



**The Corporation of the City of St. Catharines
GENERAL COMMITTEE AGENDA
Regular, Monday, February 10, 2020
Council Chambers, City Hall**

*His Worship Mayor Walter Sendzik takes the Chair and opens the meeting following
Items Number 5 and 8 on the Council Agenda*

Page

1. Motion to Move Reports on Consent

2. Consent Reports

*Following Consent Reports, Council will proceed to Council Agenda Item 6
(Public Meetings Pursuant to Planning Act and Public Notice By-Law)*

- | | |
|---------|---|
| 3 - 4 | 2.1 Financial Management Services, Director
Budget Standing Committee Report – Meeting of January 22, 2020 |
| 5 - 7 | 2.2 Corporate Support Services, Human Resources
Naloxone in the Workplace |
| 8 - 150 | 2.3 Legal and Clerks Services, Office of the City Clerk
Council Correspondence |

3. Discussion Reports

- | | |
|-----------|---|
| 151 - 160 | 3.1 Planning and Building Services, Building and Development
Recent Increase in Graffiti
<i>The following delegations will precede discussion of the report:</i> <ul style="list-style-type: none">• Taras Sakac• Elaine Manocha <i>The following presentations will precede discussion of the report:</i> <ul style="list-style-type: none">• Tisha Polocko, Executive Director,
St. Catharines Downtown Association• Inspector Marco Giannico and Detective Staff Sergeant
Bill Harris, Niagara Regional Police Service |
|-----------|---|

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- 161 - 164 3.2 Community, Recreation and Culture Services
 Labyrinth Project Update
 [Addenda]

4. In-Camera Session (General Committee)

Council will meet In-Camera for the following purposes:

- 2019 Performance Evaluation for the Chief Administrative Officer (CAO) (In-Camera Pursuant to By-law 2015- 170, Section B20.3(b) and Section B20.3(d), Personal Matter about an Identifiable Individual, including Municipal or Local Board Employees and Labour Relations or Employee Negotiations)
(Report deferred from January 27, 2020 meeting of Council)

5. Adjournment

Following Adjournment, Council will proceed to Council Agenda Item 9 (Motions Arising from In-Camera Session).



Corporate Report City Council

Report from: Financial Management Services, Director

Report Date: January 28, 2020 **Meeting Date:** February 10, 2020

Report Number: FMS-021-2020 **File:** 10.57.33

Subject: Budget Standing Committee Report – Meeting of January 22, 2020

Strategic Pillar:

Recommendation

That the minutes of the [January 22, 2020 Budget Standing Committee meeting](#) be received; and

That the following recommendations be approved FORTHWITH:

**9.2 Legal and Clerks Services, Office of the City Clerk
Budget Engagement Task Force Terms of Reference
[Report LCS-B001-2020](#)**

That the Terms of Reference for the Budget Engagement Task Force, as attached in Appendix 1, be approved; and

That Councillor Porter be appointed to the Budget Engagement Task Force.

**10.1 Legal and Clerks Services, Office of the City Clerk
Correspondence
[Report LCS-B003-2020](#)**

That Report LCS-B003-2020 be received for information.

Report

The items noted in this report were discussed and approved by the Budget Standing Committee at its meeting of January 22, 2020, and are now being brought forward to City Council for Council's approval.

In addition to the reports noted in this report, [Report FMS-B002-2020](#), regarding the 2020 Water and Wastewater Budget and Associated Rates, was also discussed and considered by the Budget Standing Committee at its meeting of January 22, 2020.

Approval for Report FMS-B002-2020 is not included as part of this report. At the meeting of January 27, 2020, [Report FMS-018-2020](#) was approved by City Council, which established a Public Meeting for February 10, 2020 for Council to discuss and consider the City's 2020 Water and Wastewater Budget and Associated Rates.

Prepared by

Evan McGinty
Council and Committee Coordinator

Submitted and Approved by

Kristine Douglas
Director, Financial Management Services / City Treasurer




Corporate Report City Council

Report from: Corporate Support Services, Human Resources

Report Date: January 16, 2020 **Meeting Date:** February 10, 2020

Report Number: CSS-024-2020 **File:** 10.10.12

Subject: Naloxone in the Workplace

Strategic Pillar: 

Recommendation

That Council receive Report CSS-024-2020, regarding Naloxone in the Workplace, for information purposes. FORTHWITH

Summary

The most appropriate action staff can take when faced with a potential overdose is to call 911. First responders are equipped to deal with overdoses, have access to life-saving equipment and are experts in responding to emergency situations. Individuals interested in securing naloxone kits can still do so independently through local pharmacies and harm-reduction agencies.

Relationship to Strategic Plan

The availability of naloxone in our community supports the Social Well-Being goal of building and supporting strong, inclusive neighbourhoods that provide high quality of life for residents of all ages.

Background

At the Council Meeting held September 9, 2019, Councillor Townsend requested a report from City staff regarding Naloxone training for City staff and councillors, the availability of naloxone kits in the trunks of City vehicles and councillors' personal vehicles, and information on the current availability of kits at City facilities.

