
Subject: Memorandum of Understanding for Planning Function and Services between Niagara Region and Local Area Municipalities

Report to: Planning and Economic Development Committee

Report date: Wednesday, December 4, 2019

Recommendations

1. That the Regional CAO **BE AUTHORIZED** to sign the 2019 update to the Memorandum of Understanding (MOU) for Planning Function and Services between Niagara Region and Local Area Municipalities, attached as Appendix 1;
2. That a copy of report PDS 42-2019 and the executed MOU **BE DISTRIBUTED** to the Local Area Municipalities; and
3. That staff **IMPLEMENT** the MOU, as amended, in collaboration with Local Area Municipalities.

Key Facts

- In March 2019 (PDS 4-2019), staff received direction from Regional Council to circulate the updated 2019 MOU for Planning Function and Services between Niagara Region and Local Area Municipalities and request endorsement from all 12 local area municipal Councils.
- The 2019 updated MOU has been endorsed by all 12 local area Councils, attached as Appendix 2.
- This revised MOU sets the foundation for undertaking transformational changes into the future and confirms the framework within which the Region and local area municipalities will function and provide planning services in Niagara.

Financial Considerations

There are no financial impacts to the Region as a result of the updated MOU.

Analysis

In September 2017, staff informed Regional Council that the MOU and associated Protocol between NPCA and the Region required updating. Work commenced to update the MOU to:

- confirm the framework (roles and responsibilities) within which the Region and local area municipalities will function and provide planning services,
- be a leading instrument of continuously improving service and relationship management,
- integrate the recommendations of the Protocol with respect to new Regional responsibilities,
- include directions on fairly new matters, such as: pre-consultation meetings, review exemptions, complete applications, commenting timelines, urban design, and
- recognize new legislation, process changes, relationships, resources and growth.

In March 2019 staff provided information to Committee and Council on the updated MOU and recommended circulation of the MOU to the local area municipalities for their authorization. Staff have now received endorsement from all 12 local area municipalities and are now bringing back the updated MOU for endorsement by Regional Council (see Appendix 2).

Alternatives Reviewed

A review of comparable-purposed MOUs from across the Province has been undertaken to understand the practices of other two-tier municipalities. No common standard was determined.

Relationship to Council Strategic Priorities

“Sustainable and Engaging Government” is a strategic priority of Regional Council. Revising the MOU will improve upon the delivery of planning services across the region and provide more certainty in the planning process for current and future property owners.

Other Pertinent Reports

- Report PDS 4-2019- Memorandum of Understanding for Planning Function and Services between Niagara Region and Local Area Municipalities
- Report PDS 2-2018 - Protocol for Planning Services Between the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority – January 10, 2018
- Report PDS-49-2017 – MOU Planning Services in Niagara – November 8, 2017
- Report PDS-43-2017 – Review and Update of the 2007 Memorandum of Understanding (MOU) between the Local Area Municipalities, Niagara Peninsula Conservation Authority and Niagara Region, and the 2008 Protocol for Plan Review

and Technical Clearance between the Niagara Peninsula Conservation Authority (NPCA) and Niagara Region – September 15, 2017

- Memorandum PDS-C 4-2014 – Local Area Municipal Response to the 2014 Update to the Memorandum of Understanding for improving the Planning Function in Niagara – May 14, 2014
- Report PW 1-2014 Building Relationships, 2014 Update to the Memorandum of Understanding for Improving the Planning Function in Niagara – January 7, 2014
- Report PPW 10-2007 Memorandum of Understanding – Planning System in Niagara

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MEMORANDUM OF UNDERSTANDING

between

The Regional Municipality of Niagara

The Town of Fort Erie

The Town of Grimsby

The Town of Lincoln

The City of Niagara Falls

The Town of Niagara-on-the-Lake

The Town of Pelham

The City of Port Colborne

The City of St. Catharines

The City of Thorold

The Township of Wainfleet

The City of Welland

The Township of West Lincoln

Planning Function and Services in Niagara

March 2019

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Part 1

Preamble

Part 1 – Preamble

1.1 Introduction

The Memorandum of Understanding (MOU) has been prepared for the following thirteen government planning authorities (hereafter referred to as Parties), which operate within a two-tier system in the Niagara Region planning area:

- a) The Council for the Regional Municipality of Niagara (Region); and
- b) The Councils of the Town of Fort Erie, the Town of Grimsby, the Town of Lincoln, the City of Niagara Falls, The Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Thorold, the Township of Wainfleet, the City of Welland and the Township of West Lincoln (collectively referred to as the “area municipalities”);

The purpose of this MOU is to update and clarify the respective roles and responsibilities of the Parties, as well as to be an instrument of continuously improving service and relationship management. This revised MOU sets the foundation for undertaking transformational changes into the future and confirms the framework within which the Parties will function and provide planning services.

The MOU has been collaboratively developed by the MOU Working Group, a sub-group of the Niagara Area Planners. The MOU has been reviewed, refined and endorsed by the Niagara Area Planners. The MOU was also presented for discussion to the CAOs, Building Officials and Public Works group meetings during January/February 2019.

1.2 Background

In 2007, the Region, area municipalities and NPCA signed a Memorandum of Understanding (2007 MOU) for improving the planning function in Niagara. The primary function was to be a relationship management tool with a focus on the respective roles and responsibilities of the signing parties for policy planning and the review of development applications. The 2007 MOU was reviewed and revised in 2011 and again in 2014.

The 2007 MOU (as amended) succeeded in managing relationships, reducing duplication and effecting continuous improvements. However, significant changes have more recently occurred in Niagara, in terms of legislation, relationships, resources, and growth that have impacted the established roles and responsibilities.

Following discussions at Niagara Area Planners, in September 2017, reports were presented to Regional Council and the NPCA (PDS-43-2017 and CR-92-17 respectively) outlining the need to update the 2007 MOU, as amended, as well as the 2008 Protocol for Plan Review and Technical Clearance between the Niagara Peninsula Conservation Authority and Niagara Region (2008 Protocol).¹

A priority was established for updating the 2008 Protocol due to new directions within the NPCA that required the NPCA and Regional roles to be realigned. This work was undertaken in Fall 2017. The revised Protocol was approved by Regional Council and the NPCA in January 2018 and came into effect upon these approvals.

The 2018 Protocol shifted responsibility for reviewing policy and development applications and providing technical clearance services ensuring compliance with the Regional Official Plan and Provincial legislation to the Region. In addition, the Region also took on responsibility for stormwater management review. A full description of the Region and NPCA's roles and responsibilities are detailed in the 2018 Protocol, which is attached to this MOU as Appendix III, and is to be read in conjunction with the MOU. Following the approval and implementation of the 2018 Protocol, work commenced to update the MOU.

1.3 Goal

The MOU established a goal of having “an integrated and seamless planning system that is embraced and easily understood by Councils, the public, applicants and staff that encourages participation in policy development and application processing.” This goal continues to have relevance; however, it does not address all of the principles of the ideal planning system. To assist the Parties in managing growth and change while protecting the natural environment, agricultural land base and cultural heritage, the goal of this MOU is having:

A Niagara region planning system that is:

- Integrated
- Efficient
- Collaborative

¹ The 2008 Protocol consolidated planning services with respect to the natural environment.

- Proactive
- Solution focused
- Consistent
- Predictable
- Easily understood
- Transparent, and
- Responsive.

1.4 Objectives

This MOU seeks to achieve the following objectives:

- To clarify respective roles and responsibilities with respect to the provision of planning services;
- To deliver timely, accurate, effective and customer-focused planning services;
- To eliminate unnecessary duplication to maximize the utilization of existing resources and technical expertise and, where possible, coordinate efforts;
- To develop transparent, effective, efficient and collaborative processes for policy development;
- To pursue improvements to the planning application processes that achieve good planning, streamlining, predictability and consistency;
- To improve on communications between regional, NPCA and area planners to work together more effectively and efficiently;
- To identify an approach/process to interpret policy thereby ensuring consistency both now and in the future;
- To develop a model that demonstrates how planning services are appropriately resourced and structured;
- To hear and understand the needs and desires of the public;
- To ensure that public aspirations are considered and communicated in the planning process;
- To develop transparent, easily understood processes for community engagement;
- To monitor the performance of this MOU and service delivery;
- To encourage public participation in policy development and development review; and
- To ensure the MOU is embraced and easily understood by Councils, the public, applicants and staff.

