population data in the development of School Board Plans and Budgets.
- 17.7 Either School Board, as a member of the Halton Area Planning Partnership as outlined in this Memorandum, may participate in any planning study it believes to be of benefit to more than one other partner in that group.
18. Approval and Execution of this Memorandum is to be viewed as completing the Region, the Area Municipalities, and the School Board requirements for written notice under all of the Planning Act Regulations.

PART 6 OF 9

Halton Region, the Area Municipalities

and

the Police Services Board

19. General Provisions

- 19.1 The Police Services Board agrees to develop, maintain and provide to the Region and the Area Municipalities, criteria for the screening - identification of those planning applications which may impact and/or be of interest to the Board.
- 19.2 The Region and the Area Municipalities agree to screen all planning applications, in accordance with the Board's Screening criteria, and shall circulate those planning applications which appear to meet the Board's Criteria, for Board review, comment and/or clearance.
- 19.3 Except for Regional Official Plan Amendments, the Area Municipalities will be the chief screening and circulation authority for the Police Services Board review of all planning applications.
- 19.4 The Region agrees to provide the Police Services Board with information and advice on:
- i) Interpretation of the Provincial Policy Statement and matters of Provincial interest;
 - ii) Interpretation and conformity with the Halton Region Official Plan Policies;
 - iii) Population and Employment planning concerning Region wide policies, studies, estimates, municipal macro distributions, conformity and comments;
 - iv) Property Data and Development Tracking Information;
 - v) Human Services planning policies, studies, trends analysis, conformity and comments;

- vi) Transportation planning and Transit Services for Region wide policies, studies, conformity and comments;
- vii) Municipal Water Supply and Sewage Disposal;
- vii) Alternative Dispute Resolution.

19.5 The Area Municipalities agree to provide the Police Services Board with information and advice on:

- i) Interpretation and conformity on the Local Official Plan Policies;
- ii) Interpretation and compliance with Local Zoning By-laws;
- iii) Community and Subdivision design;
- iv) Local Housing units, mix, distribution and affordability;
- v) Local Industrial, Commercial, Institutional development;
- vi) The status of all active development applications;
- vii) Local Transportation Planning and Transit Services Planning;
- viii) Site Plan Design and processing

19.6 The Police Services Board agrees to use Region Official Plans and Population and Employment data in the development of Police Services Plans and Budgets.

19.7 The Police Services Board, as a member of the Halton Area Planning Partnership, as outlined in this Memorandum, may participate in any planning study it believes to be of benefit to more than one other partner in that group.

PART 7 OF 9

Halton Area Planning Partnership

Terms of Reference

21 Preamble

The Halton Area Planning Partnership (HAPP) is a formal staff co-ordinating body consisting of assigned planning staff from the City of Burlington, the Towns of Halton Hills, Milton, and Oakville, the Regional Municipality of Halton, the Halton Region, the Credit Valley and the Grand River Conservation Authorities, the Halton Regional Police Services Board, the Halton Catholic District School Board, and the Halton District School Board. Each of the above mentioned planning partners has adopted the HAPP Terms of Reference as the common guiding protocol to be used whenever studies, benefitting more than one of the Halton planning partners and/or Halton residents, are being considered.

The HAPP has been established to share planning expertise, funding, administration and management of a wide range of special planning studies in Halton. The basis for the establishment of HAPP are as follows:

1. There are common planning issues and interests among the agencies responsible for planning in Halton;
2. There is a considerable existing staff expertise and resources that could be more effectively utilized across Halton;
3. There is a commonly shared objective to reduce overall study costs and eliminate duplication in Halton planning studies; and
4. Through the establishment of HAPP, an organized and systematic, co-ordinated approach of identifying common interests and an effective administrative structure to manage such joint studies can be achieved.

22. Purpose

- To act as a co-ordinating body to define common planning issues across Halton.
- To undertake planning studies and research of interest to the agencies responsible for planning in Halton.

23. **Activities**

HAPP will work in a project specific environment and act as a co-ordinating body for tasks which may be common to two of more partners.

In undertaking this work, HAPP will have due regard for Federal and Provincial legislation, the policies and direction of the City of Burlington, Town of Halton Hills, Town of Milton, Town of Oakville, Regional Municipality of Halton, Halton Region Conservation Authority, Credit Valley Conservation, Grand River Conservation Authority, Halton Regional Police Services Board, Halton Catholic District School Board and the Halton District School Board, the policies of the Niagara Escarpment Commission, and the Hamilton Conservation Authority. HAPP will work in conjunction with planning staff from these groups and will not duplicate their role or function.

HAPP shall consult via representatives from each of the participating partners and maintain ongoing communication with the participating partners.

24. **Administration**

HAPP shall be composed of one planning representative from each of the following agencies:

- City of Burlington
- Town of Halton Hills
- Town of Milton
- Town of Oakville
- Regional Municipality of Halton
- Halton Region Conservation Authority
- Credit Valley Conservation
- Grand River Conservation Authority
- Halton Regional Police Services Board
- Halton Catholic District School Board
- Halton District School Board

Appointments to HAPP will be made by the senior planning official of each agency and will be made annually. The role of the HAPP representative will be to communicate common study interests and suggest priorities and to co-ordinate selection of study participants. It is also the responsibility of HAPP members to commit to the priority of HAPP projects and facilitate staff participation on project teams.

Any seven members of HAPP constitute a quorum. A consensus based approach will guide decision making, but where a vote is required matters carry on a majority decision. There shall be no additional remuneration payable to members for participating as representatives on HAPP.

Each September the Chief Planning Official and the Area Planning Directors shall meet as the Board of Directors and appoint a Project Manager for HAPP.

The role of the Project Manager will be to:

- draft multi-year work programs based upon collective work programs of each of the partners.
- develop and maintain a staffing resource inventory to assess available expertise.

PART 8 OF 9

Implementation and Performance Evaluation

25 Implementation

- 25.1 In light of legislative requirements laid down by the Planning Act, the Regional Municipality of Halton final adopted Council delegation or exemption by-laws shall bind the Area Municipalities in their administration of any Region assigned planning application.
- 25.2 The Chief Planning Official for the Region, the "Planning Directors" of the Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities of Halton, will be jointly responsible for ensuring the timely and effective implementation of this Memorandum of Understanding in accordance with the directions of the Councils and Boards as outlined herein.
- 25.3 The Region, the Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities of Halton, will coordinate their respective system development, research, studies and policy formulation work by establishing common priorities in an annual work plan.
- 25.4 The Chief Planning Official for the Region, the "Planning Directors" of the Area Municipalities, the Police Services Board, the School Boards, and the Conservation Authorities of Halton shall prepare, at the beginning of each new calendar year, and commencing in 1999, a report documenting the past performance of the eleven Halton planning partners and recommending any proposed amendments to this Memorandum.
- 25.5 Any amendments to this Memorandum will require approval of the five respective Municipal Councils and the six respective Boards, save and except for amendments to the Schedules C to J inclusive, attached hereto, which can only be amended by joint agreement amongst the Region's Chief Planning Official and the ten "Directors" of Planning.
- 25.6 Any of the eleven Halton planning partners may engage the service of any other Halton planning partner in carrying out any, development matter, policy development matter, or data management project of singular interest to that Municipality or Board. Such service will be rendered on a cost-recovery basis and will be considered outside the terms and conditions of this Memorandum.

25.7 This Memorandum comes into effect upon the date of Council or Board adoption and upon execution by the eleven Halton planning partners Chief Administrative Officers and/or their equivalent for the Council or Board as indicated by the following.

Signed,

The City of Burlington

The Town of Oakville

The Town of Milton

The Town of Halton Hills

The Halton District School Board

The Halton Catholic District School Board

The Halton Regional Police Services Board

The Halton Region Conservation Authority

The Credit Valley Conservation Authority

The Grand River Conservation Authority

The Regional Municipality of Halton

PART 9 OF 9

Schedules

to

the Memorandum of Understanding

Regarding

the Implementation of

**AN INTEGRATED HALTON AREA PLANNING
SYSTEM**

Schedule A

Resolutions, Terms and Conditions
of the
Eleven Affected Councils and Boards

REGIONAL MUNICIPALITY OF HALTON

TERMS AND CONDITIONS FOR

THE DELEGATION AND ASSUMPTION

Of

CERTAIN HALTON REGION

PLANNING AUTHORITIES, RESPONSIBILITIES, AND DUTIES

Conditions For Delegation Of Halton Planning Approval Authorities

1. THAT the Area Municipality Council agree to maintain (if not improve) the current level of service provided by Halton Region, to its planning customers, as measured by specific - key planning time frames for each file type to be delegated and as calculated over the last three calendar years.
2. THAT the Area Municipality Council agree to secure sufficient - properly trained staff to carry out the approval authorities as required by the Province and Halton Region. In this regard staff resourcing may be secured on a permanent, contractual or part-time basis.
3. THAT the Area Municipality Council agree to secure appropriate computer technology and/or programs which will ensure that there is no duplication of data entry at either the Municipality or Regional level and that the communication of information is provided to the customer in an efficient - one window planning service that involves both the Area Municipality and the Region.
4. THAT the Area Municipality Council agree to share with the Region all pertinent planning information.
5. THAT the Area Municipality Council agree to adopt and follow/use Halton Region planning procedures, regarding the file types delegated, as established by the Chief Planning Official for the Regional Municipality of Halton.
6. THAT the Area Municipality Council agree to a phase in period, commencing from delegation until the end of 1998, whereby all Regional processing fees will be collected by the Local Municipality.

SCHEDULE B

HALTON REGION DELEGATION AND EXEMPTION BY-LAWS

for

Local Official Plan Amendments;

Condominiums;

Subdivisions;

and Consents.

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 18-99

A BY-LAW TO PROVIDE FOR THE EXEMPTION OF THE APPROVAL OF THE TOWN OF HALTON HILLS' OFFICIAL PLAN AMENDMENTS BY THE REGIONAL MUNICIPALITY OF HALTON.

WHEREAS Section 17 (13) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (the "Planning Act") requires The Regional Municipality of Halton to prepare and adopt an Official Plan;

AND WHEREAS Section 17 (14) of the Planning Act permits Halton's constituent Local Municipalities to prepare and adopt an Official Plan;

AND WHEREAS the Region of Halton and its constituent Local Municipalities each have adopted an Official Plan;

AND WHEREAS Section 17 (2) of the Planning Act, provides that Regional Council is "the approval authority in respect of the approval of a plan as an official plan of a local municipality in the...Regional Municipality of Halton";

AND WHEREAS Section 17 (10) of the Planning Act enables The Regional Council to pass a by-law,

- "(a) exempting any or all plans or proposed official plan amendments from its approval under this section; and
- (b) exempting a plan or proposed official plan amendment from its approval under this section.";

AND WHEREAS Section 17 (12) of the Planning Act provides that Regional Council may, by by-law, remove any exemption made under subsection (10);

AND WHEREAS Section 17 (11) of the Planning Act provides that Regional Council may require that exempting of any or all plans or proposed official plan amendments from Regional approval be subject to such conditions as Regional Council may provide in the by-law;

AND WHEREAS Section 24 of the Planning Act requires that "where an official plan is in effect, no public work shall be undertaken ... no by-law shall be passed that does not conform therewith";

AND WHEREAS Section 27 of the Planning Act requires both Local Municipality Official Plans and Zoning By-laws to conform to the Regional Official Plan;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

BASIC LOCAL OFFICIAL PLAN AMENDMENT EXEMPTION

1. THAT all Local Official Plan Amendment(s) (LOPAs) that are received after the date this By-law comes into force and effect and are adopted by the Council of the Town of Halton Hills, be exempt from Regional Municipality of Halton approval, save and except those LOPAs declared in writing, not exempt from Regional Municipality of Halton approval pursuant to Sections 2 to 5 inclusive of this By-law.

REGIONAL CONDITIONS FOR DECLARING A LOPA NOT EXEMPT

2. That any LOPAs which do not comply with any of the following Regional conditions for exemption may be declared not exempt from Regional Municipality of Halton approval:

For an LOPA to comply with Regional conditions for exemption it must:

- i. Be processed in accordance with all Planning Act provisions and requirements and in particular Sections 2 and 3;
- ii. Conform to or not conflict with either the Niagara Escarpment Plan or the Parkway Belt West Plan;
- iii. Have regard to the applicable Provincial Policy Statement;
- iv. Conform to the Halton Region Official Plan;
- v. Be in accordance with the Memorandum of Understanding or amendments thereto between The Regional Municipality of Halton and the Province of Ontario;
- vi. Incorporate all Halton Region concerns regarding Halton's assigned and/or delegated responsibilities;
- vii. Not be subject to an unresolved objection by another Municipality, School Board, or Conservation Authority; and
- viii. Not raise any concerns as expressed by the adopting Local Municipality Council or the Director of Planning for the adopting Area Municipality.