Report

Naloxone will halt opioid overdoses

Naloxone is a drug that can temporarily reverse overdoses of opioid drugs including morphine, heroin, methadone, fentanyl and oxycodone. It works by counteracting the depression of the central nervous system and respiratory system caused by opioids, allowing the person to breathe normally.

Naloxone does not reverse the effects or counter an overdose from other drugs such as alcohol, benzodiazepines, such as Valium and Zanax, or psychostimulants such as cocaine or amphetamines. However, administering naloxone to someone who is not experiencing an opioid overdose will not cause that person harm.

Although it was originally administered through a needle, naloxone is now available as a nasal spray (brand name Narcan), which has increased the ease of use. Narcan comes in kits which contain two doses of the drug, an information pamphlet and a breathing barrier which is to be used when performing CPR.

Use focused on those with frequent contact with drug users

Originally developed for people who were using opioids but were afraid to call 911, naloxone is available for free through pharmacies and harm-reduction agencies to individuals who use opioid drugs and individuals who interact with people who use opioid drugs.

Given its effectiveness, community agencies and first responders who have frequent contact with people who use opioids have begun equipping their employees with naloxone. Currently, both the Niagara Regional Police and St. Catharines Fire Services equip frontline staff with naloxone. Additionally, some social service agencies who support individuals who use drugs have opted to have it on hand to assist the public.

However, there are many considerations the City must take before deciding to proceed.

Risks to employees administering naloxone

The development of a nasal spray application has reduced the risk of accidental needle pricks for people who administer naloxone. However, there remains the possibility of employees being injured after administering naloxone.

As the substance immediately halts the effects of opioids, it's possible the person receiving it may experience an acute opioid withdrawal, bringing with it pain, distress and agitation. This can put individuals in the immediate area at risk for physical harm. Other withdrawal symptoms such as nausea and vomiting can create a biological exposure for employees.

Naloxone itself may also have side effects, such as aggressive behavior, convulsions and diarrhea, providing greater chances of exposure.

Potential physical harm aside, the experience administering the drug and dealing with the ensuing response may be traumatic to employees.

Learning to administer naloxone

Positive Living Niagara delivers training to individuals and organizations as part of its harm-reduction mandate. The training covers how to recognize the signs of an opioid overdose, calling for emergency medical assistance, how to administer the drug, and what to do if the person does not start breathing or stops again once the naloxone has been administered.

Placing naloxone in City vehicles

Naloxone is temperature sensitive. Health Canada recommends that it be stored between 15C and 25C, and that it not be kept in vehicles on hot summer days or during the winter. Exposure to temperatures outside of this range would reduce the effectiveness and require replacement.

The City has approximately 200 vehicles, which are used in all types of weather conditions for long periods of time. Given this, storing naloxone in the trunks of City vehicles would be impractical.

Employees should call 911

Based on the considerations listed in the report, staff believe the most appropriate direction to employees who suspect an opioid overdose is to immediately call 911.

Not only are first responders equipped with naloxone, they are knowledgeable in what to do in the case of overdoses from various substances and have access to other life-saving equipment. This action will bring assistance to anyone suspected of experiencing a drug overdose, while also reducing the potential risk to employees posed from administering naloxone.

Positive Living Niagara (120 Queenston St) provides naloxone kits and training free of charge to individuals who request them. If members of the public wish to have access to naloxone they can contact the agency directly. Individuals would be responsible for storing it appropriately and replacing it once it expires.

Financial Implications

There are no financial implications associated with this report.

Conclusion

While overdoses by opioids are increasing, staff believe the most appropriate action for staff to undertake when faced with a potential overdose is to call 911. First responders are equipped with naloxone, have access to other life-saving equipment and are experts in responding to emergency situations. Individuals interested in securing naloxone can still do so independently through local pharmacies and harm-reduction agencies such as Positive Living Niagara.

Prepared by

Cindy Pfeffer, Organizational Development Consultant

Submitted by

Don Breedon, Manager, Human Resources

Approved by

Jeanette Pillitteri, Director, Corporate Support Services



Corporate Report City Council

Report from: Legal and Clerks Services, Office of the City Clerk

Report Date: January 31, 2020 **Meeting Date:** February 10, 2020

Report Number: LCS-022-2020 **File:** 10.12.1

Subject: Council Correspondence

Strategic Pillar:

Recommendation

That Council endorse the resolution from the Town of Collingwood regarding conservation authorities; and

That Council receive and file the items listed within the report; and

That Council appoint the individual, as outlined in the confidential memorandum from the Deputy City Clerk, to the Heritage Advisory Committee; and

Further, that Council receive and file additional correspondence distributed for the meeting held February 10, 2020, which is available upon request. FORTHWITH

Report

The Office of the City Clerk is submitting, for the approval of Council, correspondence received during the period of January 16, 2020 to January 30, 2020.

A confidential memorandum from the Deputy City Clerk regarding a vacancy appointment for the Heritage Advisory Committee will be placed in Council's SugarSync meeting folder in advance of the February 10, 2020 meeting of Council.