1.5 Authority

There are several land use policy planning approvals that rightly are addressed at the Regional Municipality level – these will be retained as expressed in the MOU. However, the Council of the Regional Municipality is empowered by The Planning Act to delegate all or parts of its approval authorities to its Area Municipalities subject to such conditions as the Regional Council deems appropriate. In 1997 and 1999, Regional Council adopted by-laws delegating authority for the approval of subdivisions and consents (respectively) to the local municipal Councils.

In 1996, the Province of Ontario transferred the responsibility to review planning applications for Provincial interests to the Regional Municipality of Niagara on behalf of the Ministry of Municipal Affairs and Housing, Ministry of the Environment, Conservation and Parks, Ministry of Natural Resources and Forestry, Ministry of Tourism, Culture and Sport, and Ministry of Agriculture, Food and Rural Affairs. Matters of provincial interest are identified in the Planning Act S.2 and further defined in Provincial legislation, such as the Growth Plan for the Greater Golden Horseshoe. There is a need to clarify the roles and responsibilities of the Region and area municipalities with respect to some provincial interests, as follows:

- Growth Management: The Region allocates population and employment growth to the area municipalities. The area municipalities distribute population and employment growth within their communities.
- Water and Wastewater Services: The Region is responsible for all connections to the Region's trunks and pipes.
- Urban Design: The Region has an interest in urban design along Regional Roads.
- Natural Heritage and Water Resources: The Region has an interest in Natural Heritage and Water Resources (see Protocol).

While not a party to this MOU, the Region and area municipalities work collaboratively with the NPCA and recognize its authority. The NPCA is an autonomous corporate body established under the Conservation Authorities Act with a mandate, as set out in Section 20 of the Conservation Authorities Act, to establish and undertake programs designed to further the conservation, restoration, development and management of natural resources. NPCA comments are limited to natural environment interests as set out in legislation, regulation and/or delegated authority (as detailed in the 2018 Protocol).

1.6 Jurisdiction

This MOU applies to those lands within the Regional Municipality of Niagara. It is noted that a portion of Grimsby is under the Hamilton Conservation Authority's jurisdiction.

1.7 Definitions:

Complete Application means:

Submission of prescribed requirements under the Planning Act including all application fees, application form and application requirements determined in consultation with the Lead Agency and commenting/review Parties. In addition to the compulsory requirements, supplementary information may also be required. The requirements of a Complete Application will be determined through pre-consultation.

Interests means:

The interests of the Party as defined by its approved plans, policies, programs and delegated authorities, and as further defined within this MOU.

Lead Agency means:

The organization responsible for coordinating the processing of a development application, policy project or environmental assessments;

Lead Agency for Technical Study means:

The organization responsible for the principal review of a technical study(s) ensuring compliance and conformity with related applicable legislation.

Niagara Area Planners means:

A group representing the Parties that collaborate on matters of common interest. This group is comprised of planning and development directors or their designate.

Planning Application Review means:

The review of planning applications (including formal pre-consultation) under the *Planning Act*, the *Niagara Escarpment Planning and Development Act* and the *Environmental Assessment Act*, which may include:

1. The identification of the need for and review of related technical reports (including scoping); and/or
2. The identification of conditions of approval.

Policy Review means:

1. The review of existing or new policy documents, such as stormwater management guidelines, watershed studies, secondary plans and background studies; and/or
2. The identification of the need for and review of related technical reports.

Technical Clearance Review means:

1. The assessment of technical reports submitted by a proponent of development to determine if the reports satisfy the specified requirements; and
2. The clearing of conditions.

Part 2 - Roles and Responsibilities of the Parties

2.1 Policy and Implementation Planning

The Parties agree that successfully meeting the objectives for this MOU will require a collaborative approach to policy and implementation planning. The signatories are committed to developing Niagara and building good communities.

The parties agree to provide comments based on:

- Legislative, regulatory or delegated authority,
- Council approved policies and by-laws,
- Interests that have been identified through this MOU, pre-consultation, terms of reference, complete application requirements, and/or requisite studies.

Specific provisions related to roles and responsibilities are provided in this MOU and Table 1 - Responsibilities by Application Type, Report, Submission.

The Parties agree that a high degree of policy alignment is important in advancing an integrated and consistent planning system. In order to achieve policy alignment, the Parties agree to collaborate and include the following measures for each policy planning project and implementation of projects:

- Pre-consultation with relevant partners, prior to project start-up, identifying areas of common interest,
- Placement of appropriate representation on project steering committees;
- Agreed-to milestone meetings, consultations, and document review;
- Mutually satisfactory review protocols with shared commitment to timeliness; and
- Work collaboratively toward sharing GIS files and data.

Policy Planning

The following are the means by which Policy Planning will be conducted by the Parties for specific types of policy planning projects.

2.1.1 Regional Official Plan and Amendments (ROPAs)

Approval of the Regional Official Plan rests with the Province of Ontario. The Adoption of ROPAs rests with Regional Council. Area Municipalities provide comments based on circulation by the Region. The Niagara Peninsula Conservation Authority (NPCA) comments to Region during circulation.

2.1.2 Area Municipal Comprehensive Official Plans and Non Site-Specific LOPAs

Approval rests with Regional Council. The Area Municipality prepares the Comprehensive Official Plan, collaboratively with direct involvement of Regional Planning and NPCA *prior* to releasing a draft Official Plan for public comment. The NPCA provides comments during circulation.

2.1.3 Area Municipal Site Specific and Policy Specific Official Plan Amendments

For the purposes of this Section, 'site specific' means that the proposal:

- is single application on a single property or multiple contiguous properties under single ownership or control; and
- does not require a Regional Official Plan Amendment or Secondary Plan.

Area Municipality approves and Region provides comments during circulation stage and reviews draft Official Plan Amendment prior to adoption. The NPCA provides comments during circulation stage.

2.1.4 Secondary Plans

Approval rests with the Region, except where deemed exempt as per the Regional Official Plan. The Region will determine whether the Secondary Plan is exempt from Regional approval within the timeframe outlined in Table 2. ²

The Area Municipality prepares the Secondary Plan, collaboratively with direct involvement of Regional Planning and NPCA:

- in the development of the Terms of Reference, Scope of Work or Initiation Report
- the review of the draft Secondary Plan policies and mapping/schedules prior to release for public comment

² The MOU Group has identified a need to review and update Regional Official Plan policies with respect to local Official Plan Amendment exemptions, specifically related to Secondary Plans. This item has been included in the Niagara Area Planners' Work Program for Improvements 2019-2022 (attached as Appendix I).

The Region provides comments on the Secondary Plan within the timeframe outlined in Table 2. The NPCA provides comments during circulation.

2.1.5 Community Improvement Plans

Proponent, either Region or Area Municipality, approves the CIP. If Regional funding is provided (subject to Regional budget approvals), proponent municipality prepares the Community Improvement Plan, collaboratively with direct involvement of the Area Municipality, Regional Planning and NPCA:

- in the development of the Terms of Reference, Scope of Work or Initiation Report
- in the development committees pertaining to CIP creation

The Region will review the draft Community Improvement Plan policies and mapping/schedules prior to release for public comment. Non-proponent, Region or Area Municipality comments during circulation. Conversely, the Area Municipality will review draft Regional Community Improvement Plan policies and mapping/schedules prior to release for public comment. The NPCA provides comments during circulation.

2.1.6 Niagara Escarpment Plan Amendments

Approval rests with Province. The Region comments during circulation. The Area Municipality comments during circulation. The NPCA comments during circulation.

2.1.7 Regional Environmental Assessments

Approval rests with Province. The Region adopts. The Area Municipality comments during circulation. The NPCA comments during circulation.

2.1.8 Local Environmental Assessments

Approval rests with Province. The Area Municipality adopts. The Region comments during circulation. The NPCA comments during circulation..

2.1.9 Special Studies

The principal or lead proponent of any special study is the agency that is responsible for adopting. In the event of joint studies, all proponent agencies adopt. The relevant partners participate in the process via a collaborative framework that is established at the beginning of the study process.

Implementation Planning

The Parties agree that successfully meeting the objectives for this MOU will involve placing responsibility for implementation planning primarily with the Area Municipalities as the legislated/delegated approval authority for such activity.

The following are the means by which Implementation Planning will be conducted by the Parties for specific types of Implementation Planning activities.

2.1.10 Comprehensive Zoning By-laws

Area Municipality approves. The Area municipality prepares the Comprehensive Zoning By-law, collaboratively with direct involvement of Regional Planning and NPCA *prior* to releasing a draft Comprehensive Zoning By-law for public comment. The NPCA comments during circulation.