3. That any of the following may declare that a specific LOPA is not exempt from approval by The Regional Municipality of Halton:
 - a) Council of Halton Region; or
 - b) the Chief Planning Official for The Regional Municipality of Halton or his/her delegate; or
 - c) the appropriate (adopting) Local Council; or
 - d) the Director of Planning for the adopting Area Municipality or his/her delegate.
4. That the Director of Planning for the adopting Area Municipality be required to process the LOPA application in accordance with all of the provisions of the Planning Act or regulations thereto and with all Regional procedural requirements as established from time to time by the Chief Planning Official for The Regional Municipality of Halton, including those outlined in Schedule "A" of this By-law.
5. That the authority to exempt a LOPA from Regional Municipality approval in accordance to Section 1 of this By-law, does not apply to any LOPA application received before the day this By-law comes into force.

ADMINISTRATION

6. That the exemption from approval as set out in Section 1 of this By-law does not terminate by reason only that a Local Council or delegated official has failed to comply with any procedure as required by Section 4 of this By-law, provided that the non-compliance has been remedied to the satisfaction of the Chief Planning Official.
7. That any LOPA application which is declared not exempt in accordance with Sections 2 to 5 of this By-law, shall be governed and dealt with by the Chief Planning Official for The Regional Municipality of Halton as if this By-law had not come into force.
8. The Chief Planning Official for The Regional Municipality of Halton may, by way of consultation with and written notice to the Local Planning Director, waive or change, any requirements included in Schedule "A" of this By-law.

9. THAT this By-law comes into force on the day it is passed.

READ and PASSED this 10th day of February, 1999.

REGIONAL CHAIRMAN

REGIONAL CLERK

Schedule "A"

**The Regional Municipality of Halton Processing Requirements
for Local Official Plan Amendment Applications**

1. All Local Official Plan Amendment (LOPA) applications must be processed in accordance with all of the following Regional requirements:
 - a) The Area Municipality shall use an application form which is approved by the Chief Planning Official for The Regional Municipality of Halton;
 - b) The Area Municipality shall require the applicant to submit, for the efficient and orderly processing of the application, such studies and Peer Review Processing Fees as determined necessary by the Chief Planning Official for The Regional Municipality of Halton;
 - c) The Area Municipality shall provide such information, as required by the Chief Planning Official for The Regional Municipality of Halton to ensure that duplication of effort and processing costs are minimized;
 - d) The Area Municipality shall collect and submit to the Region, on a semi-annual basis, all Region Processing Fees established under Section 69 of the Planning Act;
 - e) All applications shall be assigned a file number in accordance with Halton Region requirements;
 - f) The Area Municipality shall provide the Chief Planning Official for The Regional Municipality of Halton with a copy of all complete applications for a LOPA within ten working days of the date the application is determined complete by the Area Municipality;
 - g) The Area Municipality shall keep the Region apprised of any change in status of the file including: refusal of an incomplete application; notice and circulation of the application for comment; substantive revision of the official plan amendment and/or application; appeal to the OMB; and any such matter required by the Chief Planning Official for The Regional Municipality of Halton;

- h) The Chief Planning Official for The Regional Municipality of Halton shall advise the Area Municipality, within 30 days of receipt of notice of LOPA application of the position of the Region regarding:
- i) Regional Plan Conformity;
 - ii) Compliance with applicable Provincial Policy Statement and Policies as required by Halton's Memorandum of Understanding (MOU) with the Province;
 - iii) Compliance with Halton Region Assigned and Delegated authorities and policies;
 - iv) Any required changes and/or modifications to bring the LOPA into compliance with Halton Region requirements; and
 - v) Whether the Region believes that the LOPA should not be exempt from Halton Region approval;
- i) At least 12 days prior to the presentation of a report to the Local Council regarding the possible adoption of the LOPA, the Director of Planning for the appropriate Area Municipality shall advise the Chief Planning Official for The Regional Municipality of Halton of his intentions and recommendations and shall forward a copy of his/her draft LOPA Report to the Chief Planning Official for The Regional Municipality of Halton;
- j) Should the Chief Planning Official for The Regional Municipality of Halton fail to advise the Director of Planning for the appropriate Area Municipality at least 5 days before the date of the proposed adoption of the LOPA that the LOPA is not exempt, the Director of Planning for the appropriate Area Municipality of Halton does not require the approval of The Regional Municipality of Halton;
- k) Upon adoption of the LOPA by the Council, the Local Planning Director shall provide the Region with a written declaration advising that the LOPA has been processed in accordance with all Provincial and Regional requirements.
2. The Chief Planning Official for The Regional Municipality of Halton may waive or change, by way of written notice, any of the above Regional requirements.

APPLICANT LOPA EXEMPT FROM HALTON REGIONAL APPROVAL

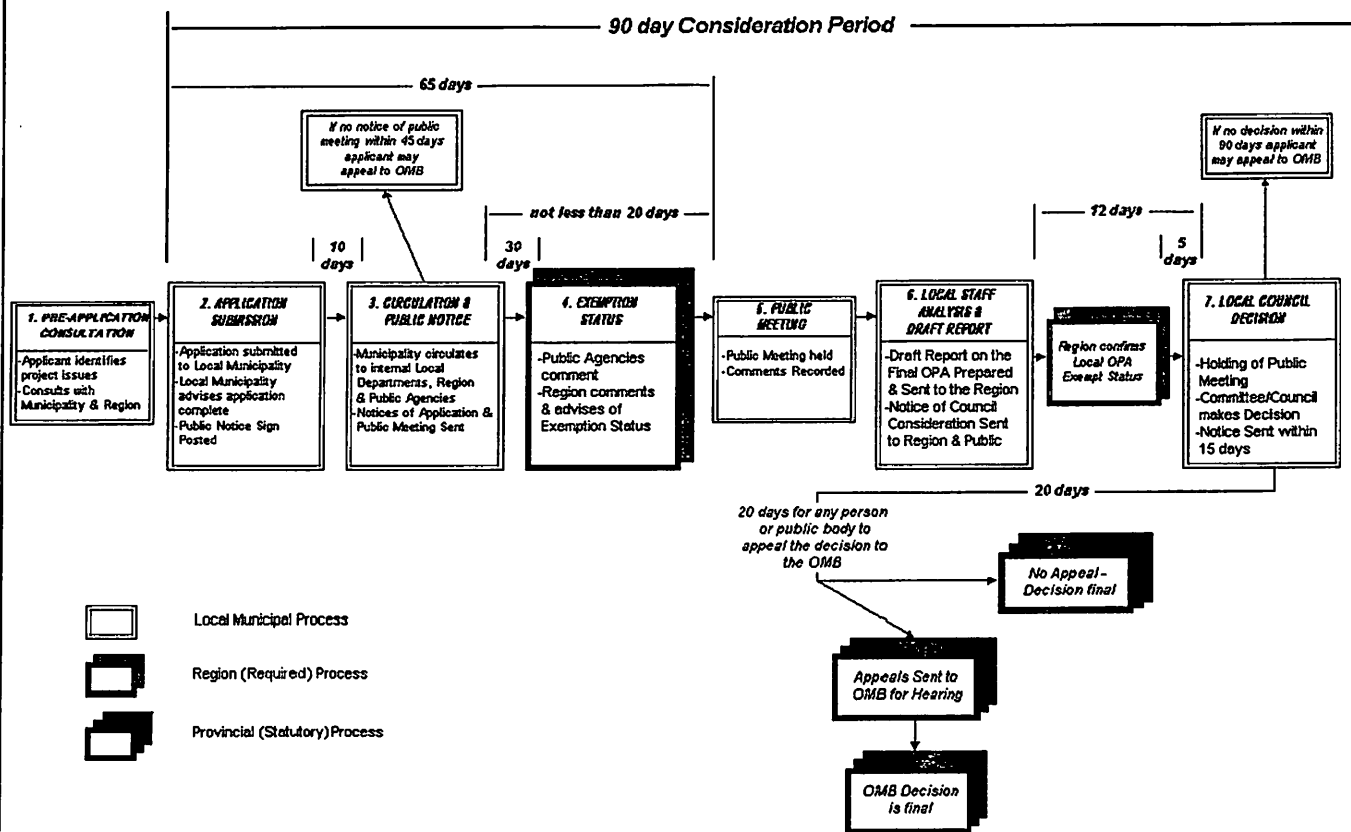


Figure 2

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW 173-98

A BY-LAW TO PROVIDE FOR THE DELEGATION OF REGIONAL MUNICIPALITY OF HALTON ASSIGNED PLANNING APPROVAL AUTHORITY FOR CONDOMINIUMS IN THE TOWN OF HALTON HILLS.

WHEREAS Section 50 (2) of the *Condominium Act*, R.S.O. 1990, Chapter C.26, as amended, (the "Condominium Act"), provides that the provisions of Section 51 of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended (the "Planning Act"), that apply to plans of subdivision apply with necessary modifications to plans of condominiums;

AND WHEREAS Section 51 (5) of the Planning Act provides that Regional Council is the approval authority of plans of subdivision in The Regional Municipality of Halton;

AND WHEREAS Section 51.2 (1) of the Planning Act provides that Regional Council may by by-law delegate subdivision approval authority to an appointed officer identified in the by-law by name or position occupied;

AND WHEREAS Section 51.2 (2) of the Planning Act provides that Regional Council may by by-law delegate subdivision approval authority to an area municipality in respect of land situate in the area municipality;

AND WHEREAS Section 51.2 (4) of the Planning Act provides for the delegated council to in turn delegate, by by-law, all or any part of the authority to a committee of council or to an appointed officer identified in the by-law by name or position occupied;

AND WHEREAS Section 51.2 (6) of the Planning Act provides that the delegation of such authority may be subject to such conditions as the Regional Council by by-law provides;

AND WHEREAS Section 51.2 (7) of the Planning Act provides that Regional Council may by by-law withdraw a delegation authority and that such withdrawal may be either in respect to one or more plans of subdivision specified in the by-law or any or all plans of subdivision in respect of which a final disposition was not made before withdrawal;

AND WHEREAS the aforesaid provisions of the Planning Act all apply to the approval of plans of condominium.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

DELEGATION

1. The Town of Halton Hills (hereinafter referred to as the "Area Municipality") is hereby delegated all of the powers and authorities concerning the processing, exemption, approval, denial, modification, extension, and withdrawal of any and all condominium applications received on or after January 1, 1999 for lands located within the Area Municipality, subject to the conditions of delegation which are specified by this Regional By-law in sections 2 to 10 inclusive, Conditions of Delegation.

CONDITIONS OF DELEGATION

2. That where the Area Municipality decides it wishes to grant draft approval, but does not intend to include those conditions of draft approval stipulated by the Chief Planning Official for The Regional Municipality of Halton, the Area Municipality shall not make a draft approval decision and shall instead forward the condominium file to the Chief Planning Official for a decision;
3. That where the Area Municipality decides it wishes to grant draft approval, despite comments by the Chief Planning Official for The Regional Municipality of Halton that the condominium approval is premature, the Area Municipality shall not make a draft approval decision and shall instead forward the condominium file to the Chief Planning Official for a decision;
4. That where the Area Municipality decides it wishes to grant draft approval despite comments by the Chief Planning Official for The Regional Municipality of Halton that the condominium application contravenes a matter of provincial interest in accordance with Halton's Memorandum of Understanding with the Province regarding the Transfer of Review, the Area Municipality shall not make an approval decision and shall instead forward the condominium file to the Chief Planning Official for a decision;
5. That where the Area Municipality decides it wishes to grant draft approval despite comments by the Chief Planning Official for The Regional Municipality of Halton that the condominium application does not conform to the Halton Region Official Plan, or does not conform to, or conflicts with either the Niagara Escarpment Plan or the Parkway Belt Plan, the Area Municipality shall not make an approval decision and shall instead forward the condominium file to the Chief Planning Official for a decision; and
6. That where the Area Municipality decides it wishes to grant draft approval despite unresolved objections from Halton Area Municipalities, School Board, Conservation Authority, or a Provincial Ministry, the Area Municipality shall not make an approval decision and shall instead forward the condominium file to the Chief Planning Official for a decision.