Resolutions

1. Town of Collingwood – Conservation Authorities
2. Rainy River District Municipal Association – Property Taxation Revenue on Railway Right-of-Ways

Correspondence

3. Letter from Start Me Up Niagara – Coldest Night of the Year
4. Letter from CRTC – Response to Cost Recovery Request for Next Generation 911 Phone System Implementation
5. Letter from Solicitor General – Response to Cost Recovery Request for Next Generation 911 Phone System Implementation

Niagara Region

6. Niagara Region – New Niagara Official Plan – Public Consultation Summary.
Report PDS 1-2020
7. Niagara Region – Memorandum of Understanding for Planning Function and
Services between Niagara Region and Local Area Municipalities.
Report PDS 42-2019
8. Niagara Region – Approval of Interim Levy Dates and Amounts.
Report CSD 1-2020

Reports Requested by Council

9. Outstanding Reports List – updated January 30, 2020

Confidential Memoranda from Staff (see SugarSync folder)

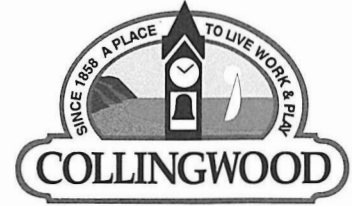
10. Stephanie Tripp, Manager of Realty and Insurance Services – Property Matter -
Disposal, Realty File No. 17-091
11. Kristen Sullivan, Deputy City Clerk – Vacancy Appointment to Heritage Advisory
Committee

Prepared by:

Evan McGinty, Council and Committee Coordinator

Submitted and Approved by:

Bonnie Nistico-Dunk, City Clerk



TOWN OF COLLINGWOOD

Becky Dahl, Deputy Clerk
97 Hurontario St. P.O. Box 157
Collingwood, ON L9Y 3Z5
Tel: (705) 445-1030 Ex. 3230
Fax: (705) 445-2448
Email: bdahl@collingwood.ca

January 21, 2020

The Honourable Jeff Yurek
Minister of Environment, Conservation and Parks
College Park 5th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Re: Conservation Authorities

On behalf of the Council for the Corporation of the Town of Collingwood, I write to advise you of the following recommendation approved at its meeting held on January 20, 2020 for your consideration:

WHEREAS the Town of Collingwood has recently declared a Climate Emergency;

AND WHEREAS the Town of Collingwood has committed to nine core principles of sustainability;

AND WHEREAS the Town of Collingwood is a beneficiary of the upstream environmental remediation work done by the Nottawasaga Valley Conservation Authority (NVCA);

AND WHEREAS the Town of Collingwood is a member of the NVCA, with representation on its Board of Directors;

AND WHEREAS under the direction of the Board of Directors, the NVCA provides programs and services addressing local priorities to the residents of Collingwood and its other member municipalities, including inclusive outdoor education and recreation, water quality monitoring, preservation of species at risk as well as protecting life and property through a variety of measures;

AND WHEREAS the NVCA provides the Town of Collingwood with expert advice on the environmental impact of land use planning proposals and that the Municipality does not have staff with comparable expertise or experience;

AND WHEREAS the Ministry of the Environment, Conservation and Parks provides approximately one percent of the budget for programs and services currently delivered by the NVCA;

THEREFORE BE IT RESOLVED THAT the Town of Collingwood supports Conservation Authority regulations under Bill 108 being completed in consultation with municipalities, the NVCA and Conservation Ontario;

AND THAT the Town of Collingwood supports continuation of the critical programs and services included in the mandate of Conservation Authorities;

AND THAT during the fulsome review and consultations the Minister of Environment, Conservation and Parks continue to allow local municipalities' designated representatives

to determine which programs will be delivered and mandatory, along with the use of a Board-directed fair municipal levy as per current Regulation;

AND THAT this resolution be forwarded to the Minister of the Environment, Conservation and Parks, Premier Doug Ford, MPP Jim Wilson, the Association of Municipalities of Ontario, Nottawasaga Valley Conservation Authority, Conservation Ontario, all Ontario municipalities, and the County of Simcoe.

Should you require anything further, please do not hesitate to contact the undersigned at 705-445-1030 ext. 3230 or clerk@collingwood.ca.