2.1.11 Zoning By-law Amendments

Area Municipality approves. Based on Table 1 and Section 3.3.4, Region may comment during circulation. The NPCA provides comments upon request by Area Municipality.

2.1.12 Draft Plans of Subdivision

Area Municipality approves. Based on Table 1 and Section 3.3.4, Region comments during circulation of new Draft Plans. The NPCA provides comments upon request by Area Municipality.

2.1.13 Plans of Condominium

Area Municipality approves. The Region comments during circulation, for vacant land condominiums and for conversions of rental housing to condominiums, based on Table 1 and Section 3.3.4. The NPCA provides comments upon request by Area Municipality.

2.1.14 Consents

Area Municipality approves. Based on Table 1 and Section 3.3.4, Region may comment during circulation. The NPCA provides comments upon request by Area Municipality.

2.1.15 Minor Variances

Area Municipality approves. Based on Table 1 and Section 3.3.4, Region may comment during circulation. The NPCA provides comments upon request by Area Municipality.

2.1.16 Site Plan Control

Area Municipality approves. Based on Table 1 and Section 3.3.4, Region may comment during circulation. The NPCA provides comments upon request by Area Municipality.

2.1.17 Niagara Escarpment Development

Region provides comments, upon circulation. The Area Municipality provides comments, upon circulation. The NPCA provides comments, upon circulation.

2.2 Roles and Responsibilities with Respect to Environmental Features

2.2.1 This MOU gives overall direction for the coordinated review of development applications, policy planning and environmental assessments. For purposes of clarity with respect to environmental features, the NPCA reviews development applications, policy and environmental assessments, in accordance with the Conservation Ontario MOU with the Province to ensure consistency with Conservation Authority Regulation, NPCA Board adopted Policies and Section 3.1. Natural Hazards of the Provincial Policy Statement (except Section 3.1.8). This may include providing comments directly to MMAH as part of the provincial one window process. Through the approved 2018 Protocol the NPCA agreed to copy the Region and area municipality on all correspondence.

2.2.2 The approved 2018 Protocol identifies the roles and responsibilities of the Region and NPCA in Ontario's Land Use Planning System with respect to environmental matters. The 2018 Protocol (as may be amended) is to be read concurrent with this MOU.

2.2.3 The Region agrees to prepare and maintain, with the assistance of the NPCA and Area Municipalities, a Natural Environment Information Map for the lands within its jurisdiction.³ This map shall define the Region, Area Municipalities and NPCA geographic areas of interest in the Natural Environment including the following features and required buffers:

- All streams and watercourses;
- Environmental designations and Policies in the Regional Official Plan
- Lake Ontario and Lake Erie Shoreline;
- Regulated Areas under Section 28 of the Conservation Authorities Act; and
- Mapping of Natural Heritage Features and Areas as defined by the Provincial Policy Statement, Greenbelt Plan, and any other Provincial Policy Document.

³ This statement recognizes that a portion of Grimsby is under Hamilton Conservation Authority jurisdiction with respect to natural hazards.

Part 3 – Development Application Review Processes

3.1 General

The Parties agree that the timely, efficient and predictable review of development applications is paramount to encouraging well planned, affordable development in the region. Part 3 – Development Application Review Processes identifies segments of the development review process that benefit from clarification and agreement.

3.2 Preliminary Review

A preliminary review occurs prior to Pre-consultation. Its purpose is to gather information and is typically part of a developer's due diligence. Preliminary discussions about a potential development application benefit the applicant by supplying early information about the land, process and possible issues. An important part of a preliminary review is providing direction on the Pre-Consultation Process. In particular, the applicant needs to understand what information is required by the parties prior to pre-consultation and any fees.

3.3 Pre-Consultation

Pre-consultation is a requirement for most Planning Act Applications. It requires specific actions by the applicant and each of the Parties with an *interest* in the development. After pre-consultation the applicant should have a clear understanding of the documentation required to submit a Complete Application (Section 3.4) as well as preliminary comments regarding whether the proposal will be supported by the Region and the Area Municipalities

3.3.1 Required Information⁴

Prior to scheduling a pre-consultation meeting, the Lead Agency will determine which Parties should attend the meeting and require specific information from the applicant to provide to the attending Parties in order that the Parties may complete an initial review. The required information will vary depending on the type of application, but generally includes:

- A completed Pre-consultation Request Form, including permission to enter property,
- The required fee (if applicable),
- Preliminary Plans showing the following:
 - Location of existing and proposed land uses, buildings and structures;

⁴ The MOU Group has identified an issue with respect to the consistency in the information circulated for preparation of a pre-consultation meeting. The lack of information diminishes the benefits of pre-consultation. Standardization of forms and required information would help in this regard. This item has been included in the Niagara Area Planners' Work Program for Improvements 2019-2022 (attached as Appendix I).

- Location of significant features on the site and adjacent to the site (i.e. wetlands, hazard lands, watercourses, woodlands, wells, septic tanks, etc.);
- Existing and proposed lot fabric (as appropriate); and
- Proposed development concept, including setbacks from lot lines and significant features.

3.3.2 Circulation/Timelines

Refer to Table 2 for circulation/timelines. If the circulated information is incomplete and/or the timeline is not met, the commenting agencies may request in writing the rescheduling of the pre-consultation meeting to offer better service and outline of study requirements.

Commenting agencies may conduct site visits prior to the date of the pre-consultation meeting, where time permits, to inform discussion at the meeting regarding the scoping of required studies.

3.3.3 Required Studies and Scoping of Studies⁵

The Terms of Reference, or the minimum requirements for each of the required studies will be discussed during the pre-consultation process. The objectives and parameters of the studies will be agreed to prior to them being undertaken in accordance with the Local and Regional Official Plans as well as accompanying guidelines.

The following is agreed to with respect to requesting and scoping studies:

- When determining the need for a study or plan, the Party requiring the study shall scope the study by identifying the specific necessary information. In addition, the Party requesting the study may offer to review the Terms of Reference.
- When more than one Party requests the same study, it is essential that a collaborative approach for scoping and Terms of Reference review occurs to ensure that all matters are addressed, and the applicant understands the requirements.
- For clarity, the NPCA has a role in scoping Environment Impact Studies (EIS) and reviewing the Terms of Reference for EIS and similar reports where natural hazards (as defined in the 2018 Protocol) and NPCA Regulation/Policy are required to be addressed.
- In the event that one or more studies have been undertaken prior to pre-consultation, the Parties retain the right to require revisions to ensure that the studies are completed in accordance with requirements.

⁵ The MOU Group has identified the need for standardized Terms of Reference for required studies. Standardization would help in scoping studies as well as ensure consistency. This need has been included on the Niagara Area Planners' Work Program for Improvements 2019-2022 (see Appendix I).

- All required studies shall be prepared and signed by a qualified professional.
- The Province has downloaded the responsibility to determine the need for an Archeological Study to the Region. Where an approved Archeological Master Plan has been incorporated into a Local Official Plan, this responsibility, as well as any related clearance of condition(s), will fall to the Lead Agency.

3.3.4 Exemption from Application Review by the Region⁶

All development applications are circulated to the Region for review, except where the Region has determined through pre-consultation that the development proposal is exempt from further circulation and review. Examples include, but are not limited to:

1. Zoning By-law Amendment applications for “Agricultural Purposes Only” required as a condition of consent
2. Zoning By-law Amendment, Consent, Minor Variance and Site Plan applications where:
 - The application is not situated on a Regional road, easement or facility, or as determined at the pre-consultation meeting,
 - The Region has indicated during the pre-consultation process that there are no Provincial or Regional interests, and
 - The application received by the area municipality is the same as reviewed at pre-consultation.
3. Zoning By-law Amendment applications as a condition of consent, where Provincial and Regional interests have been dealt with through the consent application.
4. Draft Plans of Condominium, Site Plan and Part Lot Control applications where:
 - Provincial and Regional interests have been dealt with through a previous or concurrent development review process, provided no changes have been made to the application which effects Provincial or Regional interests

3.3.5 Fees

Each of the parties to the pre-consultation shall identify the fees required for application review, including the identification of additional costs should a peer review of a technical study be required.

⁶ The MOU Group has identified the need for a standardized letter to be provided at a pre-consultation meeting that acknowledges the potential for exemption from further review on the part of a Party. This need has been included on the Niagara Area Planners’ Work Program for Improvements 2019-2022 (see Appendix I).

The Parties agree not to charge each other fees for applications processed under the Planning Act.