7. That the Area Municipality adopt a by-law delegating to the Director of Planning for the Area Municipality, and his or her delegate, all of the following authorities and duties:
- a) the authority to decide if a property should be exempted from condominium approval under Section 51 of the Planning Act;
 - b) the authority to define such other information or material that the Area Municipality requires in order to process the application pursuant to Section 51 (18) of the Planning Act;
 - c) the authority to refuse to accept or further process an application until the prescribed information and material and required local and regional fees are received pursuant to Section 51 (19) of the Planning Act;
 - d) the authority to refuse or grant draft approval (sign the proposed condominium for the purpose of indicating draft approval in accordance with the recommendation of Local Council);
 - e) the duty to enter into negotiations/dispute resolution with the parties involved in an objection to a plan of condominium;
 - f) the authority to establish conditions of draft approval pursuant to Section 51 (25) of the Planning Act where such conditions are consistent with the intent of the Council's recommendation regarding the draft approval of the draft plan of condominium;
 - g) the authority to modify the conditions of draft approval, including the extension of draft approval, pursuant to Section 51 (44) of the Planning Act where such a change is consistent with the Council recommendation of the draft plan of condominium;
 - h) the authority to decide whether a change of draft approval is minor for purposes of Section 51 (47) of the Planning Act;
 - i) the authority to grant final approval (sign final plans of condominium for the purpose of indicating final approval of the condominium and the acceptability of said plan for tendering for registration in accordance with Section 51 (58) of the Planning Act);
 - j) the authority to withdraw final approval of the condominium in accordance with Section 51 (59) of the Planning Act;
 - k) the authority to refuse an application for draft plan of condominium where the file has remained inactive for more than 1 year and only after the applicant has been given written notice that the draft plan shall be refused, and given 60 days to respond.

8. That the condominium application be processed in accordance with all Province of Ontario requirements as required by applicable legislation such as the Condominium Act or the Planning Act and Regulations thereto.
9. That the condominium application be processed in accordance with all Regional procedural requirements as established from time to time by the Chief Planning Official for The Regional Municipality of Halton, including those outlined in Schedule A - Regional Municipality of Halton Processing Requirements for Condominium Applications.
10. The delegation of authority to process, exempt, approve, deny, modify, revise, and extend draft approval in section 1 of this By-law does not apply to:
 - a) any condominium application received before January 1, 1999; or
 - b) any condominium application which does not meet the requirements specified in sections 1 to 10 inclusive of this By-law.

ADMINISTRATION

11. That the exemption from approval as set out in section 1 of this By-law does not terminate by reason only that a local council or delegated official has failed to comply with any procedure as required by section 9 of this By-law, provided the non-compliance has been rectified to the satisfaction of both the Planning Director of the Area Municipality and the Chief Planning Official of The Regional Municipality of Halton.
12. That any condominium application which does not meet the requirements laid down in sections 2 to 10 of this By-law shall be governed and dealt with by the Chief Planning Official for The Regional Municipality of Halton as if this By-law had not come into force.
13. That the Chief Planning Official for The Regional Municipality of Halton may, by way of consultation with and written notice to the Planning Director of the Area Municipality, waive or change, any requirements included in Schedule A of this By-law.

14. THAT this By-law comes into force on the day it is passed.

READ and PASSED this 18th day of November, 1998.

REGIONAL CHAIRMAN

REGIONAL CLERK

Schedule A

The Regional Municipality of Halton Processing Requirements for Condominium Applications

1. All condominium applications must be processed in accordance with all of the following Regional requirements:
 - a) The Area Municipality shall use an application form which is approved by the Chief Planning Official for The Regional Municipality of Halton;
 - b) The Area Municipality shall require the applicant to submit, for the efficient and orderly processing of the application, such studies and Peer Review Processing Fees as determined necessary by the Chief Planning Official for The Regional Municipality of Halton;
 - c) The Area Municipality shall provide such information, as required by the Chief Planning Official for The Regional Municipality of Halton to ensure that duplication of effort and processing costs are minimized;
 - d) The Area Municipality shall collect and submit to the Region, on a semi-annual basis, all Region Processing Fees established under Section 69 of the Planning Act;
 - e) All applications shall be assigned a file number in accordance Halton Region requirements;
 - f) The Area Municipality shall provide the Chief Planning Official for The Regional Municipality of Halton Region with a copy of all complete applications for a plan of condominium within ten working days of the date the application is determined complete by the Area Municipality;
 - g) The Area Municipality shall keep the Region apprised of any change in status of the file including: refusal of an incomplete application; notice and circulation of the application for comment; substantive revision of the plan and/or application; appeal to the OMB; phasing of final approvals; and any such matter required by the Chief Planning Official for The Regional Municipality of Halton;

- h) The Chief Planning Official for The Regional Municipality of Halton shall advise the Area Municipality, within 30 days of receipt of a condominium application pursuant to section 1 (f) above, of the position of the Region regarding:
 - i) Regional Plan Conformity;
 - ii) Compliance with applicable Provincial Policy Statement and Polices as required by Halton's Memorandum of Understanding (MOU) with the Province;
 - iii) Compliance with Halton Region Assigned and Delegated authorities and policies;
 - iv) Any required changes and/or modifications to bring the condominium into compliance with Halton Region requirements; and
 - v) Whether the Region believes that the condominium should require Halton Region approval.
 - i) Prior to the granting of draft approval and/or the revision to a draft approval a copy of the proposed wording of the draft approval or revision shall be forwarded to the applicant and the Chief Planning Official for The Regional Municipality of Halton for examination and comment;
 - j) Granting of draft approval shall be subject to a condition limiting such draft approval to a period of three years or a period to the satisfaction of the Chief Planning Official for The Regional Municipality of Halton;
 - k) Extensions to the granting of draft approval shall be limited to a maximum of one year or a period to the satisfaction of the Chief Planning Official for The Regional Municipality of Halton; and
 - l) Upon adoption of the condominium by the Director of Planning for the Area Municipality, he/she shall provide the Chief Planning Official for the Region with a written declaration advising that the condominium has been processed in accordance with all Provincial and Regional requirements.
2. The Chief Planning Official for The Regional Municipality of Halton may waive or change, by way of written notice, any of the above Regional requirements.

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW 177 - 98

A BY-LAW TO PROVIDE FOR THE DELEGATION OF REGIONAL MUNICIPALITY OF HALTON ASSIGNED PLANNING APPROVAL AUTHORITY FOR SUBDIVISIONS TO THE TOWN OF HALTON HILLS.

WHEREAS Section 51 (5) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended (the "Act") provides that the Regional Council is the approval authority of plans of subdivision within the Regional Municipality of Halton;

AND WHEREAS Section 51.2 (1) of the Act provides that Regional Council may by by-law delegate subdivision approval authority to an appointed officer identified in the by-law by name or position occupied;

AND WHEREAS Section 51.2 (2) of the Act provides that Regional Council may by by-law delegate subdivision approval authority to an area municipality in respect of land situate in the area municipality;

AND WHEREAS Section 51.2 (4) of the Act provides for the delegated council to in turn delegate, by by-law, all or any part of the authority to a committee of council or to an appointed officer identified in the by-law by name or position occupied;

AND WHEREAS Section 51.2 (6) of the Act provides that the delegation by Regional Council of subdivision approval authority may be subject to such conditions as Regional Council by by-law provides;

AND WHEREAS Section 51.2 (7) of the Act provides that Regional Council may by by-law withdraw a delegation authority and that such withdrawal may be either in respect to one or more plans of subdivision specified in the by-law or any or all plans of subdivision in respect of which a final disposition was not made before withdrawal;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

DELEGATION

1. The Town of Halton Hills (hereinafter referred to as the "Area Municipality") is hereby delegated all of the powers and authorities concerning the processing, approval, denial, modification, extension, and withdrawal of any and all subdivision applications received on or after January 1, 1999 for lands located within the Area Municipality subject to the Conditions of Delegation specified in this Regional By-law in sections 2 to 10 inclusive, Conditions of Delegation.

CONDITIONS OF DELEGATION

2. That where the Area Municipality decides it wishes to grant draft approval, but does not intend to include those conditions of draft approval stipulated by the Chief Planning Official for The Regional Municipality of Halton, the Area Municipality shall not make a draft approval decision and shall instead forward the subdivision file to the Chief Planning Official for a decision;
3. That where the Area Municipality decides it wishes to grant draft approval, despite comments by the Chief Planning Official for The Regional Municipality of Halton that the subdivision approved is premature, the Area Municipality shall not make a draft approval decision and shall instead forward the subdivision file to the Chief Planning Official for a decision;
4. That where the Area Municipality decides it wishes to grant draft approval despite comments by the Chief Planning Official for The Regional Municipality of Halton that the subdivision application contravenes a matter of provincial interest in accordance with Halton's Memorandum of Understanding with the Province regarding the Transfer of Review, the Area Municipality shall not make an approval decision and shall instead forward the subdivision file to the Chief Planning Official for a decision;
5. That where the Area Municipality decides it wishes to grant draft approval despite comments by the Chief Planning Official for The Regional Municipality of Halton that the subdivision application does not conform to the Halton Region Official Plan, or does not conform to, or conflicts with either the Niagara Escarpment Plan or the Parkway Belt Plan, the Area Municipality shall not make an approval decision and shall instead forward the subdivision file to the Chief Planning Official for a decision; and
6. That where the Area Municipality decides it wishes to grant draft approval despite unresolved objections from Halton Area Municipalities, School Board, Conservation Authority, or a Provincial Ministry, the Area Municipality shall not make an approval decision and shall instead forward the subdivision file to the Chief Planning Official for a decision.
7. That the Area Municipality adopt a by-law delegating to the Director of Planning for the Area Municipality, and his or her delegate, all of the following authorities and duties:
 - a) the authority to define such other information or material that the Area Municipality requires in order to process the application pursuant to Section 51 (18) of the Act;
 - b) the authority to refuse to accept or to further process an application until the prescribed information and material and the required local and regional fees are received pursuant to Section 51 (19) of the Act;
 - c) the authority to either refuse or to grant draft approval (sign the proposed subdivision) for the purposes of indicating draft approval of the subdivision in accordance with the recommendation of Local Council;

- d) the duty to enter into negotiations/dispute resolution with the parties involved in an objection to a plan of subdivision;
 - e) the authority to establish conditions of draft approval pursuant to Section 51 (25) of the Act where such a conditions are consistent with the intent of the Council's recommendation regarding the draft approval of the draft plan of subdivision;
 - f) the authority to modify the conditions of draft approval, including extensions to draft approval, pursuant to Section 51 (44) of the Act where such a change is consistent with the Council recommendation of the draft plan of subdivision;
 - g) the authority to decide whether a change of draft approval is minor for purposes of Section 51 (47) of the Act;
 - h) the authority to grant final approval (sign the final plans of subdivision for the purpose of indicating final approval of the subdivision and the acceptability of said plan for tendering for registration in accordance with Section 51 (58) of the Act);
 - i) the authority to withdraw final approval of the subdivision in accordance with Section 51 (59) of the Act;
 - j) the authority to refuse an application for draft plan of subdivision where the file has remained inactive for more than 1 year and only after the applicant has been given written notice that the draft plan shall be refused, and given 60 days to respond.
8. That the subdivision application be processed in accordance with all Province of Ontario requirements as required by applicable legislation such as the Planning Act and Regulations thereto.
9. That the subdivision application be processed in accordance with all Regional processing requirements as established from time to time by the Chief Planning Official for The Regional Municipality of Halton, including those outlined in Schedule A - Regional Municipality of Halton Processing Requirements for Subdivision Applications to this By-law.

10. That the delegation of authority to process, approve, deny, modify, revise, and extend draft approval in section 1 of this By-law does not apply to:
 - a) any subdivision application received before January 1, 1999; or
 - b) any subdivision application which does not meet the requirements specified in sections 1 to 10 inclusive of this By-law.

ADMINISTRATION

11. That the exemption from approval as set out in section 1 of this By-law does not terminate by reason only that a local council or delegated official has failed to comply with any procedure as required by section 9 of this By-law, provided the non-compliance has been rectified to the satisfaction of both the Planning Director of the Area Municipality and the Chief Planning Official of The Regional Municipality of Halton.
12. That any subdivision application which does not meet any of the requirements laid down in sections 2 to 10 inclusive of this By-law, shall be governed and dealt with by the Chief Planning Official for The Regional Municipality of Halton as if this By-law had not come into force.
13. That the Chief Planning Official for The Regional Municipality of Halton may, by way of consultation with and written notice to the Planning Director of the Area Municipality, waive or change, any requirements included in Schedule A of this By-law.
14. THAT this By-law comes into force on the day it is passed.

READ and PASSED this 18th day of November, 1998.