Yours truly,

~~TOWN OF COLLINGWOOD~~



Becky Dahl
Deputy Clerk, Clerk Services

c.c. Premier Doug Ford
Jim Wilson, MPP
Association of Municipalities of Ontario
Nottawasaga Valley Conservation Authority
Conservation Ontario
County of Simcoe
Ontario municipalities

Sub-Item 2

Fort Frances	RAINY RIVER DISTRICT MUNICIPAL ASSOCIATION	
Atikokan	OFFICE OF THE SECRETARY-TREASURER	Rainy River
Alberton	P.O. BOX 4	Dawson
La Vallee	BARWICK, ONTARIO	Lake of the Woods
Emo	P0W 1A0	Morley
		Chapple

Phone: (807) 487-2354 Email: chapple@tbaytel.net

January 28, 2020

Premier of Ontario
Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A1

Dear Honourable Doug Ford, Premier:

Re: **Resolution to Address Fair and Equitable Property Taxation Revenue on Railway Right-of-Ways Collected by Municipalities in Ontario**

At the recent meeting of the Rainy River District Municipal Association on Saturday, January 25, 2020, the following resolution was approved:

"WHEREAS in 2018 the Province of Ontario adjusted the tax rate for acreage for railway right-a-ways throughout Ontario which specifically impacted Rainy River, Kenora and Thunder Bay districts in a positive fashion; and

WHEREAS in other provinces and jurisdictions the railway companies remit a more equitable share of taxes to their local tax base by using a per tonne-mile concept; and

WHEREAS rail traffic continues to increase and the train length has more than doubled, which results in rail traffic congestion, increased wait times, noise pollution and unknown environmental concerns; and **WHEREAS** the Province of Ontario should review fees based on inflation and current conditions on an annual basis to ensure that Ontario does not continue to fall further behind in their approach to railway property taxation; and

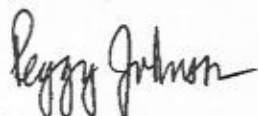
WHEREAS fair and equitable taxation revenue on railway property will reduce the financial pressure on the Province to provide financial support to municipalities going forward;

THEREFORE BE IT RESOLVED THAT the Rainy River District Municipal Association call upon the Minister of Finance of the Province of Ontario to undertake ongoing consideration of municipal taxation for railroad right-of-way properties based on a per tonne-mile concept; and

FURTHER BE IT RESOLVED THAT the Rainy River District Municipal Association send this resolution to every Municipal Council within the Province of Ontario seeking their support, the Premier of Ontario, the Minister of Finance of Ontario, Local MPPs, Local MPs, NOMA, ROMA AND AMO."

Thank you for your time and consideration.

Sincerely,



Peggy Johnson,
Secretary Treasurer
Rainy River District Municipal Association

c.c. (via email)
Hon. Rod Phillips, Minister of Finance
Hon. G. Rickford, Minister of Energy, Northern Development and Mines,
Minister of Indigenous Affairs
Marcus Powlowski, MP Thunder Bay-Rainy River
NOMA
AMO
ROMA



RECEIVED
JAN 22 2020
CITY CLERK'S OFFICE
ST. CATHARINES, ONTARIO

17 Gale Crescent
St. Catharines, ON L2R 3K8
Phone: (905) 984-5310
Fax: (905) 984-8949
www.startmeupniagara.ca
Charitable Registration # 89601 1715 RR0001

Dear St. Catharines City Council,
P.O. Box 3012
50 Church St.
St. Catharines, ON, L2R 7C2

My name is Bob Tanouye and I currently volunteer as the Event Director for the Coldest Night of the Year (CNOY) event at Start Me Up Niagara. For the past 8 years we have hosted this major fundraiser, a family-friendly walk that raises money for charities serving hungry, homeless and hurting people. In our community, proceeds from the walk will go to Start Me Up Niagara.

The Coldest Night of the Year is one month away on **Saturday February 22, 2020**. Join us and walk, donate or volunteer in support of Start Me Up Niagara!

By walking at dusk during a cold winter's night, you will feel a hint of the challenge faced by those experiencing homelessness during the winter. By fundraising or donating, you will be bringing hope and help to those people in your community that need support. **Everyone is welcome** to join in on the walk; adults, moms and kids, seniors and youth as well. Bring your friends, families, your colleagues at City Hall. We need your leadership to get our community involved!

Registration opens at **4pm**. Walkers begin at **5:15pm** from the market square in St. Catharines, returning an hour or two later for a warm cup of soup. Participants can register online to walk a 2km, 5km or 10km route.

I trust we can count on your support! Come walk with us! Donate to us! Volunteer with us!

All details can be found on the Coldest Night of the Year homepage: <https://cnoy.org/location/stcatharines>

If you have any questions as to how you can help, please reach out to our office at Start Me Up Niagara.

Sincerely,

Bob Tanouye, Chair, Coldest Night of The Year
Start Me Up Niagara

DISTRIBUTION

Original to:

Council

Copy sent to:

Mayor: _____

CAO: _____

Department: _____

Working Together Moving Forward

Sub-Item 4

Dear Ms. Wenzler:

I am writing in response to your correspondence addressed to the Honourable Steven Guilbeault, Minister of Canadian Heritage, regarding the Canadian Radio-television and Telecommunications Commission (CRTC) next-generation 9-1-1 network. Minister Guilbeault appreciates your taking the time to write on this matter.

The CRTC is an independent public authority responsible for the regulation and supervision of the Canadian broadcasting system and is best placed to deal with the issue that you raised.

That being said, please be assured that your correspondence has been forwarded to the CRTC Support Centre. Should you wish to follow up with the Commission, I invite you to contact the CRTC Support Centre by using the contact information provided below.