3.3.6 Incentives

Each of the Parties to the pre-Consultation will endeavor to identify financial incentive programs, if any, that the project may be eligible for. Incentives available from either the Region or Area Municipality are subject to both program changes and budget approvals. As such, incentives identified at pre-Consultation may not be available at time of construction.

3.4 Complete Applications

3.4.1 Submission Requirements⁷

The requirements of a Complete Application are determined during pre-consultation and provided in writing to the applicant by the Lead Agency in consultation with the commenting agencies.

The Lead Agency will review the application submission to ensure all required materials (forms, fees, plans, studies, etc.), as requested by all commenting agencies, are provided, and deem the application complete or not.

3.4.2 Circulation and Development Application Review Timelines

The Planning Act and related Regulations identify statutory timelines for the review of Complete Applications by the Lead Agency. In order to ensure the statutory timelines are met, the Parties agree that the commenting agencies, as identified in Table 1 – Responsibilities by Application Type, Report, Submission, shall use best efforts to complete the review of all applications in accordance with the timelines identified in Table 2 – Non-statutory Development Application Review Timelines.

⁷ In addition to the information prescribed in *Planning Act Regulations*, the *Planning Act* also provides that the applicant may also be required to provide additional information provided the Municipality's Official Plan contains a provision related to the requirements. All of these requirements are identified during the pre-consultation process.

3.5 Application Review and Commenting

3.5.1 The Parties agree, where possible, to streamline commenting methods by using standardized wording in emails, forms, letters, conditions of approval etc.

3.5.2 When a concern and/or condition of approval is not supported by the Lead Agency, the Lead Agency shall inform the commenting agency and initiate discussions to resolve the issue.

In the case of multiple applications for the same land, the Lead Agency shall use the greater of the timelines.

Revisions to applications during the review process may result in the review period being extended depending on the complexity of the revisions and the need for revised studies.

When new issues arise from the analysis of studies during application review which results in the need for additional information or study, addendums to the study may be required and additional review time may be required to review any addendums.

3.6 Other

3.6.1 Extensions of Draft Plan Approval

The Parties agree that the request for an extension to a draft approved Plan of Subdivision or Condominium be received, with the required review fee, and circulated for comment by the Area Municipality, not the applicant.⁸

3.6.2 Modifications to Conditions of Draft Plan Approval

The Parties agree that the request for a modification to a draft approved Plan of Subdivision or Condominium be received, with the required review fee, and circulated for comment by the Area Municipality, not the applicant.

3.6.3 Clearance of Conditions of Draft Plan Approval

The Parties agree that the request for formal clearance of conditions of Draft Plan of Subdivision or Condominium be received and circulated by the Area Municipality, not the applicant. The Area Municipality is also responsible for circulating a copy of the draft agreement. The applicant's submissions shall include the following:

⁸ The MOU Group has identified the possibility of exemption for a request for extension to a draft approved Plan of Subdivision or Condominium by the Region and NPCA. This idea has been included on the Niagara Area Planners' Work Program for Improvements 2019-2022 (see Appendix I).

- the required review fee
- a letter from the applicant which outlines how each Regional condition has been met, accompanied by the necessary supporting documents⁹

3.6.4 Support Services

The Region may offer support services to the Area Municipalities on a fee for service basis. These services are identified in Appendix II – Support Services - Niagara Region, and may be modified on the advisement of the Region without amendment to this MOU.

3.6.5 Applications for New or Expanded Mineral Aggregate Operations

For applications for new or expanded mineral aggregate operations a Joint Agency Review Team (JART) process will be considered. The JART is a streamlined process that allows for the coordination of applications and sharing of resources and expertise, while maintaining independent decision-making authority.

⁹ The Region will continue to review submissions related to individual conditions prior to receiving the formal request for clearance

Part 4 - Managing Relationships with Other Governments on Planning Matters

4.1 Provincial Interest

When a planning matter arises in terms of Provincial interest and the administration of same, area municipalities will channel their concerns through the Regional Municipality with the expectation that the Regional Municipality will facilitate/coordinate an understanding between Provincial authorities and local interests.

4.2 Federal Interest

When a planning matter arises in terms of Federal interest and the administration of same, area municipalities will channel their concerns through the Regional Municipality with the expectation that the Regional Municipality will facilitate/coordinate an understanding between Federal authorities and local interests.

4.3 Other Governments

When significant planning matters arise from the efforts and activities of neighbouring municipalities, such as the City of Hamilton and the County of Haldimand in Ontario and Erie and Niagara Counties in Western New York, the signatories will present a unified and singular position with coordination being provided by the Region.

Part 5 - Continuous Improvement Efforts

5.1 Working Groups

As part of this MOU, the Parties have committed to undertaking continuous improvement efforts and agree that the Niagara Area Planners establish a working team or teams to determine and implement, as feasible, best practices in policy planning and development application review.

5.2 Work Program for Improvements

As a result of the Development Industry Round Table meeting, MOU Group discussions and other consultations, several areas for improvement were identified. The MOU has been revised to address many of those improvements. Suggested improvements which require research, analysis or amendments to policy prior to implementation have been included in Appendix I - Niagara Area Planners' Work Program for Improvements 2019-2022.

5.3 Training Opportunities

The Parties agree to assess opportunities to jointly/collaboratively train staff on matters pertaining to improving service efficiencies. The Parties agree to assess opportunities to jointly/collaboratively educate staff on related and pertinent topics, such as changing legislation. Where feasible, education/training will be offered to members of the development industry and consultants to develop common understandings planning matters.

Interested parties may explore opportunities related to cross-training Staff through secondment and job-shadowing, in addition to sharing of resources.

Part 6 - MOU Terms and Implementation

6.1 Duration and Review

This MOU shall remain in effect until such time as replaced by an updated MOU (if any). A mandatory review shall occur a minimum of every 5 years to:

- reflect any changing policies or programs at the provincial, watershed, or regional level, and
- assess its effectiveness, relevance and appropriateness with respect to the affected parties.

The mandatory review shall be coordinated by the Region, undertaken by the MOU technical review team and overseen by the Niagara Area Planners.

The MOU may be reviewed at any time before the mandatory review if there are matters that need to be addressed. Based on a review by the MOU technical review team, changes considered minor in nature may not require Regional or local Council approvals. This MOU will be reviewed and amended concurrent with the new Regional Official Plan.

The Appendices are intended to be independent of the MOU and may be reviewed and amended, as necessary.

6.2 Overlapping Mandate

There will be occasions when the responsibilities of the Parties overlap. On those occasions, the Parties shall work together to provide consistent and sound comments. This will be accomplished by maintaining open dialogue and a good working relationship.

6.3 Conflict

Where there is conflict between new (changing) legislation and this MOU, new legislation will take precedence.

Where there is a conflict between an Official Plan, the NPCA Regulation and/or Board adopted policies, the Regulation shall take precedence.

Where there are conflicts, Regional, NPCA and local municipal staff will work together to resolve the issue. If all efforts fail to resolve a policy conflict, a decision will be made by the approval authority, as per Table 1.

6.4 Information Sharing / Open Data

Any information or data sources generated by the Province, NPCA or Region, or generated through municipal or watershed studies will be shared, where possible.

6.5 Fees

Fees for pre-consultation, planning review and technical clearance services will be set independently by the Parties.

All development application fees will be collected by the Area municipalities and remitted to the Region and NPCA upon circulation of a complete application, except for Regional Official Plan amendment applications.

The Region and Municipality will collect the NPCA fee for applications to amend the Region's Official Plan and remit any fees collected upon circulation of the application to the NPCA.

The NPCA will be responsible for collecting any further processing, approvals and/or Final Clearance Fees, if required.

The NPCA and Region will provide the area municipalities with an approved schedule of fees and updates.

6.6 Effective Date

This MOU will take effect on the last date signed by the Parties to this MOU.