REGIONAL CHAIRMAN

REGIONAL CLERK

Schedule A

The Regional Municipality of Halton Processing Requirements for Subdivision Applications

1. All subdivision applications must be processed in accordance with all of the following Regional requirements as determined by the Chief Planning Official for The Regional Municipality of Halton:
 - a) The Area Municipality shall use an application form which is approved by the Chief Planning Official for The Regional Municipality of Halton;
 - b) The Area Municipality shall require the applicant to submit, for the efficient and orderly processing of the application, such studies and Peer Review Processing Fees as determined necessary by the Chief Planning Official for The Regional Municipality of Halton;
 - c) The Area Municipality shall provide such information as required by the Chief Planning Official for The Regional Municipality of Halton to ensure that duplication of effort and processing costs are minimized;
 - d) The Area Municipality shall collect and submit to the Region, on a semi-annual basis, all Region Processing Fees established under Section 69 of the Planning Act;
 - e) All applications shall be assigned a file number in accordance with the Halton Region requirements;
 - f) The Area Municipality shall provide the Chief Planning Official for The Regional Municipality of Halton with a copy of all "complete" applications for a plan of subdivision within ten working days of the date the application is determined complete by the Area Municipality;
 - g) The Area Municipality shall keep the Region apprised of any change in status of the file including: refusal of an incomplete application; notice and circulation of the application for comment; substantial revision of the plan and/or application; appeal to the OMB; phasing of final approvals, and any such matter required by the Chief Planning Official for the Region;

- h) The Chief Planning Official for The Regional Municipality of Halton shall advise the Area Municipality, within 30 days of receipt of a complete subdivision application pursuant to section 1(f) above, of the position of the Region regarding:
 - i) Regional Plan Conformity;
 - ii) Compliance with applicable Provincial Policy Statement and Policies as required by Halton's Memorandum of Understanding (MOU) with the Province;
 - iii) Compliance with Halton Region Assigned and Delegated authorities and policies;
 - iv) Any required changes and/or modifications to bring the subdivision into compliance with Halton Region requirements; and
 - v) Whether the Region believes that the subdivision should require Halton Region approval.
 - i) Prior to the granting of draft approval and/or the revision to a draft approval a copy of the proposed wording of the draft approval or revision shall be forwarded to the applicant and the Chief Planning Official for The Regional Municipality of Halton for examination and comment;
 - j) Granting of draft approval shall be subject to a condition limiting such draft approval to a period of three years or a period suitable to the Chief Planning Official for The Regional Municipality of Halton;
 - k) Extensions to the granting of draft approval shall be limited to a maximum of one year or a period suitable to the Chief Planning Official for The Regional Municipality of Halton;
 - l) Prior to the entering into an Area Municipality agreement with the developer, and prior to the signing of final approval of any draft plan of subdivision, the Area Municipality shall provide the Chief Planning Official for The Regional Municipality of Halton with a copy of the proposed M-plan to be granted final approval for the Region's review and use in preparing the Region's subdivision agreement; and
 - m) Upon draft approval of the subdivision by the Director of Planning for the Area Municipality, he/she shall provide the Chief Planning Official for the Region with a written declaration advising that the subdivision has been processed in accordance with all Provincial and Regional requirements.
2. The Chief Planning Official for The Regional Municipality of Halton may waive or change, by way of written notice, any of the above Regional requirements.

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW 181 - 98

A BY-LAW TO PROVIDE FOR THE DELEGATION OF REGIONAL MUNICIPALITY OF HALTON ASSIGNED PLANNING APPROVAL AUTHORITY FOR CONSENTS FOR THE TOWN OF HALTON HILLS.

WHEREAS Section 50 (1)(a) of the *Planning Act*, R.S.O. 1990, Chapter P. 13 as amended (hereinafter referred to as the 'Act'), provides that Regional Council is the approval authority of consents in the Regional Municipality of Halton;

AND WHEREAS Section 54 (4) of the Act provides that Regional Council may by by-law delegate consent authority to an appointed official identified by name or position occupied;

AND WHEREAS Section 54 (1) and 54 (7) of the Act provides that Regional Council may by by-law delegate consent authority to an area municipality in respect of land situated in the area municipality, subject to such conditions as Regional Council by by-law provides;

AND WHEREAS Section 54 (7) of the Act provides that Regional Council may by by-law withdraw the delegation of authority at any time;

AND WHEREAS Section 54 (2.1) of the Act provides that the authority delegated under Section 54 (1) of the Act is deemed to include the authority to give approvals under Section 50 (18) of the Act and to issue certificates of validation under Section 57 of the Act in respect of land in the area municipality;

AND WHEREAS Section 54 (2) of the Act provides that where authority is delegated under Section 54 (1) of the Act to an area municipal council, such council may, in turn, by by-law, delegate authority or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment;

AND WHEREAS Regional Council deems it desirable to delegate its authority to approve consents under Section 53 of the Act to its four (4) area municipalities, subject to conditions;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

DELEGATION

1. That the Town of Halton Hills (hereinafter referred to as the "Area Municipality") is hereby delegated all of the powers and authorities of the Council of The Regional Municipality of Halton for the granting of consents under Section 53 of the Act, for all Consent Applications located within the Area Municipality and received on or after January 1, 1999, or received prior to January 1, 1999 where a decision has not been made by The Regional Municipality of Halton pursuant to Section 53 (17) of the Act, subject to the conditions of delegation outlined in sections 2, 3, and 4, of this By-law - Conditions of Delegation.

CONDITIONS OF DELEGATION

2. That the Area Municipality adopt a by-law, pursuant to Section 54 (2) of the Act, delegating to the Director of Planning, and his/her delegate, all of the following authorities and duties:
 - (a) the authority to refuse to accept or further consider an application until the prescribed information and material and the required local and regional fees are received pursuant to Section 53 (4) of the Act;
 - (b) the authority to refuse an application on the grounds that a plan of subdivision is required;
 - (c) the authority to grant a provisional consent, in accordance with the Act and regulations thereunder, where the Application is not in dispute or where any dispute is resolved without a hearing;
 - (d) the authority to forward an undisputed consent to the Committee of Adjustment for disposition where said consent application also involves an application for a minor variance;
 - (e) the duty to enter into negotiations/dispute resolution with the parties involved in an objection to a consent;
 - (f) the authority to change the conditions of a provisional consent, in accordance with Section 53 (24) of the Act, at any time before a consent is given, and to determine if a change to conditions is minor or not in accordance with Section 53 (26) of the Act for the purposes of giving notice;
 - (g) the authority to refuse an application which has remained inactive for more than one year, and only after the applicant has been given written notification that the Application will be refused, and given 60 days to respond.
3. That the consent application be processed in accordance with all Province of Ontario requirements as required by applicable legislation such as the Planning Act and Regulations thereto.

4. That the consent application be processed in accordance with all Regional requirements as may be established from time to time by the Chief Planning Official for The Regional Municipality of Halton, including those outlined in Schedule A - Regional Municipality of Halton Processing Requirements for Consent Applications to this By-law.

ADMINISTRATION

5. That the delegation of authority as set out in section 1 - Delegation, does not terminate by reason only that a council or delegated official has failed to comply with the procedures established by section 4 (above) - Conditions of Delegation.
6. That the Chief Planning Official for The Regional Municipality of Halton may, by way of consultation with and written notice to the Planning Director of the Area Municipality, waive or change, any requirements included in Schedule A of this By-law.
7. That subject to the delegation contained in section 1 herein, the Council of the Area Municipality may delegate the authority to decide on the approval of a disputed consent applications, to a committee of Council, or to the Director of Planning or to the Committee of Adjustment.
8. That subject to the delegation contained in section 1 herein, the Council of the Area Municipality may also delegate the authority to decide on the approval of an undisputed consent application, to the Committee of Adjustment where the Director of Planning deems it appropriate in accordance with section 2 (d) of this By-law.
9. THAT this By-law comes into force on the day it is passed.

READ and PASSED this 18th day of November, 1998.

REGIONAL CHAIRMAN

REGIONAL CLERK

Schedule A

Regional Municipality of Halton Processing Requirements for Consent Applications

1. All consent applications must be processed in accordance with all of the following Regional requirements as determined by the Chief Planning Official for The Regional Municipality of Halton:
 - a) The Area Municipality shall use an application form which is approved by the Chief Planning Official for The Regional Municipality of Halton;
 - b) The Area Municipality shall collect and submit to the Region, on a semi-annual basis, all Region Consent Processing Fees established under Section 69 of the *Planning Act*;
 - c) The Area Municipality shall establish a file number for each new application in accordance with Halton Region requirements;
 - d) The Area Municipality shall require the applicant to submit, for the efficient and orderly processing of the application, such studies and Peer Review Processing Fees as determined necessary by the Chief Planning Official for The Regional Municipality of Halton;
 - e) The Area Municipality shall provide to the Chief Planning Official for The Regional Municipality of Halton, at least 21 days prior to a decision, a copy of the application, survey sketch, an explanation of the proposal and request for comments;
 - f) The Chief Planning Official for The Regional Municipality of Halton shall advise the Area Municipality, within 15 days of receipt of a consent application by the Region, of the position of the Region regarding:
 - i) Regional Plan Conformity;
 - ii) Compliance with applicable Provincial Policy Statement and Policies as required by Halton's Memorandum of Understanding (MOU) with the Province;
 - iii) Compliance with Halton Region Assigned and Delegated authorities and policies; and
 - iv) Any required changes and/or modifications to bring the consent into compliance with Halton Region requirements;

- g) The Area Municipality shall provide to the Chief Planning Official for The Regional Municipality of Halton, within 15 days of a decision to approve or refuse an application, a copy of the decision setting out the reasons for the decision, together with the conditions of approval, if any;
 - h) Notwithstanding Section 53 (23) of the Act, the Area Planning Director shall, 14 days prior to consideration of a decision to change the condition(s) of a provisional consent, provide an explanation of the proposed change to the condition(s) and a request for comments to the Chief Planning Official for the Region;
 - i) Notwithstanding Section 53 (24) of the Act, the Area Planning Director shall, within 15 days of a decision to approve or refuse a change to the condition(s) of provisional consent, provide a copy of the decision to the Chief Planning Official for the Region;
 - j) The Area Municipality shall provide the Chief Planning Official for the Region with a copy of all appeals to the Ontario Municipal Board submitted under Sections 53 (14), 53 (19), and 53 (27) of the Act;
 - k) Where there is no appeal, the Area Municipality shall provide the Chief Planning Official for the Region with a copy of the Sworn Declaration issued under Section 53 (22) of the Act; and
 - l) The Area Municipality shall provide the Chief Planning Official for the Region notice of status on all applications at least on an annual basis.
2. The Chief Planning Official for The Regional Municipality of Halton may waive or change, by way of written notice, any of the above Region requirements.

SCHEDULE C

Development Application and Building Permit Data Needed to Support Land Use Related Data Bases and Projections

[Preferably, all information should be exchanged in digital format as computer files on diskettes. The files should be compatible with ARC/INFO.]

Development Plan

- A computer file compatible with ARC/INFO containing the digitized plan of the proposed development, with street layout, lots and blocks.
- A computer file compatible with ARC/INFO with the following attributes for each lot and block:
 - (a) Lot or block number
 - (b) land use type (including housing type if residential)
 - (c) number of units if residential or gross floor area if non-residential
- The above information should be submitted at the time of development application, and updated at draft approval and at registration.

Development Application

- Name of applicant
- Name of agent
- Site location or address
- Status of application
- Date of application
- Date of draft approval
- Date of final approval
- Date of registration
- M-Plan number
- Site details at submission, at draft approval and at registration (as described under "*Development Plan*" above).

Building Permit

- Name of applicant
- Name of agent
- Building permit number
- Date of permit issuance
- Site location or address
- M-Plan number and lot number
- Land use type (including housing type if residential)
- Number of units if residential
- Gross floor area
- Building value
- Servicing conditions

SCHEDULE D1

Region and Area Municipalities

*Collection Agency, Level of Aggregation and General Responsibility
for Data Assembly of Historical and Forecasted Land Use Information*

Data	Collection Agency	Level of Aggregation	Responsibility for Historical Data ¹					Responsibility for Forecasted Data ¹					
			B	O	M	H	R	B	O	M	H	R	
Population	Statistics Canada	Enumeration Area	-	-									
		Planning District	-	-	-	-	-	-	-	-	-	-	-
		Municipality	-	-	-	-	-	-	-	-	-	-	-
		Region					-						-
	Assessment	Assessment Area	-	-									
		Planning District	-	-	-	-	-						
Municipality		-	-	-	-	-							
Employment	Statistics Canada	Enumeration Area		-				-	-				
		Planning District	-	-		-		-	-				
		Municipality	-	-	-	-	-						-
		Region					-						-
Housing Units	Local Municipality	Planning District	-	-		-	-	-	-		-		
		Municipality	-	-	-	-	-	-	-		-		
		Region					-						-
Industrial Land	Local Municipality	Planning District	-	-		-		-	-		-		
		Municipality	-	-		-	-	-	-		-	-	
Commercial Land	Local Municipality	Planning District	-	-		-		-	-		-		
		Municipality	-	-		-	-	-	-		-	-	
Institutional Land	Local Municipality	Planning District				-		-	-		-		
		Municipality	-	-		-	-	-	-		-	-	

¹ B=Burlington O=Oakville M=Milton H=Halton Hills R=Halton Region

SCHEDULE D2

Region, Area Municipalities and Conservation Authorities

SUBJECT DATA	COLLECTION AGENCY	LEVEL OF AGGREGATION	RESPONSIBILITY FOR DATA
ESAs	Region/CA	Region	Region
Woodlands	Region/CA	Region	Region
Wildlife Habitats	MNR/CA	Region	Region
ANSIs	MNR	Region	Region
Wetlands	CA/MNR	Watershed	CA
Endangered & Threatened Species	MNR	Region	MNR
Regionally Significant Species	CA/MNR	Region	CA
Flood Related Areas	CA	Watershed	CA
River and Valley Systems	CA	Watershed	CA
Soil Capability	OMAFRA	Region	Region
Archaeological Resources	Region	Region	Region
Mineral Aggregate Resources	MNR/Region	Region	Region
Hydrogeology	Region/CA	Region	Region
Fill Lines	CA	Watershed	CA
Flood Lines	CA	Watershed	CA
Fisheries	CA/MNR	Watershed	CA