The CRTC derives its regulatory authority through its application of the *Broadcasting Act*, which falls under the purview of the Department of Canadian Heritage, and the *Telecommunications Act*, which falls under the purview of Innovation, Science and Economic Development Canada.

Since the subject that you raised is a telecommunications issue, I have taken the liberty of forwarding our correspondence to the Honourable Navdeep Bains, Minister of Innovation, Science and Industry, for his consideration.

Please accept my best wishes.

Sincerely,



Sylvie Tessier
Director
Ministerial Correspondence Secretariat

CRTC Support Centre

Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario
K1A 0N2
Telephone: 1-877-249-2782
Website: crtc.gc.ca/eng/contact



Solicitor General

Office of the Solicitor General

25 Grosvenor Street, 18th Floor
Toronto ON M7A 1Y6
Tel: 416 325-0408
MCSCS.Feedback@Ontario.ca**Solliciteur général**

Bureau de la sollicitrice générale

25, rue Grosvenor, 18^e étage
Toronto ON M7A 1Y6
Tél.: 416 325-0408
MCSCS.Feedback@Ontario.ca

132-2019-3167

By e-mail

January 27, 2020

Ms. Melissa Wenzler
Government Relations Advisor
St. Catharines City Council
mwenzler@stcatharines.ca**RECEIVED**

JAN 28 2020

CITY CLERKS OFFICE
ST. CATHARINES, ONTARIO

DISTRIBUTION

Original to:

Copy sent to:

Dear Ms. Wenzler:

Thank you for your letter regarding a request for cost recovery in relation to the implementation of Next Generation 9-1-1 (NG 9-1-1) services in Ontario.

The province is committed to ensuring that Ontario has a modern emergency communications system that enables quick and effective response to emergency situations. Telecommunications service providers' networks are evolving and will soon offer much more than traditional 9-1-1 voice services. The Ministry of the Solicitor General is continually monitoring the Canadian Radio Television and Telecommunications Commission's direction and decisions on 9-1-1 services, including the implementation of NG 9-1-1 across the country.

The ministry is currently in the process of reviewing its role in the national delivery of 9-1-1. As part of this review, the ministry is taking into consideration:

- The need for services to be delivered in an efficient, effective, reliable and consistent manner across the province;
- Cost-effective and sustainable planning and implementation of infrastructure improvements;
- Facilitation of interoperability and information-sharing across emergency services, including police, fire and ambulance services; and
- A modern, upgraded system for 9-1-1 that is sustainable and adaptable to future needs and technological advancements.

The Ontario government has not yet made a decision about providing cost recovery for municipalities, however, I am open to hearing different ideas and feedback on the preparatory work that municipalities are undertaking for NG 9-1-1.

Thank you again for your letter.

Sincerely,

Sylvia Jones
Solicitor General

**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

January 24, 2020

CL 2-2020, January 23, 2020
 PEDC 1-2020, January 15, 2020
 PDS 1-2020, January 15, 2020

Local Area Municipalities***SENT ELECTRONICALLY***

**RE: New Niagara Official Plan – Public Consultation Summary
 PDS 1-2020**

Regional Council, at its meeting of January 23, 2020, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 1-2020, dated January 15, 2020, respecting New Niagara Official Plan – Public Consultation Summary, **BE RECEIVED** for information and **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report PDS 1-2020 is enclosed for your information

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie".

Ann-Marie Norio
 Regional Clerk

:me

CLK-C 2020-011

Subject: New Niagara Official Plan - Public Consultation Summary

Report to: Planning and Economic Development Committee

Report date: Wednesday, January 15, 2020

Recommendations

1. That Report PDS 1-2020 **BE RECEIVED** for information; and
2. That a copy of Report PDS 1-2020 **BE CIRCULATED** to the Local Area Municipalities.

Key Facts Key Facts

- Consultation on the new Niagara Official Plan takes place at four different levels as outlined in this report.
- Significant stakeholder and public input has been received on the structure and contents of new Niagara Official Plan and on the key findings of the background studies that will inform the Official Plan.
- This report provides a summary of the input received to date through public surveys, stakeholder input, direct public input and the Planning Advisory Committee.

Financial Considerations

Council approved the resources to complete the new Niagara Official Plan (NOP) over a 5 year period as part of the 2017 Budget Process, predominantly funded through Development Charges.

Analysis

Public and stakeholder input is an important component of the Niagara Official Plan process and is required in to provide input into the preparation of planning policy and to provide a mechanism for Council to gauge public sentiment.

There are four different consultation formats where input has been received to date, details of which are as follows:

1. Public Surveys

The key themes that the public identified as being important to address were identified through Imagine Niagara (October 2013 – June 2014) and confirmed through Shape Niagara (March – August 2018). Together both of these surveys involved significant community outreach and generated thousands of responses. A summary of the important themes of these initiatives is shown in Appendix 1.

A Special Meeting of Council was also held in July 2018 to hear input on the need for a new Official Plan and what planning matters it could address. A more detailed summary of public comments can be found in Appendix 2.