Part 7 - Tables

Table 1 - Responsibilities by Application Type, Report, Submission

Application Type	Lead Agency	Commenting Agencies	Responsibility for Final Approval	Mandated Approval Authority
Application Type				
Regional Official Plan and updating Amendments (under Sect. 26 Planning Act)	Region	Local NPCA Province	MMAH	Planning Act S. 17 and s. 26
Regional Official Plan Amendments (other than above)	Region	Local NPCA Province	Region	Planning Act S.22
Local Official Plan, updating Amendments to Local Official Plans, Secondary Plans and other non-exempt Local Official Plan Amendments ¹⁰	Local	Region NPCA	Region	Planning Act, Regional Official Plan
Exempt Local Official Plan Amendments and Secondary Plans ¹¹	Local	Region NPCA	Local	O.Reg 699/98, Planning Act, Regional Official Plan
Zoning By-Law/Amendments	Local	Region NPCA	Local	Planning Act S. 34
Minor Variance/Permissions	Local	Region NPCA	Local	Planning Act S. 45
Draft Plans of Subdivision	Local	Region NPCA	Local	Planning Act S.51 and Regional By-laws ¹²
Draft Plan of Condominium	Local	Region NPCA	Local	Planning Act S. 51 and Regional By-laws ¹³
Consent/Boundary Adjustments	Local	Region NPCA	Local	Planning Act S. 53 and Regional By-laws ¹⁴

¹⁰ Regional Official Plan Policies 14.E.7 and 14.E.8 identify criteria under which approval of Local Official Plan Amendments may be delegated to the local Council for approval.

¹¹ Regional Official Plan Policies 14.E.7 and 14.E.8 identify criteria under which approval of Local Official Plan Amendments may be delegated to the local Council for approval. Ontario Regulation 699/98 and Regional By-laws 129-2001 and 43-2001.

¹² Delegation Authority By-laws 8620-97, 8763-97, 8760-97, 8819-97, 8764-97, 8793-97, 8792-97, 8807-97, 8761-97, 8884-97, 8619-97, 8762-97.

¹³ Delegation Authority By-laws 8620-97, 8763-97, 8760-97, 8819-97, 8764-97, 8793-97, 8792-97, 8807-97, 8761-97, 8884-97, 8619-97, 8762-97

¹⁴ Delegation Authority By-laws 179-1999, 180-1999, 181-199, 182-1999, 183-1999, 184-1999, 185-1999, 186-1999, 187-1999, 188-1999, 188-1999, 124-1999.

Application Type	Lead Agency	Commenting Agencies	Responsibility for Final Approval	Mandated Approval Authority
Part Lot Control	Local	Region NPCA	Local	Planning Act S. 50 and Reg. By-laws ¹⁵
Site Plan	Local	Region, NPCA	Local	Planning Act S. 41
NEC Applications: Amendments and Permits ¹⁶	NEC	Local, Region NPCA	NEC	Niagara Escarpment and Development Act
Aggregate License	MNRF Region	Local, Region NPCA	MNRF	Aggregate Resources Act S.11
Environmental Assessments	Local/Region /Province	Local, Region NPCA	Local/ Region/ Province	Environmental Assessment Act
Reports / Submissions		Commenting Agencies	Prepared to the Satisfaction of:	Mandated Approval Authority
<i>EIS in a NPCA Regulated Area</i>		Region Local	NPCA	O. Reg. 155/06, PPS, Regional Official Plan
<i>EIS outside Settlement Area¹⁷</i>		NPCA Local	Region	Regional Official Plan
<i>EIS inside Settlement Area^{18,19}</i>		NPCA Region	Local	Regional Official Plan
Watershed Studies		Region	Local NPCA	Region
Sub-Watershed Studies		Local	Region NPCA	Local
Technical Reports for Natural Hazard Identification		Local Region	NPCA	PPS, Conservation Act S. 28
Regional Master Servicing Plans		Local NPCA	Region	Regional Official Plan
Regional Stormwater Master Plan/Guidelines		Local NPCA	Region	Regional Official Plan
Regional Transportation Plans		Local NPCA	Region	Regional Official Plan
Local Master Servicing Plans		Region NPCA	Local	Planning Act, Local Official Plan
Local Stormwater Master Plan/Guidelines		Region NPCA	Local	Planning Act, Local Official Plan

¹⁵ Delegation Authority By-laws 8620-97, 8763-97, 8760-97, 8819-97, 8764-97, 8793-97, 8792-97, 8807-97, 8761-97, 8884-97, 8619-97, 8762-97.

¹⁶ The Niagara Escarpment Commission is not a party to this MOU.

¹⁷ Notwithstanding the EIS is outside the Settlement Area, if the EIS includes a NPCA Regulated Area, the NPCA shall be the Lead and responsible for Final Approval of the EIS for the regulated features.

¹⁸ Notwithstanding the EIS is within the Settlement Area, if the EIS includes a NPCA Regulated Area, the NPCA shall be the Lead and responsible for Final Approval of the EIS for the regulated features.

¹⁹ Where an area municipality does not have in-house expertise to review an EIS, the area municipality may require a peer review.

Application Type	Lead Agency	Commenting Agencies	Responsibility for Final Approval	Mandated Approval Authority
Local Transportation Plans		Region NPCA	Local	Planning Act, Local Official Plan

Table 2 - Non-Statutory Development Application Review Timelines

Application Type	Pre-Consultation	Target for Comments After Circulation of a Complete Application
Site specific Regional Official Plan Amendment	Commenting agencies to receive required information/plans a min. of 7 calendar days prior to pre-consultation.	Parties to provide comments within 20 calendar days
Secondary Plan (Local Official Plan Amendment)	Same as above	For draft Secondary Plans policies and mapping/schedules, within 30 - 45 calendar days the Region shall: a) indicate whether or not the Secondary Plan is exempt from Regional approval; and b) provide comments
Other Comprehensive Local Official Plan Amendment	Same as above	As determined in consultation with the area municipality
Site specific Local Official Plan Amendment	Same as above	Parties to provide comments within 20 calendar days
Comprehensive zoning by-law	Same as above	Parties to provide comments within 30 - 45 calendar days
Site specific zoning by-law amendment (including Holding Provision)	Same as above	Parties to provide comments within 20 calendar days
Draft plans of subdivision or condominium	Same as above	Parties to provide comments within 30 - 45 calendar days
Modifications to Draft Approved Subdivision and Condominium	Same as above	Parties to provide comments within 30 - 45 calendar days
Consent	Same as above	Parties to provide comments within 10 calendar days in urban areas and within 14 calendar days in rural areas (on private services).
Minor Variance	Same as above	Parties to provide comments within 10 calendar days.
Site Plan	Same as above	Parties to provide comments within 20 calendar days

Application Type	Pre-Consultation	Target for Comments After Circulation of a Complete Application
Extension of draft Approval	N/A	Parties to provide comments within 10 calendar days
Clearance of Conditions	N/A	Parties to provide comments within 15 calendar days
Niagara Escarpment Development Permit	N/A	Parties to provide comments within 30 calendar days
Niagara Escarpment Plan Amendment	N/A	Parties to provide comments within 60 calendar days

Notes for Table 2

1. To convene a pre-consultation meeting, the lead agency must have enough information from the applicant for the parties to complete an initial analysis and provide advice, including but not limited to advice on requirements for a Complete Application.
2. All due dates are from the time of receipt by the commenting parties and are for applications deemed complete as determined by the parties as part of pre-consultation.
3. Studies that require peer review may require an additional 30-60 day review period.
4. Revisions to Plans of Subdivision or Condominium during the review process may result in the review period being extended depending on the complexity of the revisions and the need for revised studies.
5. When new issues arise from the analysis of studies or required consultation during application review which results in the need for additional information or study, additional review time may be required.

Part 8 - Endorsement and Signature Pages

Regional Municipality of Niagara

Date of Regional Council endorsement: _____

CAO Signature: _____

Town of Fort Erie

Date of Town Council endorsement: _____

CAO Signature: _____

Town of Grimsby

Date of Town Council endorsement: _____

CAO Signature: _____

Town of Lincoln

Date of Town Council endorsement: _____

CAO Signature: _____

City of Niagara Falls

Date of City Council endorsement: _____

CAO Signature: _____

Town of Niagara-on-the-Lake

Date of Town Council endorsement: _____

CAO Signature: _____

Town of Pelham

Date of Town Council endorsement: _____

CAO Signature: _____

City of Port Colborne

Date of City Council endorsement: _____

CAO Signature: _____

City of St. Catharines

Date of City Council endorsement:

CAO Signature:

City of Thorold

Date of City Council endorsement:

CAO Signature:

Township of Wainfleet

Date of Township Council endorsement:

CAO Signature:

City of Welland

Date of City Council endorsement:

CAO Signature:

Township of West Lincoln

Date of Township Council endorsement:

CAO Signature:

Part 9 – Appendices

Appendix I - Niagara Area Planners' Work Program 2019-2022

1. Review the issues related to the package of information circulated for preparation of a pre-consultation meeting, as this impacts the ability to prepare and provide comprehensive information to the applicant and others. It is expected that an update to the standard forms (e.g. Pre-consultation Request Form) and required information would help in this regard.
2. Prepare standardized terms of reference for studies (for example: planning justification, noise, air quality, etc.). Standardization would aid in the scoping of studies, as well as, ensure consistency.
3. In addition to the standardized checklist, prepare a standardized letter to be provided at a pre-consultation meeting that acknowledges the potential for exemption from further regional review.
4. Review the possibility of regional exemption for an extension request for a draft approved Plan of Subdivision or Condominium.
5. Prepare standardized guidelines or terms of reference for the preparation of Secondary Plans to ensure Secondary Plans across the region are comprehensive, consistent and timely.
6. Investigate the implementation of a portal where an application can be tracked in order that a developer/consultant can understand the rate of movement.
7. Hold education programs, in consultation with the development industry, on topics including, but not limited to:
 - “The Business of Development – Understanding Development Performa”,
 - Customer Service related to Development (“Race to Register”).
8. Review the issues identified by the Development Industry related to securities, including but not limited to standardization and release of securities.
9. Formulate a collaborative multiyear policy planning program for Niagara that addresses:
 - Conformity of the Regional Official Plan to Provincial plans and policies;
 - Conformity of Local Official Plans to the Regional Official Plan;
 - Timely update of Comprehensive Zoning By-laws to conform to Local Official Plans;

- Harmonization of Regional and Local Official Plan policies and Conservation Authority regulations and policies, where possible; and
 - Alignment of guidelines and protocol between the Parties, such as guidelines that set out requirements for preparation of a Secondary Plan; and
10. Continued efforts to streamline the development review process, as it relates to Provincial, NPCA and regional/local interests.
11. Modifications to Regional Official Plan policies 14.E.6, 14.E.7, 14.E.8, 14.E.9 with respect to exemption policies (e.g., Secondary Plans).

Appendix II

Support Services - Niagara Region

From time to time, the area municipalities may require support. The Region may provide support services to the MOU parties on a fee for service basis in the following areas:

Urban Design

EIS Review

Noise Study Review

Appendix III

Protocol for Planning Services Between the Regional Municipality of Niagara and the Niagara Peninsula conservation Authority, approved January 2018

Council-in-Committee - 06 May 2019 Meeting Minutes

municipally known as 485 Gloria Road, Lot 19, Plan 497, Bertie; Fort Erie as a Limited Marketability parcel to the Applicant, Linda Reid for \$4,000.00 being less than the appraised value of the land, and further

That: Council approves the sale of Town-owned land municipally known as 485 Gloria Road, Lot 19, Plan 497, Bertie; Fort Erie as a Limited Marketability parcel to the Applicant, Linda Reid for \$7,500.00. **(Carried)**

PDS-29-2019 Memorandum of Understanding for Planning Function and Services Between Niagara Region and Local Area Municipalities

Recommendation No. 5
Moved by: Mayor Redekop

That: Council endorses the updated Memorandum of Understanding for Planning Function and Services between the Regional Municipality of Niagara and Local Area Municipalities dated March 2019, and further

That: Council authorizes the Chief Administrative Officer to sign the updated Memorandum of Understanding for the Planning Function and Services on behalf of the Town of Fort Erie. **(Carried)**

8.3 New Business/Enquiries

(a) Councillor Dubanow

Councillor Dubanow enquired of Mr. Brady, if he could fill Council in on properties located in Garrison Village on Jordyn Drive, the north side of Jasmine Court, Canada Drive and Nancy Road, that currently have Environmental Conservation Overlay (EC Overlay) applied to them. It was his understanding, during the shipping container presentation, that anytime an EC Overlay is applied to a property, that nothing can be done to that property until the Environmental Advisory Committee has given clearance, so that something as simple as someone putting up a fence or shed that would not require a building permit, these property owners would be in violation of the Town by-law. He asked Mr. Brady to explain why these properties have an EC Overlay, if it's appropriate, and what are the next steps to deal with this if the EC Overlay is not appropriate.

Ms. Shanks presented Report P.A. 19-14 which outlines options for a review of parking needs on the west end waterfront trail, park and the Downtown area. For the Downtown, the Committee recognized given the considerable cost that would be associated with a full study, staff should be directed to proceed with a scoped study. Committee members expressed concerns about the current lack of parking on the waterfront area. It was recognized that Council needed to do an analysis of recreational features for the waterfront area.

PD-19-21

Moved by Member K. Agnew; Seconded by Councillor K. Ritchie;

Resolved that, Report P.A. 19-14 regarding a review of the parking needs of both the West End Waterfront Trail, Park and the Downtown Area be received;

And that, a study of the parking needs of the West End Waterfront Trail be referred to Parks and Recreation to develop a strategy and next steps in consultation with Planning and the Public Works Department and a report be brought back to Committee; And that, staff be directed to further explore the completion of a scoped review of the parking needs in the Downtown Area, and bring a report including terms of reference forward for consideration by the Planning & Development Committee, regarding the outcome of this review for further direction.

CARRIED

- f) P.A. 19-11: Proposed Update to the Memorandum of Understanding (MOU) for Planning Function and Services between the Town and Niagara Region

Ms. Shanks presented the proposed update to the Memorandum of Understanding between the Town and the Region of Niagara.

PD-19-22

Moved by Councillor J. Warner; Seconded by Councillor L. Vardy;
Resolved that Report P.A. 19-11, regarding the proposed update to the Memorandum of Understanding (MOU) be received and the update MOU document be endorsed.

CARRIED

g) P.A. 19-15 - Bill 108: More Homes, More Choices Act

Ms. Shanks updated the Committee on Bill 108. Proposed amendments include changes to LPAT, changes to community benefits, parkland dedication, decision timelines and the Ontario Heritage Act.

PD-19-23

Moved by Member J. Warner; Seconded by Councillor L. Vardy;
Resolved that, Report P.A. 19-15 regarding the proposed Bill 108, the More Homes, More Choices Act, be received;
And that, staff be directed to prepare comments on behalf of the Town requesting that the Province retain a municipality's ability to recoup parkland at a rate similar to current alternative rates of one hectare per 300 dwelling units.

CARRIED

h) P.A. 19-16 - Request for Application Fee Refund - 4 Windward Drive

Mr. Basic noted that the applicant has significantly revised their proposal and will now have to submit new applications. They are withdrawing their original application and have requested a refund of the original fees.

PD-19-24

Moved by Member E. Stubbing; Seconded by Councillor D. Sharpe;
Resolved that, Report P.A. 19-16, regarding a request on behalf of TRG Casablanca Inc., for the refund of Official Plan and Zoning By-law

3. That all parties be advised of Council's decision on the Draft Plan of Condominium application in accordance with Provincial Regulations. (Note: Appeal period is twenty days from notice of decision);
4. The Director of Planning and Development be authorized to endorse the Draft Plan as 'approved' twenty days after notice of Council's decision has been given, provided that no appeals against the decision have been lodged; and
5. That the applicant be advised that draft approval of this plan will lapse three years from the date of draft approval unless Town Council grants an extension of the approval period. If an extension is requested, an updated review and revisions to the conditions of draft approval may be necessary at that time.

Council Enact and Pass Zoning By-law XX attached as Appendix B of Planning and Development Department Report PD-50-19 to amend the zoning regulations for lands at 2797 Red Maple Avenue in Jordan Station.

Council Deem that Zoning By-law XX conforms to the Official Plan for the Town of Lincoln.

CARRIED

CONFIDENTIAL ITEMS

At this point in the meeting, the following motions were introduced:

Motion No. PED-2019-55

Moved by Councillor A. Russell

Under section 239 of the Municipal Act, notice is hereby given,

THAT Committee adjourn to closed session in order to address: item 8.2 on the agenda regarding Personal matters about an identifiable individual, including municipal or local board employees as it pertains to PD-47-19, Animal Care and Control Assigned Contractor Selection.

RESUMPTION IN OPEN SESSION

Motion No. PED-2019-56

Moved by Councillor L. Timmers

THAT Committee resume in open session.

CARRIED

Consideration of items in closed session concluded with the provision of the following motion in open session.

Motion No. PED-2019-57

Moved by Councillor L. Timmers

That the matter of the animal care and control assigned contractor selection be deferred to the next meeting of Committee.

~~Approve the Town entering into a contract with the Niagara SPCA & Humane Society as the Animal Care and Control Assigned Contractor.~~

DEFERRED

PD-46-19. REGIONAL AND LOCAL PLANNING SERVICES MOU.