SCHEDULE D3

Region, Area Municipalities and School Boards

*Collection Agency, Level of Aggregation and General Responsibility
for Data Assembly of Historical and Forecasted Land Use Information*

Data	Collection Agency	Level of Aggregation	Responsibility for Historical Data¹		Responsibility for Forecasted Data¹	
			Public Board	Catholic Board	Public Board	Catholic Board
Enrollment	Local School Boards	Patch Area	-	-		
		School	-	-	-	-
		Municipality	-	-	-	-
		Region	-	-	-	-
School	Local School	School	-	-	-	-
		Municipality	-	-	-	-
		Region	-	-	-	-
School Bus	Local School	Patch Area	-	-	-	-
		School	-	-	-	-
		Municipality	-	-	-	-
		Region	-	-	-	-

¹ B=Burlington O=Oakville M=Milton H=Halton Hills R=Halton Region

Schedule E -

Criteria for Halton Region Natural Environment Map

1. The Region shall prepare and maintain, with the assistance of the Area Municipalities and the Conservation Authorities, a Halton Region Natural Environment Map. This map will define most of the Region, Area Municipality and Conservation Authority geographic interests in the Natural Environment and shall include:
 - a) all streams and bodies of water in Halton Region plus a 15 metre buffer on either side;
 - b) the Regional Plan - Greenlands A designation (which includes Regulatory Flood Plains and Provincially Significant Wetlands) plus a 30 metre buffer;
 - c) those Regionally Significant Wetlands identified as Greenlands B plus a 30 metre buffer;
 - d) those lands identified as Greenlands B not covered in c) above;
 - e) Lake Ontario and Burlington Bay shoreline plus a 50 metre buffer; and
 - f) Mapping of Natural Heritage Features as defined by the Provincial Policy Statement as they become available.

Notes:

1. Regulated Fill Areas NOT already captured by the above criteria will be added once Fill mapping has been provided by the Conservation Authorities.
2. Halton Region staff will identify, on a case by case basis and by way of (FAX) letter to the Conservation Authority, other areas of defined provincial interest (outside the areas identified on Natural Environment Map) for Conservation Authority Peer Review (e.g. Rare and Endangered Species)..
3. Because the new Provincial Policy Statement (PPS) no longer includes in its definition of "Adjacent lands" i.e. "those lands within 120 metres of an individual wetland area; and all lands connecting individual wetland areas within a wetland complex" and because the new Halton Region Plan includes the following Regional Policies and Definition:

- "A5 In addition to those policies governing the land use designation(s) where it is located, development may be affected by, and therefore shall have regard to:
*D1, D4
- "A5b Lands Adjacent to Wetlands, as defined under Section VI-42, where development may be permitted if it can be demonstrated that the development will not result in loss or negative impacts on wetland functions through the preparation of an Environmental Impact Assessment; and *D1, D4
- "A5c Fill Lines, Within which development including the placement of fill is strictly regulated by the appropriate Conservation authority under its Fill, Construction and Alteration to Waterways Regulations. *D1, D4"
- "42 Lands Adjacent To Wetlands means those lands within 120m of an individual wetland area and all lands connecting individual wetland areas within a wetland complex. A wetland area is a contiguous wetland composed of one or more wetland types such as marshes, swamps, bogs and fens. A wetland complex contains two or more individual wetland areas along with the adjacent lands that are related in a functional manner."

Region staff may circulate a development application which is located outside the 30m buffer area of a Significant Wetland Area to the appropriate Conservation Authority for review.

Schedule F

*Municipality Guide
to Referring Certain Types of Planning Applications
to the Conservation Authorities for Review and Clearance*

Application Type	Processing Authority	Screening and Circulation Agent
Regional Official Plan Amendment	Halton Region	Halton Region
Local Official Plan Amendment	Area Municipality	Halton Region
Zoning Bylaw Amendment	Area Municipality	Halton Region
Subdivision	Area Municipality	Halton Region
Condominium	Area Municipality	Halton Region
Condominium Conversions	Area Municipality	Area Municipality
Part Lot Control Bylaw	Area Municipality	Area Municipality
Consent	Area Municipality	Area Municipality
Site Plan	Area Municipality	Area Municipality
Minor Variance	Area Municipality	Area Municipality
Community Improvement Plan	Area Municipality	Area Municipality

Schedule G

***Matters Subject to Conservation Authority Peer Review and Technical Clearance
Regarding Planning Applications Affecting the Natural Environment***

PROVINCIAL MINISTRY	FUNCTION SUBJECT TO CONSERVATION AUTHORITY ACTION	PLAN REVIEW	TECHNICAL CLEARANCE
MNR	Comment on flood hazard and C.A. regulated wetlands	X	X
MNR	Comment and issue permit for development in flood plains	X	X
MNR	Comment on lakes and rivers impacts (except fisheries) and comment on development along Halton's Lake Ontario shoreline.	X	X
MNR	Review and comment on the location of top of bank and any erosion limits	X	X
MNR	Identify wildlife habitats and comment on wildlife habitat impacts and mitigation measures	X	
MNR	Comment on impacts on endangered and threatened species	X	
MNR	Comment on and conduct technical review of reports on fish habitat impacts and mitigation (DFO to be consulted if there is a fisheries impact)	X	X
MOE	Identify need for and conduct technical review of storm water management facilities design reports	X	X Subject to Schedule I
MOE	Review for sub-watershed planning/master drainage planning	X	X With Area Municipality

Schedule H

Scope of Conservation Authority Plan Review and Technical Clearance Work

1. The Authorities are to provide both Plan Review Comments and Technical Clearance, pursuant to Schedule G, for those specific matters both identified and referred by Halton Region Planning staff as listed below:
 - a) flood hazard and wetlands;
 - b) requirements for Conservation Authority Permits;
 - c) lakes and rivers impacts;
 - d) shoreline protection along Lake Ontario and the Burlington Bay shoreline;
 - e) erosion and slope stability limits;
 - f) wildlife habitat;
 - g) endangered and threatened species;
 - h) fish habitat (Department of Fisheries and Oceans also involved);
 - i) storm water management (refer to schedule D); and
 - j) sub-watershed planning/master drainage planning.

Schedule I

Halton "Municipalities" and Conservation Authorities Arrangement Concerning Storm Water

1. The Area Municipalities will be the lead contact agency for all Storm Water issues concerning proposed development applications under the Planning Act within Halton Region. Accordingly the Area Municipalities shall:
 - a) act as the primary contact agency for the applicant, his consultants, the public, and the Regional Municipality of Halton regarding the handling of Storm Water issues concerning proposed development applications;
 - b) consult with the appropriate Conservation Authority (CA), on a regular basis, regarding all proposed development matters that may require a CA Permit or comment as per this Schedule;
 - c) circulate to the appropriate Conservation Authority those development applications that require Conservation Authority Storm Water review/comment as required by the Region for Transfer of Review matters;
 - d) circulate to the appropriate Conservation Authority those development applications that require Conservation Authority Storm Water review/comment as required by any special arrangement between the Conservation Authorities and the Area Municipalities;
 - e) provide Storm Water comments and recommendations to the appropriate approval authority/agency.
 - f) provide Final (Planning Act) Approvals regarding Storm Water matters.
2. Where a Watershed, Subwatershed or Master Drainage Plan is already in place to the satisfaction of the Conservation Authority, the Area Municipality is to assume full responsibility for deciding when to circulate a Storm Water matter to the Conservation Authority. Where the Conservation Authority has indicated that it still wishes to comment on certain Storm Water facilities regarding Conservation Authority design requirements, the Area Municipalities will seek Conservation Authority Storm Water comments.
3. The Area Municipalities and Conservation Authorities will develop a document which will clarify the Storm Water Technical Design Roles and Responsibilities of the Area Municipalities and Conservation Authorities so as to minimize duplication of review.

SCHEDULE J

Regional Municipality of Halton Conservation Authority Peer Review Fees

1. The Fees for establishing Conservation Authority Peer Review work has been "set" by the Chief Planning Official of the Regional Municipality of Halton in accordance with Regional By-law 118-96 as follows:
 - a) The Standard Conservation Authority Peer Review Fee is set at \$60 per hour (including Tax) and will be charged to those Regional Official Plan Amendments, Subdivisions, Condominiums, and Consents which are subject to Conservation Authority review as determined by the Region or Area Municipality;
 - b) An estimated (upset limit) number of hours required for review/clearance will be established on a case by case basis only after review of the application by the Region or Area Municipality and Conservation Authority;
 - c) Local Official Plan Amendments requiring Conservation Authority Peer Review work will be charged as follows:
 - i) Major Local Official Plan Amendment - \$500;
 - ii) Minor Local Official Plan Amendment - \$150;
 - d) Combined applications will be dealt with as one overall fee estimate;
 - e) The Region may comment on Minor Variance, Site Plan, and Zoning Bylaw Amendment applications that relate to Transfer of Review. Where the Region and/or Area Municipality seeks Conservation Authority comments from the Conservation Authority on Minor Variances, Site Plan, or Zoning Bylaw Amendment applications, the following set fees are applicable and will be collected by the Area Municipalities:
 - i) Major Site Plans and/or Major Zoning Bylaw Amendments- \$500 flat rate.
 - ii) Minor Site Plans and/or Minor Zoning Bylaw Amendments - \$150 flat rate; and
 - iii) Minor Variances - \$25 flat rate;

f) Revisions requiring Conservation Authority Peer Review work shall be charged as follows:

i) Major revisions - \$500

ii) Minor revisions - \$150

For the purposes of determining Conservation Authority Peer Review Fees, Major applications are those involving larger properties (generally > 2 ha) which contain or lie adjacent to either a flood plain, wetland, watercourse and/or valley feature. Also included as major are all golf courses and all properties located on the Lake Ontario/Burlington Bay shoreline.

2. These Region set fees will be interpreted as Section 69 Fees subject to appeal to the OMB. The Conservation Authority will establish a time based recording system similar to that used by Halton for Peer Review matters to ensure that any appeal of the fee can be properly defended before the OMB.

RATIONALIZED

LIST OF PLANNING FUNCTIONS IN THE HALTON "AREA"

Appendix 6 To HASR Land Use Planning Project Report June 1997

LEAD AGENCY *						
PLANNING FUNCTION	THE AREA MUNICIPALITIES	THE REGION	HALTON AREA PLANNING PARTNERSHIP	THE POLICE SERVICES BOARD	THE SCHOOL BOARDS	THE CONSERVATION AUTHORITIES
Provincial Planning Legislation & Regulations	Comments - can take individual position if dissatisfied with coordinated response	Co-ordination of Regional and All Area and Agency Comments *		Circulation	Circulation	Comment
Provincial Policy Statements	Comments - can take individual position if dissatisfied with coordinated response	Co-ordination of Regional and All Area and Agency Comments *		Circulation	Circulation	Comment
Matters of Defined Provincial Interest	Comments - can take individual position if dissatisfied with coordinated response	Co-ordination of Regional and All Area and Agency Comments *		Circulation	Circulation	Comment
Provincial Plans (GTAP)	Comment and Position	Co-ordination of Regional & All Area & Agency Comments *		Circulation	Circulation	Comment
Provincial Parkway Belt Plan	Comment and Position	Co-ordination of Regional and All Area and Agency Comments *		Circulation	Circulation	Comment
Parkway Belt Plan Amendments	Comment and Position *	Coordination of Regional and All Area Comments		Circulation	Circulation	Comment

PLANNING FUNCTION	THE AREA MUNICIPALITIES	THE REGION	HALTON AREA PLANNING PARTNERSHIP	THE POLICE SERVICES BOARD	THE SCHOOL BOARDS	THE CONSERVATION AUTHORITIES
Provincial Parkway Belt Amendments to Regulations	Comments	Comments		Circulation	Circulation	Comment
Provincial Niagara Escarpment Plan	Comment and Position	Co-ordination of Regional and All Area Comments *		Circulation	Circulation	Comment
Provincial Niagara Escarpment Plan Amendments	Comment and Position	Co-ordination of Regional and All Area Comments *		Circulation	Circulation	
Provincial Niagara Escarpment Development Control Permits	Comment	Comment		Circulation	Circulation	Comment
Halton Region Official Plan	Comment and Position	Process, Adopt, Monitor, Ensure Conformity etc *		Comment	Comment	Comment
Halton Region Official Plan Amendments	Comment and Position	Process, Adopt, Deny (coordinate with Area Municipal OPA's public meetings etc to save money) *		Comment	Comment	Comment
Local Official Plan	Process, Adopt, Monitor, etc *	Process, Approve, Coordinate Comments etc.		Comment	Comment	Comment
Local Plan Amendments	Process and Adopt, Exempt Subject To Conditions and Criteria *	Comment on Exempt Amendments. Comment & Approve Amendments that are not Exempt	Coordinate Common Policy and Land Use Studies	Comment	Comment	Comment