2. Stakeholder Input

The Official Plan is being informed by various background studies/reports which have involved the input of relevant stakeholder groups. For example, the Natural Environment and Water Systems (NE&WS) background work involved meetings with environmental, agricultural and developer stakeholder groups. These groups will have further opportunity to provide input into the evaluation of options for the NE&WS. Local municipal planning staff also participate via Technical Advisory Groups and are updated on background work.

Local Councils have been updated on the new Niagara Official Plan process and the status of supporting background work twice to date. In general, local Council concerns or questions focused on: bringing local Official Plans in to conformity with the Regional Official Plan; affordable housing; natural heritage and water resource protection; urban boundary expansions; employment land conversions; protecting agricultural land and recognizing the importance of agriculture.

Discussions are ongoing with Indigenous groups.

3. Direct Public Input

Four Public Information Centres (PICs) were held to inform the public and gather input on key findings of the background studies. The PICs were held at Regional Headquarters, Niagara Falls, Grimsby and Fort Erie.

In general, the input provided by the public was confirming as to what planning staff believe to be the relevant planning issues, challenges and opportunities.

Key attendance and input highlights from the PICs are as follows:

- 161 people attended the four PICs;
- Each PIC had a few attendees from outside the host municipality, ranging from four to 9.
- The attendee distribution was about 70% urban and 30 % rural
- Over 200 comments were received; and
- 61 survey results were received;

Interactive PIC Board Input

A variety of interactive boards were placed around the room at the open houses to seek input on each of the topic areas. The first activity board (**Figure 1**) asked participants to place a sticker beside their top three priorities for the new Niagara Official Plan. The top priorities overall were protecting the natural environment, transportation improvements, and more housing options.

Figure 1 – What is most important to you?

Priorities	Sticker Tally
Protecting the natural environment (e.g. woodlands, wetlands)	32
Transportation improvements (e.g. transit cycling)	26
More housing options (e.g. affordable housing)	25
Access to open space, waterfronts and natural areas	21
Supporting jobs and economic prosperity (e.g. tourism)	19
Protecting farmland and supporting the agricultural industry	17
Infrastructure for growth (e.g. sewer, water, stormwater)	14
Sustainable development and planning for climate change	11
Conserving cultural heritage and archaeological resources	9
Community planning and urban design	9

Participants were also asked if anything was missing from the list. The majority of the comments related to the priorities identified in some capacity. However, some notable examples of additional priorities included poverty reduction, accessibility and inclusion.

The other activity boards asked participants to identify the biggest challenges and opportunities relative to various themes. Key challenges and opportunities are identified in **Figure 2** below. A more detailed summary of comments is included in Appendix 3.

Figure 2 – What are our biggest challenges and opportunities?

Theme	Biggest Challenge	Biggest Opportunity
Growing Region (growth, development & housing)	<ul style="list-style-type: none"> • Low-density development and uneven growth • Lack of diversity in housing types and affordable options, including for seniors and youth 	<ul style="list-style-type: none"> • Higher-density development, including in proximity to GO Transit stations • More housing options (row housing, semi-detached, apartment buildings, etc.)
Vibrant Region (urban design & cultural resources)	<ul style="list-style-type: none"> • Development occurring without proactive, comprehensive plans, such as secondary plans, and appropriate archaeology assessment 	<ul style="list-style-type: none"> • Ensure plans are in place to guide development in order to achieve design excellence and conserve archaeological resources
Competitive Region (employment, agriculture & resources)	<ul style="list-style-type: none"> • Limited public transit to access employment opportunities • Impacts of resource extraction on the natural environment, including our water resources 	<ul style="list-style-type: none"> • Boost employment and tourism through public transit, including the GO train • Strong policies to manage resource extraction and final rehabilitation
Connected Region (transportation & infrastructure)	<ul style="list-style-type: none"> • Ensuring infrastructure (transportation, water, wastewater, sewer) has the capacity to support growth 	<ul style="list-style-type: none"> • Fast, efficient and accessible public transit network and complete streets that accommodate all road users
Sustainable Region (natural environment & climate change)	<ul style="list-style-type: none"> • Loss of trees and other natural features • Adapting to impacts of extreme weather events, such as flooding 	<ul style="list-style-type: none"> • Stronger protections for the natural environment • Meaningful action on climate change across all sectors

Digital Survey

For those that participated in the digital survey the following planning themes were ranked in order of importance: more transportation options; more housing options for all ages and incomes; more jobs; protecting the natural environment; preserving farmland; and planning for climate change. There was no one dominant planning theme. Further planning for the other themes all impact climate change.

The top three planning objectives confirmed for managing growth were: directing growth to strategic locations; using our land and resources wisely; and ensuring growth is supported by infrastructure.

The natural environment, open space and scenery was significantly more valued than other reasons for enjoying the agricultural and rural areas such as wineries, events and tourism; access to a variety of local food; recreation opportunities; jobs and economic opportunities.