In response to questions from Mayor Easton, Director of Planning and Development spoke to staff involvement prior to the pre-consultation process, opportunities for

continuous training sessions with staff and reviewing pre-consultation best practices with the Region and other municipalities.

Members reviewed Report PD-46-19. The following motion resulted:

Motion No. PED-2019-58

Moved by Mayor S. Easton

Council Receive this report for information; and

Council support the updated Regional and Local Planning Services MOU.

CARRIED

At this time a verbal motion was made to reconsider item 6.1. Chair MacPherson announced that by majority vote the item would be reconsidered.

Members of Committee commented with respect to the availability of the presentation prior to the meeting, intentions to request a staff report, clarification of the requests made of staff, and requested that staff make a judgement on the viability of the Town's involvement and feasibility.

Members concluded deliberations with the following amended motion:

Motion No. PED-2019-59

Moved by J.D. Pachereva

That Committee receive the Twenty Valley Tourism Association Update and 2019-2020 Marketing Plan and that Committee direct staff to review the presentation made by Twenty Valley Tourism Association and bring a detailed recommendation report based on the questions and comments made by Committee Members and the viability of the Town entering into any future agreement. (AMENDED)

~~That Council receive the presentation from the Twenty Valley Tourism Association as information;~~

~~That Council approve the formalized details of the spend of monies as presented by the Twenty Valley Tourism Association.~~

CARRIED (AS AMENDED)

STAFF REMARKS

None.

COMMITTEE REMARKS

None.

ADJOURNMENT

There being no further business to discuss, the Chair declared the meeting adjourned at 11:29 p.m.



CHAIR: PAUL MACPHERSON



CLERK: TRISH SARNICKI

2019 Final Due Dates for the Residential, Pipeline, Farmland and Managed Forest Assessment Classes.

PBD-2019-34**Memorandum of Understanding for Planning Function and Services between the Niagara Region and Local Area Municipalities**

The report recommends that Council endorse the Memorandum of Understanding and authorize the CAO to sign on behalf of the Corporation.

TS-2019-15**Crosswalk Policy**

The report recommends that the attached crosswalk policy be approved.

PBD-2019-33**Exemption Request to 2-Year Waiting Period for Minor Variance
8974 Willoughby Drive and Lands to the South
Legends Phase 1 and 2 Plans of Vacant Land Condominium
Owner: Silvergate Homes Limited
Agent: Jennifer Vida, Upper Canada Consulting**

The report recommends that subject to subsection 45(1.4) of the *Planning Act*, 1990 R.S.O., Council consider passing the resolution on tonight's agenda to grant an exemption to the 2-year waiting period for minor variances and thereby allow Silvergate Homes Limited to file an application to the City's Committee of Adjustment for the Legends Phases 1 and 2 Plans of Vacant Land Condominium.

ORDERED on the motion of Councillor Vince Kerrio, Seconded by Councillor Chris Dabrowski that the reports are approved as recommended.

Carried Unanimously (Councillor Ioannoni was absent from the vote)

9 RESOLUTIONS

- a) **PBD-2019-33**
Exemption Request to 2-Year Waiting Period for Minor Variance
8974 Willoughby Drive and Lands to the South
Legends Phase 1 and 2 Plans of Vacant Land Condominium
Owner: Silvergate Homes Limited

**Department of Corporate Services**

1593 Four Mile Creek Road

P.O. Box 100, Virgil, ON L0S 1T0

905-468-3266 • Fax: 905-468-2959

www.notl.org

November 13, 2019

SENT ELECTRONICALLY

Regional Municipality of Niagara
1815 Sir Issac Brock Way, PO Box 1042
Thorold ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

**Re: Memorandum of Understanding for Planning Function and Services between
Niagara Region and Local Area Municipalities**

Please be advised at its regular meeting on October 21, 2019 the Council of the Town of Niagara-on-the-Lake approved Report CDS-19-031 - Memorandum of Understanding for Planning Function and Services between Niagara Region and Local Area Municipalities. The report included the following recommendations:

- 1.1 *Council endorse the updated Memorandum of Understanding for Planning Function and Services between the Regional Municipality of Niagara and Local Area Municipalities, dated March 2019; and*
- 1.2 *Council further authorizes the Chief Administrative Officer to sign the updated Memorandum of Understanding, attached as Appendix A to this report, on behalf of the Town of Niagara-on-the-Lake*

Attached is the signed updated Memorandum of Understanding for Planning Function and Services.

If you have any questions or require further information please contact our office at 905-468-3266.

Yours sincerely,

Peter Todd, Town Clerk

8. Adoption of Minutes**Moved By** Ron Kore**Seconded By** Lisa Haun

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

- 1. C-08/2019 Council Minutes of May 6, 2019**
- 2. SC-18/2019 - Special Council Minutes of May 6, 2019**
- 3. SC-19/2019 Special Council Minutes May 13, 2019**

Carried

10. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration

No items were lifted for separate consideration.

11. Consent Agenda Items to be Considered in Block**Moved By** Mike Ciolfi**Seconded By** John Wink

BE IT RESOLVED THAT the following Consent Agenda items be received and the recommendations contained therein be approved, as applicable:

9.1 Presentation of Recommendations Arising from COW or P&P, for Council Approval

BE IT RESOLVED THAT COUNCIL HEREBY approves the Recommendations Resulting from the following:

- 1. COW-04/2019 - Committee of the Whole Minutes, May 6, 2019**
- 2. PAC-01/2019 - Pelham Audit Committee Minutes May 13, 2019**
- 3. PCOW-04/2019 Public Meeting Minutes May 13, 2019**

9.2 Minutes Approval – Committee

BE IT RESOLVED THAT Council receive the following minutes, for information:

- 1. COW-04/2019 Committee of the Whole Minutes - May 6, 2019**
- 2. PCOW-04/2019P Public Meeting Minutes - May 13, 2019**

9.3 Staff Reports of a Routine Nature for Information or Action

9.3.1 Planning Services and Functions in Niagara Memorandum of Understanding (MOU)

BE IT RESOLVED THAT Council receive and endorse this report of the Planning Services and Functions in Niagara Memorandum of Understanding; and

THAT Council directs the Interim CAO to sign the MOU and return a copy back to the Region of Niagara.

9.5 Information Correspondence Items

9.5.1 Thank You Letter - Kore Family

BE IT RESOLVED THAT Council receive the thank you letter from the Kore family.

9.5.2 Letter from the Pelham Public Library Board re: Suspending CEO Recruitment

BE IT RESOLVED THAT Council receive a letter from the Pelham Public Library Board dated May 2, 2019, regarding the suspension of recruitment of a CEO, for information.

9.5.3 Region of Niagara - Public Notice Advertisement for the Pelham Elevated Tank Class Municipal Environmental Assessment and Enhanced Conceptual Design

BE IT RESOLVED THAT Council receive, for information, the Public Notice Advertisement for the Pelham Elevated Tank Class Municipal Environmental Assessment and Enhanced Conceptual Design.

9.5.4 Municipal Correspondence

BE IT RESOLVED THAT Council receive the following municipal correspondence, for information:

- 1. Letter from the Township of Mulmur regarding Aggregate Resources;**
- 2. Letter from the Town of Mono regarding Ontario Municipal Partnership Fund;**
- 3. Letters from the Town of Hanover and Townships of Mulmur and McKeller regarding Cuts to Ontario Library Services;**

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:**(a) Regular meeting of the Committee of the Whole 11-19, held on April 8, 2019**

Moved by Councillor A. Desmarais
Seconded by Councillor G. Bruno

- (a) That the minutes of the regular meeting of the Committee of the Whole 11-19, held on April 8, 2019, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 2, 3, 4, 5, 8, and 12.

7. Approval of Items Not Requiring Separate Discussion:

Moved by Councillor E. Beauregard
Seconded by Councillor M. Bagu

That items 1 to 18 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:**6. Planning and Development Department, Planning Division, Report 2019-59, Subject: Amendment to Westwood Estates Phase II Subdivision Agreement**

Committee of the Whole recommends:

That By-law 6366/46/16, Being a By-Law to Authorize Entering into a Subdivision Agreement with Lester Shoalts Limited (Westwood Estates Phase II), be amended by replacing subdivision agreement drawing "Westwood Phase 2 Subdivision Grade Control Plan 2" (drawing 0493GP2 Rev 9 prepared by Upper Canada Consultants and dated April 23, 2015) with "Westwood Phase 2 Subdivision Grade Control Plan 2" (drawing 0493GP2 Rev 12 prepared by Upper Canada Consultants and dated March 13, 2019).