PLANNING FUNCTION	THE AREA MUNICIPALITIES	THE REGION	HALTON AREA PLANNING PARTNERSHIP	THE POLICE SERVICES BOARD	THE SCHOOL BOARDS	THE CONSERVATION AUTHORITIES
Zoning Bylaws	Process and Approve *	Comment	Coordinate Common Zoning Issue Studies eg. Casinos, Bed and Breakfast	Comment	Comment	Comment
Zoning Bylaw Amendments	Process and Approve *	Comment	see above	Comment	Comment	Comment
Holding Bylaw	Process and Approve *	Approve Regional Conditions Release				Approve C.A. Conditions Release
Subdivisions	Process & Approve Subject To Conditions and Criteria *	Comment.	Coordinate studies Related to New Standards etc	Comment	Comment	Comment
Partlot Control Bylaws	Process & Approve Subject To Conditions and Criteria *	Comment.		Comment	Comment	Comment
Consents	Process and approve * Consents conditional upon delegation of uncontested to staff.	Comment		Comment	Comment	Comment
Validation of Title	Process & Approve Subject To Conditions and Criteria *	Comment.				
Condominiums	Process & Approve Subject To Conditions and Criteria * (delegation subject to guidelines for condo exemption)	Comment		Comment	Comment	Comment
Condominium Conversions	Process and Approve *	Comment				

PLANNING FUNCTION	THE AREA MUNICIPALITIES	THE REGION	HALTON AREA PLANNING PARTNERSHIP	THE POLICE SERVICES BOARD	THE SCHOOL BOARDS	THE CONSERVATION AUTHORITIES
Site Plans	Process and Approve *	No Comment or Circulation Unless Specified		Comment	Comment	Comment
Minor Variances	Process and Approve *	No Comment or Circulation Unless Specified		Comment	Comment	Comment
Road Closures	Act to be amended remove Ministers approval *	Comment		Circulation	Circulation	Circulation
Community Improvement Plans	Process and Adopt *	Approve (but consider exemption once new Act provisions are in place)		Circulation		Comment
Community Secondary Plan Design	Coordinate and Adopt *	Comment re Regional Plan Conformity and Transfer of Review Only	Proactive Region Wide Studies re New Trends EG. New Urbanism, Rear Lanes, Wide-Shallow Lots, Reduced Road Standards, etc.	Comment	Comment	Comment
Heritage Designations	Process and approve *		Heritage Easement Techniques, and Study Methodologies			
Urban Boundaries	Process and Adopt Amendments in Consultation with Region	Process Regional Plan Amendments & Approve Area Amendments *	Consolidated Urban Boundary Studies	Comment	Comment	Comment

PLANNING FUNCTION	THE AREA MUNICIPALITIES	THE REGION	HALTON AREA PLANNING PARTNERSHIP	THE POLICE SERVICES BOARD	THE SCHOOL BOARDS	THE CONSERVATION AUTHORITIES
Population & Employment Planning	Plans Geographic Distribution and Comments on Regional Macro Assignments *	Provides Overall Estimates and Municipal Macro Distribution in Consultation with Area Municipalities. * Coordinates Parcel Data Base. Provides detailed estimates for all Areas and Time Frames. *	Coordinates Data Needs on an Annual Basis for all Partners			
Housing - Amount, Mix, Distribution, Affordability	Assigns Housing Targets by Type * Develops Affordability Policies * Plans and Distributes *	Prepares Regional Targets and Policies * Monitors Policy Delivery * Approves Area Municipal Housing Statements *	Prepares Municipal Housing Statement. Coordinate Data Needs, Standardize Study Design, etc. - Commenting on Prov. Policy and Programs			
Enrolment Projections	Provide development related Info. to the Region	Prepares base property data and development tracking for School Boards *			Prepares School Boundary and Enrolment Projections *	
Industrial Planning	Determines Geographic Distribution and Land Use Controls * Local Phasing *	Regional Phasing and Servicing Policies	Coordination of Common Issues Eg. Retail Warehousing - Flexible Zoning etc.	Comment		
Commercial Planning	Determines Distribution and Land Use Policy *	Comments	Studies of Macro Trends-Eg. Big Box Retailing Entertainment Complexes	Comment		

PLANNING FUNCTION	THE AREA MUNICIPALITIES	THE REGION	HALTON AREA PLANNING PARTNERSHIP	THE POLICE SERVICES BOARD	THE SCHOOL BOARDS	THE CONSERVATION AUTHORITIES
Institutional Planning	Determines Distribution and Land Use Policy.	Comments	Macro Trend Studies or Common Issues e.g. Private Schools in Residential Areas	Comment	Comment	
School Planning	Determines Secondary Plan Locations and Collaborates on Multi Use Facility Planning and Programming.	Provides Population Data to the Parcel Level. Population trends Development Tracking	Analyzes Long Term Trends and Policies.	Comment	Approves Site and Location design and Criteria. Collaborates on Multi Use Facility Planning.	
Police Planning	Comments.	Provides Demographic and GIS Based DATA	Review Delivery of Crime Prevention Community Design.	Develops Operational and Strategic Plans.	Comment	
Human Services Planning	Determines Physical Location of Facilities and Collaborates with Region and School Boards on Human Services Plan and Policies.	Provides Trends Analysis Funding, Program Delivery, Policy Analysis and Commentary.	Trend Analysis and Program delivery (Municipal Programs)	Comment	Comment	
Archaeological Planning	Comments on Regional Policies	Provides Comments and Creates Regional Master Plans.				
Municipal Water Supply and Sewage Disposal	Develops Phasing Policies in Consultation with Region.	Provides Supply Distribution and Analysis.				Comment on EA and Provide Environmental Impact.
Municipal Storm Water Management	Design and Implementation in Consultation with the Cons. Authorities.	Coordinates MOEE Approvals. Protects ESA's				Reviews Design and Issues Permits.

PLANNING FUNCTION	THE AREA MUNICIPALITIES	THE REGION	HALTON AREA PLANNING PARTNERSHIP	THE POLICE SERVICES BOARD	THE SCHOOL BOARDS	THE CONSERVATION AUTHORITIES
Transportation Planning and Transit Services Planning	Undertakes Area Studies Reviews Development Impact Studies * Develops LOP Policies * Undertakes Operational studies	Undertakes Regional Inter-Municipal & Municipal Transportation & Transit Studies * (on request) Develops ROP Policies * Determine Conformity * Reviews Federal, Provincial, GTA Studies and Policies *	Cross Boundary Issues			Comment
Waterfront Planning, Implementation, & Funding	Subject to Further Review	Subject to Further Review.	Integration. Shoreline Protection Trail Systems			Subject to Further Review
Watershed Plans	Participation and Comment Depending on Interest and Funding. Lead Role in Most Subwatershed Plans *	Participant with Prime Interest in OP Conformity, Ground Water and ESA Integrity.	Ideal Mechanism for Cross Boundary Coordination and Funding.			Undertakes Watershed Plans * Participates in/or Coordinates Subwatershed Studies
Open Space Planning	Prepares Plans and Policies *	Comments on Region Lands.		Comment	Comment	Prepares Plans & Policies for CA lands

PLANNING FUNCTION	THE AREA MUNICIPALITIES	THE REGION	HALTON AREA PLANNING PARTNERSHIP	THE POLICE SERVICES BOARD	THE SCHOOL BOARDS	THE CONSERVATION AUTHORITIES
Environmental Planning	Development of OP policies that are More Restrictive than Region (ie non duplicative)	Develops OF Policies and Studies using Combined Resources of Regional Staff, Conservation Auth. Staff and EFAC.* Prepares Detailed Environmental Comments on Dev. Applications.*				Role as defined in Memorandum of Understanding 1996
Forestry Planning	Determines Dev. Impact Analysis, Tree By-law Determines Urban Area Specific Policies (non duplicative)	Develops Significant Forest Land Use Designations & Policies. Provides Dev. Comments.*	Coordination of Significant Forest Study with Area Municipalities and Cons. Auths.			Comment
Agreement Forests	Comments.	Develops in Consultation with the Conservation Authorities, Master Plans.* Monitors & Maintenance.*				
Tree Cutting Bylaws	Assumes Full Urban Area Responsibility.*	Bylaw Approval				Rural Area Enforcement (HRCA only)*
Rural Planning	Develops Area Official Plan Policies.*	Develops Regional Official Plan Policies.*	Develop Harmonized Policy and Development Review Approaches.			Comment
Agriculture Planning	Develops Area Official Plan Policies.*	Develops Regional Official Plan Policies.*	Develop Harmonized Policy & Development Review Approaches			

PLANNING FUNCTION	THE AREA MUNICIPALITIES	THE REGION	HALTON AREA PLANNING PARTNERSHIP	THE POLICE SERVICES BOARD	THE SCHOOL BOARDS	THE CONSERVATION AUTHORITIES
Mineral Aggregate	Comments to Region on Site Plans, Regional policies, and Operational Issues Comments on Renewals and Applications	Undertakes Region Wide Studies, Site Plans, Reviews Water Takings, Prepare Responses to Prov. Policy, Reviews License Renewals and Applications (utilizing Cons. Auth. Resources as Needed) *	Coordinate Joint Responses to Prov. Policy etc.			Comment on surface water taking permits and site plans
PLANNING MANAGEMENT Geographic Information System Development Tracking	Participate in HRGISCC Participate in a Regional Data Management Group.	Continue HRGISCC and include Milton, Halton Hills and all agencies. *	Develop One Coordinated System for GIS and Development tracking.	Participate in HRGISCC Participate in a Regional Data Management Group.	Participate in HRGISCC Participate in a Regional Data Management Group.	Participate in HRGISCC Participate in a Regional Data Management Group.
Training and Professional Development, best Practices and Joint support		Regional Coordination and Delivery. *				
Alternate Dispute Resolution		Region to coordinate Program involving staff from Region and area Municipalities. *				
Environmental Assessment	Conduct ESR on a project basis for Local Projects *	Coordinate Regional ESRs, Region to Provide Policy advise and EA integration Strategies. *				Comment and Advice.
Site Alteration	Develop Policies and Procedures *	Comment				Comment

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE PROVINCE OF ONTARIO

AND

THE REGIONAL MUNICIPALITY OF HALTON

REGARDING

MUNICIPAL PLAN REVIEW

MAY 2 1996

Memorandum of Understanding

Between

The Province of Ontario

and

The Regional Municipality of Halton

Regarding

Municipal Plan Review

1. Purpose:

The purpose of this Memorandum of Understanding is to:

- a) describe a framework within which the Regional Municipality of Halton, also referred to herein as the "Region", no longer circulates certain planning applications to provincial ministries for review (described in Appendix A);
- b) establish the intent of the Region and Province to begin an iterative and ongoing process for eliminating duplication of plan review (including all actions, analysis and processes undertaken by the Region to ensure that municipal and provincial land use policy interests are reflected in municipal decisions related to applications under the Planning Act) between both parties and identifying opportunities for further streamlining the approvals process; and
- c) establish time frames within which decisions are made to implement changes intended by this agreement.

4. **GOALS:**

The Region and the Province of Ontario, also referred to herein as the "Province", share the following goals in respect of municipal plan review:

- a) to enhance the Region's responsibility for matters which are directly linked to its assigned and delegated planning authority and operational processes in recognition of its capabilities and familiarity with local circumstances;
- b) to maintain an adequate level of provincial support for the Region through training and education, transfer of data and municipal decision support in order to ensure effective implementation of provincial policy and to minimize transitional problems and risks associated with future decisions;
- c) to provide improved planning service delivery to development proponents and area municipalities in the Region;
- d) to ensure that the Region is responsible for protecting provincial land use policy interests as they relate to local decision-making as set out in Section 2 of the Planning Act and the relevant applicable Province of Ontario Policy Statements and Implementation Guidelines as required by Sections 3 (5) and 3 (6) of the Planning Act;
- e) to support municipal autonomy by ensuring that the Province only becomes involved in those planning matters where it is necessary and where this involvement contributes to better planning decisions;
- f) to make more effective use of limited planning resources;
- g) to clarify the relationship between plan review functions, provincial land use policy interests and approved regional policies to permit regional staff to resolve conflicting or duplicated requirements as they apply at the site-specific level;
- h) to implement a risk management strategy to ensure sound planning decisions are made based on the best available information; and
- i) to work towards an end state where the Region is responsible for reviewing all types of planning applications to ensure the protection of provincial land use policy interests, but in the interim adopting a phased approach to municipal plan review for certain areas of responsibility (e.g., comprehensive lower-tier official plan amendments) based upon mutually agreeable performance criteria.