Urban Boundary (Settlement Area) Expansions

A variety of requests to expand urban boundaries were submitted as part of the Municipal Comprehensive Review/new Niagara Official Plan process, as well as part of the Comprehensive Provincial Plan review in 2017.

Source of Request	Number of Requests	Area (ha)	Number in Greenbelt
Greenbelt Review	34	558	34
Municipal Council Request	6	1,136	1
Private Land Owner	35	592	16
Summary	76	2,286*	51

* 2,150 ha - accounting for overlap between municipal and private requests

At the time the above-referenced submissions were received, urban boundaries could be expanded only through the Region's Municipal Comprehensive Review/new Niagara Official Plan process. Earlier this year, the Province amended the Growth Plan to allow the consideration of expansions up to 40 Ha, and boundary adjustments, in certain cases and subject to specific criteria, outside of the Official Plan process.

The Region's review of expansion requests is linked to the analysis of lands needs and will be reported further in 2020. In many cases, requests for urban expansions cannot be accommodated because they are located in the Greenbelt Area which automatically disqualifies consideration. Land owners who have made requests in these areas will be notified accordingly.

4. Planning Advisory Committee

To date, the Planning Advisory Committee (PAC), consisting of eight citizens with a professional/academic background, has been providing input on visioning, directives and background information that will inform the development of the new Niagara Official Plan.

Alternatives Reviewed

The public consultation is following a consultation framework approved by Council in March 2019.

Relationship to Council Strategic Priorities

This report highlights the various consultation steps to date on the new Niagara Official Plan as well as a summary of public input received to date. This process is important to address Council's priority as a Sustainable Engaging Government. The new Niagara Official Plan addresses Council's other priorities, being: Supporting Businesses and Economic Growth; Healthy and Vibrant Community; and Responsible Growth and Infrastructure Planning.

Other Pertinent Reports

PDS 9-2019 New Official Plan Consultation Timeline Framework
PDS 33-2019 Growth Management Program Update for New Official Plan
CWCD 421-2019 New Niagara Official Plan Updates

Prepared by:

Dave Heyworth, MCIP, RPP
Official Plan Policy Consultant
Planning and Development

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner of Planning and
Development
Planning and Development

Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

This report was prepared in consultation with Lindsey Savage, Senior Planner; Karen Costantini, Planning Analyst; and reviewed by Doug Giles, Director of Community and Long Range Planning.

Appendices

Appendix 1	Important themes- Imagine Niagara and Shape Niagara
Appendix 2	Summary of Public Comments- Special Council Meeting
Appendix 3	Detailed summary of PIC Comments

Appendix 1 – Priority Themes from Imagine Niagara and Shape Niagara

Imagine Niagara (2013-14) Municipal Comprehensive Review – Official Plan	Shape Niagara (2018) Council Strategic Plan
<p>8 priority themes, in order of importance:</p> <ol style="list-style-type: none"> 1. Growing the economy 2. Employment 3. Natural environment 4. Rural and agriculture 5. Infrastructure 6. Transportation 7. Managing growth 8. Engagement <p>Gap areas</p> <ul style="list-style-type: none"> • Emergency services • Youth retention • Community and social services • Culture • Health services 	<p>17 priority themes, in order of importance:</p> <ol style="list-style-type: none"> 1. Jobs and economic prosperity 2. Transportation connecting people to jobs and services 3. Supporting populations in need through employment, affordable housing, transit 4. Environmental responsibility and sustainable development 5. Accountable and collaborative government 6. Active transportation 7. Preserving Niagara's natural assets 8. Infrastructure in support of growth 9. Affordable housing 10. Quality of life and public safety 11. Equitable access to regional services 12. Water and waste management 13. Tourism as an economic driver 14. Communication and engagement with the community 15. Youth and young family retention 16. Responsible spending 17. Mental health services

Appendix 2 – Overview of Comments from July 6, 2018 Special Council Meeting

Overview

- Requests to re-designate certain lands, remove certain lands from the Greenbelt Plan, and bring certain lands into the urban boundary
- Concerns regarding loss of tender fruit production in favour of grape production and cannabis, as well as illegal dumping on prime farmland
- Concerns regarding endangered special, ash die-off, Environment Impact Study review process, loss of forests, and climate change impacts
- Importance of watershed planning and protection of local fisheries
- Concerns regarding impacts of de-designating urban lands and the speed and location of development
- Importance of transparent consultation process and ensuring adequate time and care in the development of the new Niagara Official Plan

Key Themes

Requests to re-designate certain lands

- Request to re-designate certain lands from Agriculture to Rural in Pelham
- Request to re-designate certain lands in Thorold, Niagara Falls and Pelham from Good General Agriculture to Tender Fruit and Grape

Requests to remove certain lands from the Greenbelt Plan

- Request to remove certain lands from the Greenbelt Plan in Grimsby and St. Catharines that is not considered to be viable farmland
- Concern that the Greenbelt Plan is not sufficiently flexible to address on-the-ground realities of farming and agricultural viability

Requests to include certain lands within the urban boundary

- Request for certain lands in Niagara Falls to be included in the urban boundary