7. Planning and Development Department, Planning Division, Report 2019-58, Subject: Contract Agreement for Realty Services

Committee of the Whole recommends:

That the City enters into a Contract Agreement with Royal LePage, attached as appendix A to Planning and Development Department report 2019-58, for the sale of selected municipal property; and

That the by-law attached as appendix B be brought forward for approval.

9. Dewitt Carter Elementary School Re: Request for Use of Picnic Tables for the Schools Fun Night Event on May 16, 2019

Committee of the Whole recommends:

That the correspondence received from Dewitt Carter Elementary School requesting the use of City Picnic Tables for the School's Fun Night Event on May 16, 2019, be received; and

That the picnic tables be made available for their use, with arrangements for pick-up and return be the responsibility of Dewitt Carter Elementary School.

10. Memorandum from Joanne Ferraccioli, Interim Health Services Coordinator Re: Request for Proclamation of Doctor's Day, May 1, 2019

Committee of the Whole recommends:

That May 1, 2019 be proclaimed as "Doctor's Day" in the City of Port Colborne in accordance with the request received from Joanne Ferraccioli, Interim Health Services Coordinator, City of Port Colborne.

11. Memorandum from Thomas B. Cartwright, City Fire Chief Re: Request for Proclamation of Emergency Preparedness Week 2019

Committee of the Whole recommends:

That the week of May 5 – 11, 2019 be proclaimed as "Emergency Preparedness Week" in the City of Port Colborne in accordance with the request received from Thomas B. Cartwright, City Fire Chief.

13. Region of Niagara Re: Memorandum of Understanding for Planning Function and Services between Niagara Region and Local Area Municipalities (PDS 4-2019)

Committee of the Whole recommends:

That the updated Memorandum of Understanding (MOU) for Planning Function and Services between The Regional Municipality of Niagara and the Local Area Municipalities dated March 2019 be approved; and

That the Regional Chief Administrative Officer be notified of the approval.

September 13, 2019

Diana Morreale
Director, Development Approvals, Planning and Development Services
Region of Niagara
1815 Sir Isaac Brock Way
PO Box 1042
Thorold, ON L2V 4T7

Sent Via Email: Diana.morreale@niagararegion.ca

**Re: Memorandum of Understanding (MOU) 2019 between Region of Niagara and Local Municipalities regarding Improvements to Planning Function and Services
Our File No. 35.11.99, 35.23.44**

Dear Ms. Morreale,

At its meeting held on September 9, 2019, St. Catharines City Council approved the following motion:

“That Council endorse the Memorandum of Understanding (MOU) 2019 between the Niagara Region and local municipalities, attached as Appendix 1; and

That Council authorize the CAO to execute the MOU on behalf of the Corporation. FORTHWITH”

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em

cc. Tami Kitay – Director, Planning and Building Services

10. Motions for Support

a. City of Thorold

MOVED BY: Councillor Dekker

SECONDED BY: Councillor Longo

Niagara Regional Council at its meeting of March 28, 2019 considered the Memorandum of Understanding for Planning Function and Services between Niagara Region and local area municipalities.

Now therefore be it resolved that:

1. The updated Memorandum of Understanding (MOU) for Planning Function and Services between The Regional Municipality of Niagara and the local area municipalities be circulated to the local area municipalities for review and approval; and
2. That the City of Thorold has no objections to the Memorandum of Understanding for Planning Function and Services; and
3. That subsequent to the approvals by the local area municipalities that the MOU be brought forward to Regional Council for approval with direction that the Regional Chief Administrative Officer be authorized to sign the MOU, be received and supported.

CARRIED

Mayor Ugulini temporarily removed himself from the chair in order to introduce the following motion. Deputy Mayor Anthony Longo presided over the meeting during that time. Following the vote Mayor Ugulini resumed the chair.

b. City of Thorold

MOVED BY: Mayor Ugulini

SECONDED BY: Councillor Wilson

Whereas Regional Road Highway 20 is a major corridor across the Niagara Region; and

Whereas the City of Thorold portion of Highway 20 begins west of Cataract Road and extends to Thorold Townline Road for approximately 9 kilometres; and



Township of Wainfleet

"Wainfleet - find your country side!"

May 14, 2019

Aaron Butler
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

SENT ELECTRONICALLY
aaron.butler@niagararegion.ca

Re: Memorandum of Understanding (MOU) for Planning Function and Services between the Regional Municipality of Niagara and the Local Area Municipalities

Dear Mr. Butler

Please be advised that Council for the Township of Wainfleet passed the following resolution at their Regular Meeting of Council held May 8, 2019:

"THAT Correspondence Item No. C-085-2019 be received;

THAT Council for the Township of Wainfleet endorse the updated Memorandum of Understanding (MOU) for Planning Function and Services between the Regional Municipality of Niagara and the Local Area Municipalities, dated March 2019;

AND THAT Council for the Township of Wainfleet authorize the Chief Administrative Officer to sign the updated MOU on behalf of the Township of Wainfleet."

Please find endorsement and signature page attached.

If you have any questions regarding the contents of this letter, please contact the undersigned.

Regards,

Meredith Ciuffetelli
Deputy Clerk
mciuffetelli@wainfleet.ca
905-899-3463 ext. 275

cc: S. Ivins, Planner

2019 - 445**19-22**

Moved by Chiocchio and Speck

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report TRAF-2019-05: Update to Traffic and Parking By-law 89-2000; and further

THAT Welland City Council directs the City Clerk to amend Traffic and Parking By-law 89-2000 as follows:
ADD the following to Schedule "I" – MUNICIPAL/ PRIVATE PROPERTY:

SKETCH No.	LOCATION	COMMON NAME
No Sketch	855 Ontario Road	Woodrose Co-operative Homes

CARRIED**2019 - 446****19-43**

Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2019-10: Financial Statements – Notice of Default – 2018 Municipal Election Campaign Contributions and Expenses.

CARRIED**2019 - 447****19-60**

Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Walkerton Clean Water Centre regarding Standard of Care Training.

CARRIED**2019 - 448****19-65**

Moved by McLeod and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report P&B-2019-18 regarding applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for lands on the west side of Niagara Street, south of Quaker Road, north of Trelawn Park and at the end of Wellandvale Drive, more specifically described as Part of Lot 231, Geographic Township of Thorold, now in the City of Welland, municipally known as 897 Niagara Street.

CARRIED**2019 - 449****19-66**

Moved by Green and Moote

THAT THE COUNCIL OF THE CITY OF WELLAND endorses the updated Memorandum of Understanding for Planning Function and Services between the Regional Municipality of Niagara and Local Area Municipalities dated March 2019; and further

THAT Welland City Council authorizes the Chief Administrative Officer to sign the updated Memorandum of Understanding for Planning Function and Services on behalf of the City of Welland.

CARRIED**2019 - 450****19-66**

Moved by McLeod and Spinosa (in block)

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated April 9, 2019 regarding Report P DS 4-2019: Memorandum of Understanding for Planning Function and Services between Niagara Region and Local Area Municipalities.

CARRIED**2019 - 451****19-67**

Moved by Green and Spinosa

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the request from the Region of Niagara dated April 2, 2019 regarding Report PHD 06-2019: Mutual Assistance Agreement for Emergency Management.

CARRIED

PLANNING DEPARTMENT

April 16th, 2019

Niagara Region
Planning and Development
1815 Sir Isaac Brock Way
Thorold, ON,
L2V 4T7
Attn: Diana Morreale, Director, Development Approvals

Dear Ms. Morreale:

Re: Report PD-037-19 – Recommendation Report, Memorandum of Understanding (MOU) For Planning Services and Regional Official Plan Amendment (ROPA) for Exemption Policies

This is to confirm that at the March 25th, 2019 Council Meeting the following resolutions were adopted with respect to the above noted matter:

Resolution

- (1) That, Report PD-037-19, regarding “Recommendation Report, Memorandum of Understanding (MOU) for Planning Services and Regional Official Plan Amendment (ROPA) for Exemption Policies”, dated March 5th, 2019, be RECEIVED; and,
- (2) That, the CAO be and is hereby authorized to sign the MOU once this report is ratified by Township Council; and,
- (3) That the Region be advised that the Township of West Lincoln has no objection to the ROPA Exemption Policy Amendment.

If you require any further information or direction do not hesitate to contact the undersigned at btreble@westlincoln.ca or 905-957-3346 ext. 5138.

Sincerely,



Brian Treble, Director of Planning and Building

cc. Clerks Department