3. **Roles and Responsibilities:**

The Province and the Region will use their best efforts to achieve the spirit and intent of the roles and responsibilities set out in this Memorandum of Understanding.

- i) **In order to effectively implement this Memorandum of Understanding, the Province commits to:**
 - a) provide the Region with adequate training and education on provincial policies, operational practices and regulatory requirements so that ongoing capacity exists at the Region to carry out plan review functions. Where new provincial land use policy interests are established, the Province will provide training and education on same;
 - b) use the Ministry of Municipal Affairs and Housing as a "one window" through which provincial positions will be communicated to the Region in respect of planning matters, including the co-ordination of provincial input on official plans and amendments and development of policy performance monitoring systems;
 - c) respond as appropriate and in a timely manner in respect of all matters covered by the Memorandum of Understanding. In making a decision in respect of such matters, e.g., development of a provincial position, the Province will consult with the Region;
 - d) provide the Region with ongoing access to available staff resources, information, and technical or policy expertise in respect of planning matters;
 - e) provide, where feasible, policy and technical advice or comments early in the approvals process in respect of official plans and policy matters on which the Region has requested provincial input. Such early involvement will include participation in pre-consultation meetings;
 - f) make provision, on request, for provincial staff to appear before Council in respect of a provincial land use policy interest where there may be an evolving issue which could negatively impact that interest;
 - g) where the Province is a party before the Ontario Municipal Board to protect a provincial land use interest, present a co-ordinated provincial position;

- h) provide the Region with information (including, but not limited to, mapping, screening criteria, interpretation of specialized guidelines or procedures and technical data) which the Province possesses that will assist the Region in implementing provincial and local land use policy objectives;
 - i) provide staff resources to assist in the implementation of municipal planning. Such activities may include the provision of technical expertise and advice during the development and/or defence of official plan policies or the provision of policy interpretation tailored to local circumstances;
 - j) consider legislative and/or regulatory changes to strengthen and clarify the authority of the Region to make decisions in respect of plan review functions, including, but not limited to, the ability to impose financial charges/fees relating to these functions;
 - k) bring together provincial ministries and individual regions (through, for example, the Regional Planning Commissioners forum) in order to assess the effectiveness of the system and the need for possible changes and to monitor the overall progress of the Region in protecting matters of provincial interest through local decision-making; and
 - l) review and provide comments in a timely fashion to the Region and its area municipalities on applications which it is circulated.
- ii) **In order to effectively implement this Memorandum of Understanding, the Region commits to:**
- a) make available appropriate staff to be trained with respect to provincial policies, operational practices and regulatory requirements which relate to the Region's responsibilities for certain plan review functions;
 - b) make and support decisions on applications for which it has approval authority to protect provincial land use policy interests;
 - c) consult with the Province (through the Ministry of Municipal Affairs and Housing), in a timely manner and in recognition of legislated time frames, where the Region believes a provincial policy interest may be compromised by any actions taken by the Region or others;

- d) require that its staff use the operational procedures and guidelines agreed to with the individual ministries. In implementing its responsibilities, the Region may develop its own procedures, and will consult with ministries on their development;
 - e) monitor the state of planning within the Region as per clause 3 iii) c);
 - f) if required and based on mutual agreement between the Region and the Province, initiate a process for amending its official plan policies which relate to provincial land use policy matters within one (1) year of execution of this Memorandum of Understanding so that those policies have regard to provincial planning policies;
 - g) inform the Province, prior to making a decision, of its intention to stop carrying out or significantly change how it carries out plan review functions which may affect the protection of provincial land use interests; and
 - h) co-ordinate municipal plan review in such a way that related functions (as described in Appendix A) may be undertaken in partnership with other agencies (c.g., area municipalities or conservation authorities). Such processes will be carried out in accordance with the principles of this Memorandum of Understanding.
- iii) **In order to effectively implement this Memorandum of Understanding, the Province and the Region jointly commit to:**
- a) develop a strategy for linking area municipalities in Halton, other local agencies and the development industry into planning processes and the delivery of municipal plan review functions;
 - b) explore options for creating alternative plan review mechanisms and procedures which result in a more cost-effective, streamlined and efficient approvals process;
 - c) develop administrative/operational practices which will streamline and reduce duplication for plan review functions;
 - d) develop operational procedures and guidelines (including, where required, screening criteria) on a ministry by ministry basis which will clarify details of how the Region and ministries interface with each other;

- e) develop an agreement to share information which supports a policy-based monitoring system for provincial and regional land use policy interests based on mutually agreeable performance measures. Such monitoring shall be undertaken on a regular basis;
- f) establish a mutually agreeable system for maintaining, updating and improving information and data which is shared between the Province and the Region in support of provincial land use planning interests;
- g) clearly identify the respective parties' responsibilities where technical clearance/permit granting conditions are imposed under the Planning Act as well as other legislation (e.g., water-taking permits, certificates of approval) with a view to ultimately providing the Region, where requested and where appropriate, with the authority to grant such permits, licenses, Certificates of Approval, etc.;
- h) use existing dispute resolution mechanisms (or where appropriate, develop new, mutually agreeable alternative procedures) for addressing disagreements which arise in the context of this Memorandum of Understanding and/or plan review processes;
- i) develop, on a ministry by ministry basis, agreements which pro-actively facilitate the clearance of conditions by ministries during the transition to the municipal plan review system and subsequently permit the Region to clear conditions on behalf of the ministry, where such conditions remain outstanding. In the case of complex conditions or conditions which have been in effect for extremely long periods of time, the Ministry of Municipal Affairs and Housing will assist the Region in resolving outstanding issues; and
- j) discuss any changes resulting from other provincial and/or municipal initiatives which may affect the Region's ability to deliver municipal plan review functions.

4. **Time Frame for Actions:**

- The Province and the Region commit to establishing time frames for implementation of municipal plan review by the Region in respect of the following matters:
 - function by function descriptions, training and education, data transfer, etc.

5. **List of Attachments:**

- Appendix A - Schedules of Specific Plan Review Functions and Participating Ministries
- Appendix B - General Protocol for Data Sharing

SIGNED,

the PROVINCE

PROVINCE OF ONTARIO

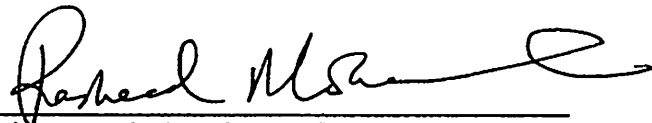


Deputy Minister of Municipal Affairs and Housing

Date: May 17/96

the REGION

THE REGIONAL MUNICIPALITY OF HALTON



Director of Planning and Development Services

Authority: Regional Bylaw 46-96

Date: 3 May 1996

APPENDIX A

SCHEDULES

OF SPECIFIC PLAN REVIEW FUNCTIONS

AND

PARTICIPATING MINISTRIES

FOR THE

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE PROVINCE OF ONTARIO

AND

THE REGIONAL MUNICIPALITY OF HALTON

SCHEDULE A

GENERAL

1. The Province advises the Region that the various plan review ministries are not to notified of, circulated for comments on, or advised of any of the following planning applications made to the Regional municipality, except as modified by Schedules B, and G:

Subdivisions;

Condominiums;

Consents;

Validations of Title;

Partlot Control Bylaws;

Minor Variances;

Site Plans;

Zoning Bylaws and Amendments;

Site Specific Local Official Plan Amendments; and

2. The Province advises the Region that it will notify the lower-tier municipalities that the provincial plan review ministries are not to be notified of, circulated for comments on, or advised of any of the following planning applications made to the lower-tier municipality, except as modified by Schedules B and G, and that instead the Region shall be notified:

Validations of Title;

Partlot Control Bylaws;

Minor Variances;

Site Plans;

Zoning Bylaws and Amendments; and,

Consents, where applicable.

3. When the regulations to the Planning Act are revised they will reflect the above arrangements.

SCHEDULE B

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

1. Notwithstanding Schedule A above, the Region shall notify, circulate, and advise the MMAH of the following planning matters:
 - (a) All Regional official plan amendments;
 - (b) All new Official Plans in the Region including lower-tier Official Plans
 - (c) All lower-tier official plan amendments (including secondary plans) which in the opinion of the Region are not minor and add, delete or revise policy that has a general impact or bearing on provincial policy interests as set out in the Policy Statements adopted under Section 3 of the Planning Act and any related implementation guidelines, but not site specific Official Plan Amendments except those that expand the urban or rural settlement area.
 - (d) Comprehensive zoning by-laws.

2. To support Provincial review the Region shall supply the MMAH the following information, where appropriate:
 - o population, employment and housing need projections
 - o Land supply budgets and forecasts
 - o Municipal Housing Statements and Updates and
 - o Demographic or market analyses linked to housing

3. The Region shall carry out the following Planning Review Functions, taking into account advice received from the Province on planning matters listed in Section 1 above:

Assessing and commenting on the applicability and compliance of plans and planning applications to policy interests as set out in Section 2 of the Planning Act and the applicable Policy Statements adopted under Section 3 of the Planning Act and their related Implementation Guidelines, and imposing and clearing conditions required to protect provincial interests; and

Assessing and commenting on the specific applicability and compliance of planning applications to Housing Policies as adopted under Section 3 of the Planning Act and their related Implementation Guidelines, and if imposing and clearing conditions required to protect provincial interests and to support this activity to consider the following matters:

- o Cost-effective development patterns;
- o Provision of a full range and mix of housing types and densities;
- o Provision of an adequate supply of residential land;
- o Provision for affordable housing and no barriers to housing for moderate and lower income households;
- o Provision for redevelopment opportunities; and
- o Provision for and no barriers to alternative development standards.

4. The MMAH agrees to provide the Region with the following:

- o A comprehensive set of all provincial housing policies;
- o The Policy Interpretation Handbook;
- o The Projection Methodology Guideline;
- o The Alternative Development Standards Guideline;
- o The Affordability Information Bulletin;
- o The Best Practises Manual (once available); and
- o Miscellaneous housing market information which is relevant to Halton and the GTA.

5. The MMAH agrees to provide the Region the following data:

1. Access to, and copies of, relevant MMAH Data Bases related to Halton and the GTA;
2. Ministry of Finance population projections by five year age group, 1991 to 2021;
3. Total population by five year age group, 1991 Census;
4. Total Households, by tenure, five year age group and house type, 1991 Census;

5. Household Income data for Census Districts and Census Metropolitan Areas from the 1991 Census for Total Households, Owner Households, Renter Households by income decile; and
6. New House Price data from the Ontario New Home Warranty Program, by type of house for 1991, 1992, 1993, 1994 etc.

SCHEDULE C

MINISTRY OF NATURAL RESOURCES

1. The Region shall carry out the following Planning Review Functions, taking into account advice received from the Province on planning matters listed in Schedule B, Section 1, above:

Assessing and commenting on the general and specific applicability and compliance of planning applications to policy interests as set out in Section 2 of the Planning Act and the relevant applicable Policy Statements adopted under Section 3 of the Planning Act and any related implementation guidelines concerning mineral resources, natural resources, public health and safety, and imposing and clearing conditions required to protect these provincial interests; and

to support this activity shall:

1. **For Mineral Resources:**
 - a. Mineral Aggregates (e.g. sand and gravel) and
 - b. Petroleum Resources (e.g. gas and oil).

For applications that may impact existing mineral resource operations (including wayside pits/quarries), known deposits and sites of potential development, establish appropriate planning requirements, and determine the need for and adequacy of studies to assess impacts and propose mitigation measures.

2. **For Natural Heritage:**
 - a. Significant Wetlands;
 - b. Significant Wildlife Habitat;
 - c. Habitats of Threatened and Endangered Species;
 - d. Fish Habitat;
 - e. Significant Areas of Natural and Scientific Interest;
 - f. Significant Woodlands; and
 - g. Significant Valleylands.

For applications that may impact natural heritage features/functions, establish appropriate planning requirements, determine the need for and adequacy of studies to assess impacts and propose mitigation measures.

3. For Natural Hazards:

- a. Hazardous Lands Adjacent to Shorelines of Great Lakes and connecting waters and large inland lakes - flooding erosion dynamic beach hazards;
- b. Hazardous Lands Adjacent to Rivers and Streams - flooding and erosion hazards;
- c. Hazardous Sites - unstable bedrock/soils; and
- d. Abandoned Gas/Oil Wells and Salt Caverns.

For applications that may be impacted by hazardous lands and sites, establish appropriate planning requirements, and determine the need for and adequacy of studies to assess impacts and propose mitigation measures.

4. For Miscellaneous MNR Matters:

- a. Crown Land; and
- b. Forest Fire Hazards

For applications adjacent to Crown land and potential forest fire hazards, review and notify MNR of the application.

3. The MNR agrees to provide the following:

- Relevant MNR planning policy;
- Relevant interpretation guidelines;
- Relevant technical documents;
- Relevant Best Management Practices/Mitigation Manuals/Guidelines; and
- Miscellaneous studies and information that are relevant to planning in the region

4. The MNR agrees to provide the following data, in accordance with the data sharing agreement:

- 1. Mineral Aggregate and Petroleum Deposits - Location and evaluations for potential use;

2. Existing licence operations and wayside pits;
3. Aggregate Inventory Resource Papers;
4. Hazard Lands - Location and evaluations for potential use;
5. Hazardous sites;
6. Wetlands - Location and evaluations for current and potential designations and potential use;
7. Areas of Natural and Scientific Interest - Location and evaluations for current and potential designations and potential use;
8. Woodlands - Location and evaluations for current and potential designations and potential use;
9. Valleylands - Location and evaluations for current and potential designations and potential use;
10. Endangered and Threatened Species - Location and evaluations for current and potential designations and potential use; and
11. Fish habitat - Location and evaluations for current and potential designations and potential use.

SCHEDULE D

MINISTRY OF ENVIRONMENT AND ENERGY

1. The Region shall carry out the following Planning Review Functions, taking into account advice received from the Province on planning matters listed in Schedule B, Section 1, above:

Assessing and commenting on the general and specific applicability and compliance of plans and planning applications to policy interests as set out in Section 2 of the Planning Act and the relevant applicable Policy Statements adopted under Section 3 of the Planning Act and any related implementation guidelines as they relate to environmental matters, and imposing and clearing conditions required to protect these provincial interests; and to support this activity to:

Identify the need for:

Soil Contamination Studies;
Ground Water and Surface Water Taking Permits;
Railroad Noise studies;

Identify the need for, and assess the adequacy of:

Ground Water Quantity and Quality Studies and their Mitigation Measures;
Servicing Capacity monitoring and commitment studies;
Storm Water Management Facilities;
all Traffic Noise studies except those for Provincial Highways;
Industrial Setbacks;
Ecosystem Studies;
Servicing Options studies; and
Communal Waste Water System studies;

Provide comments on:

Energy and Water Conservation; and

Landfill Sites;

2. The MOEE agrees to provide the Region with the following:

Relevant MOEE planning policy;
Relevant interpretation guidelines;
Relevant technical documents;

Relevant Best Management Practices/Mitigation Manuals/Guidelines; and
Miscellaneous studies and information that are relevant to planning in the region.

3. The MOEE agrees to provide the Region with the following data in accordance with the data sharing agreement:

1. Access to, and copies of, all relevant MOEE Data Bases related to the Region;
2. Relevant Computer Models;
3. Well Water records - Location and evaluations for current and potential designations and potential use;
4. Provincial water quality network data; and
5. Inventory of known closed landfill sites.

SCHEDULE E

MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

1. The Region shall carry out the following Planning Review Functions, taking into account advice received from the Province on planning matters listed in Schedule B, Section 1 above by:

Assessing and commenting on the general and specific applicability and compliance of plans and planning applications to policy interests as set out in Section 2 of the Planning Act and the relevant applicable Policy Statements adopted under Section 3 of the Planning Act and any related implementation guidelines as they relate to agricultural issues, and imposing and clearing conditions required to protect these provincial interests; and to support this activity to:

Identify the need for, and assess the adequacy of:

Applications of the Minimum Distance Separation Formulas as outlined by the OMAFRA;

Identification of Prime Agricultural Soils as per Agricultural Soils Capability Maps;

Studies regarding:

Agricultural/Farm Viability;
Justification Reports;
Agricultural Assessments; and
Background Reports.

2. The OMAFRA agrees to provide the Region with the following:

Relevant OMAFRA planning policy

Relevant interpretation guidelines;

Relevant technical documents;

Relevant Best Management Practices/Mitigation Manuals/Guidelines; and

Miscellaneous studies and information that are relevant to planning in the region

3. The OMAFRA agrees to provide the Region with the following data in accordance with the data sharing agreement:

1. Soils types (map and report);
2. Soil capability and suitability (map and description of classification system);
3. Municipal Drains (map);
4. Known On-farm Tile drainage (map); and
5. Land use systems (map) and report.

SCHEDULE F

MINISTRY OF CITIZENSHIP, CULTURE AND RECREATION

1. The Region shall carry out the following Planning Review Functions, taking into account advice received from the Province on planning matters listed in Schedule B, Section 1. above by Assessing and commenting on the general and specific applicability and compliance of plans and planning applications to policy interests as set out in Section 2 of the Planning Act and the relevant applicable Policy Statements adopted under Section 3 of the Planning Act and any related implementation guidelines as they relate to the interests of the Ministry of Citizenship, Culture and Recreation, and imposing and clearing conditions required to protect these provincial interests; and to support this activity to:
 - a) Identify the need for, and assess the adequacy of studies on the impact on significant cultural heritage landscapes and built heritage resources; and
 - b) Identify the need for archaeological assessment of a property.

2. MCZCR will ensure that Heritage Act requirements (as well as Planning Act requirements) are fulfilled by:
 - a) agreeing to receive and monitor the Region's positive determination of archaeological potential;
 - b) reviewing for Ontario Heritage Act licensing requirements, technical standards and archaeological resource conservation concerns, all archaeological specialist assessment and resource mitigation activities arising from the Region attaching conditions to applications. The region will be notified promptly when heritage concerns have been addressed and reported on for a particular application; and
 - c) agreeing to assist the region by mediating any technical or resource specific dispute arising between the heritage resource consultant, the proponent, local heritage interests, First Nations, or third parties. In addition MCZCR will mediate the resolution on issues associated with the discovery of unmarked burials.

3. The Region will ensure that Heritage Act requirements (as well as Planning Act requirements) are fulfilled by agreeing to:
 - a) address archaeological concerns through the evaluation of archaeological potential for site specific applications;

- d) maintain planning staff capacity to make archaeological potential determinations through training provided by MCZCR;
- c) forward to MCZCR all positive evaluations of archaeological potential for site specific applications, including approved maps of the development and conditions of approval where applicable;
- d) coordinate the clearance of archaeological conditions attached to a application with MCZCR's review of the resulting specialist reports; and
- e) seek the technical assistance of MCZCR in resolving any technical or resource specific disputes arising from archaeological conservation matters associated with applications.

4. Transition Issues

- a) MCZCR will provide the Region with a listing of all site-specific application where archaeological potential was identified by MCZCR, conditions were attached and technical studies are still pending.
- b) In addition to Section 3c, the Region agrees to periodically meet with MCZCR to review a selection of site specific development applications identified as having low archaeological potential by the Region to determine the effectiveness of process.

5. The MCZCR agrees to provide the Region with the following:

- Relevant MCZCR planning policy;
- Relevant interpretation guidelines;
- Relevant technical documents;
- Relevant Best Management Practices/Mitigation; Manuals/Guidelines; and
- Miscellaneous studies and information that are relevant to planning in the region.

6. The MCZCR agrees to provide the Region with the following data in accordance with the data sharing agreement:

- 1. The location of registered archaeological sites; and
- 2. List of archaeological license reports.

SCHEDULE G

MINISTRY OF TRANSPORTATION

1. MTO advises the Region that there is no change, at present, in the types of application which it wishes to be notified of, circulated for comments on, or advised of.
2. The Region and the Ministry will explore administrative and operational procedures to streamline the review process in order to reduce/restrict circulation requirements and allow the Ministry to provide timely comments on planning proposals.

APPENDIX B

GENERAL PROTOCOL

FOR

DATA SHARING

WITH

PARTICIPATING MINISTRIES

FOR THE

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE PROVINCE OF ONTARIO

AND

THE REGIONAL MUNICIPALITY OF HALTON

APPENDIX B

General Protocol for Data Sharing

For the review of Planning Act applications at the Region, the Region should have the data that is currently available to a ministry in reviewing planning applications. This agreement sets out the understanding under which this ministry data will be transferred to the regions.

The ministries involved are the Ministry of Municipal Affairs and Housing, Ministry of Natural Resources, Ministry of Environment and Energy, Ministry of Agriculture, Food and Rural Affairs, Ministry of Citizenship, Culture and Recreation, and the Ministry of Northern Development and Mines, which are referred to in this document as the ministries.

A) General Principles that guide this agreement:

1. That the Region requires all data now held by the ministries to do an effective review of Planning Act applications;
2. That there are mutual benefits to the sharing of land-use planning related information between the region and the ministries at no cost to either party;
3. That copyright and confidentiality of specified data bases will be respected by the parties, except as modified by this agreement;
4. That the agreement is limited to the non-commercial use of the data, and for commercial use of the data a separate agreement(s) will be required; and
5. The agreement is required in this form at this time, but that it will not prejudice further discussions or agreements that will improve the efficiency and/or benefits of sharing land-use planning related data.

B) The Ministries will:

1. provide the Region with the data they currently have and use in reviewing land use applications, in a format that is readily available, by April 1, 1996, as set out in Schedule A through G (depending on the location of the data sets) and any documentation including manuals, handbooks, software and programmes related to the creation, modelling, limitations, use and maintenance of the data bases. If requested by the region, digital data will be provided also in hard copy;

2. provide to the Region the data at no cost and with any fees normally charged waived, but the Region is responsible for converting digital data into a format other than the one provided by the ministry or hard copy into a digital format if the ministry is not undertaking this as part of some other program. The ministry will provide an additional free copy of each map, if this does not require manual copying, for each lower-tier municipality or other agency in the Region that is conducting the planning review formerly undertaken by the ministry;
3. allow the Region to copy and distribute the data in its current or modified form only for the purposes of municipal planning (except as noted in C2 below), provided that appropriate recognition is provided to the ministry as the source, and that it is for non-commercial, non-profit purposes;
4. provide the Region with updated data on a regular basis if the data is being updated by the ministry, with attention to timeliness where there is a liability issue, and improved data if it becomes available, e.g. data on a GIS system;
5. the data is provided "as is" without any warranty of any kind, expressed or implied as to its accuracy or completeness; and
6. direct to the Region all requests for copies of the Region's data not otherwise permitted to be released by the Province under this protocol.

C) The Region will:

1. use, copy and distribute the data only for the purposes of municipal planning (except as noted in C2 below), provided that appropriate recognition is provided to the ministry as the source, and that it is for non-commercial, non-profit purposes;
2. keep in confidence information on threatened and endangered species, and on archaeological heritage. In support of this commitment:
 - a) The Region shall not use such data provided by a ministry for any purpose other than for internal municipal planning or mapping and shall keep the data in a physically secure location which is accessible only to staff of the Region who require the information for the purpose of carrying out plan review functions in respect of planning policy matters or site-specific applications;
 - b) The Region shall not in any manner or in any way make any such data available to any body or to any person, except that the Region may make such data available for the proper management of, or planning for, the resource to:
 - property owners and their agents who require data regarding the property owner's property and the Region is satisfied that the requester is the true property owner or the agent of the true property owner and that the

property owner requires the data for legitimate land use planning related purposes; or

- a lower-tier municipality that agrees in writing to use the information only in the same manner as the Region may use it in connection with a land use planning matter;
- c) The Region will notify the appropriate ministry in writing immediately upon becoming aware that any data has been released to or becomes available in any way to any person or any body not permitted by the above sections; and
 - d) Notwithstanding paragraph a) above, copies of the data may be provided by the Region to consultants and contractors for work to be performed for the Region or other municipalities within the Region, provided that the consultant or contractor agrees in writing not to disseminate the data and when the work is completed not to retain any copies of the data.
3. direct to the Province all requests for copies of the Province's data not otherwise permitted to be released by the Province under this protocol.
 4. update the data if they have appropriate new information that will assist the Region in meeting its statutory and other plan review functions, if possible using standards agreeable to the originating ministry;
 5. make available (including the provision of copies if requested) to the Province for municipal planning or provincial planning purposes any land use related maps, records, or computer-generated digital data the Region produces, and allow the Province to copy and distribute the data only for the purposes of land use, environmental, economic and social planning, provided that appropriate recognition is provided to the Region as the source, and that it is for non-commercial, non-profit purposes. In addition, the Province is responsible for converting digital data into a format other than the one provided by the Region or hard copy into a digital format if the Region is not undertaking this as part of some other program;
 6. provide the ministries with updated versions of data bases, or the new data;
 7. provide the data listed in 5 and 6 "as is" without any warranty of any kind, expresses or implies as to its accuracy or completeness.

D) The Ministries and the Region jointly

1. commit to develop expeditiously a data sharing agreement, when requested by either of the parties, to deal with longer term data sharing issues:
 - The data sharing model to be explored is a group of data supplying participants (including Regions and ministries) each of which has a "right to use" the other's data in pursuing activities agreed to among the parties e.g. municipal planning; and
 - Some of the issues that will have to be addressed are data maintenance, minimum standards, ownership, resale of data, liability and access to the data.