Protection of agricultural land and tender fruit production

- Concerns regarding loss of tender fruit production in favour of grape production and cannabis in Niagara-on-the-Lake
- Concern regarding illegal dumping on farmland and in environmental features and areas
- Agricultural and environmental policies are closely linked, particularly when it comes to watershed planning

Protection of the natural environment

- Need to address endangered species within Niagara Region
- There should be an automatic review peer review process for Environmental Impact Studies
- Ash die-off should not be used to remap Environmental Conservation Areas
- Concerns regarding impacts of illegal dumping and garbage dumps on drainage patterns
- Concern regarding loss of forests and impacts on climate change
- Request for watershed planning both inside and outside of the urban boundary and protection of local fisheries

Growth Management

- Concern regarding the speed of development in Grimsby and high-rise condominiums being built in appropriate locations
- If de-designation of urban lands takes place, it should be done on protected wetlands at the urban boundary

Other Comments

- Stakeholder consultations should be based on formal committee that are transparent
- Need to take considerable care to develop the new Niagara Official Plan to ensure it is an improvement over the status quo

Summary of Comments from July 6, 2018 Special Council Meeting

File No.	Type of Representation*	Name(s)	Organization	Municipality	Summary of Comments
CL-C 36-2018	Written submission & presentation	Gloria J Katch Andy Nero	Residents	Pelham	<ul style="list-style-type: none"> Request for properties located at 1155 and 1307 Rice Road in the Town of Pelham to be re-designated from agriculture to rural in the new Official Plan This should be part of the Region taking a closer look at the east side of Rice Road
CL-C 37-2018	Written submission	Irene Murray Sue Bates Michelle Wallis	Residents	Niagara-on-the-Lake	<ul style="list-style-type: none"> Concerns regarding depletion of tender fruit production in favour of grape production in NOTL, as well as cannabis production in specialty crop areas- the best farmland in Canada
CL-C-38-2018	Written submission	Marco Marchionda	Marcasa Homes Inc.	Grimsby	<ul style="list-style-type: none"> Request for information regarding his property at 548 Main Street West in Grimsby as well as the 25 acres that surrounds his property Indicates his property is located within the Greenbelt Plan but Grimsby Town staff would like to see the land developed
CL-C-41-2018	Written submission	Ray and Liz Kowalik	Residents	St. Catharines	<ul style="list-style-type: none"> Request for property located at 1406 Third Street in St. Catharines to be removed from the Greenbelt Plan specialty crop designation The property is not viable farmland due to the small parcel size (resulting from MTO expropriation for the Highway 406 overpass) and salt damage Concerns that Greenbelt Plan lacks the flexibility required to address on-the-ground realities of farming and agricultural viability

File No.	Type of Representation*	Name(s)	Organization	Municipality	Summary of Comments
CL-C-43-2018	Written submission & presentation	Dr. John Bacher	Preservation of Agricultural Lands Society	N/A	<ul style="list-style-type: none"> • The need for a new Regional Official Plan is questionable • Agricultural and environmental policies are closely linked • Prospect of de-designation of lands within the urban boundary is disturbing; if de-designation of urban lands takes place, it should be done on protected wetlands at the urban boundary • Stakeholder consultations should be based on formal committees that are transparent • Comments on agricultural policy – lands between the Niagara Escarpment and Highway 20 mapped as Good General Agriculture in Thorold, Niagara Falls and Pelham should be designated as Tender Fruit and Grape • Comments on environmental policies – need to address endangered species; there should be an automatic peer review process for Environmental Impact Studies; ash die-off should not be used to remap Environmental Conservation Areas • Do not rush the Official Plan process; need to take considerable care to develop the plan
CL-C-45-2018	Written submission	S.A. Branscombe	River Realty Development	Niagara Falls	<ul style="list-style-type: none"> • Request for 63 acres of River Realty-owned lands in northwest Niagara Falls to be included in the urban boundary
CL-C-46-2018	Written submission	Matt Johnston	Urban Solutions	Grimsby	<ul style="list-style-type: none"> • Request for 2.37 ha of land in Grimsby to be removed from the Greenbelt Plan

File No.	Type of Representation*	Name(s)	Organization	Municipality	Summary of Comments
n/a	Written submission	Gauruv Lall	Remax Escarpment Realty	Grimsby	<ul style="list-style-type: none"> Request to remove 18 acres from the Greenbelt Plan to develop the site (e.g. potential for residential development).
n/a	Written submission	George Trifunovic Philip Trifunovic Mike Trifunovic Peter Trifunovic	Resident	Grimsby	<ul style="list-style-type: none"> Request to build the Livingston Avenue extension and remove all properties that have been divided into two parcels by the extension from the Greenbelt Plan This includes 21 acres of land located at 468 Main Street West in Grimsby
n/a	Written submission	Sandra Horvath Nancy McKay Tom Smith	Christ Our Saviour Lutheran Church	Grimsby	<ul style="list-style-type: none"> Request to remove property located at 448 Main Street West in Grimsby from the Greenbelt Plan and complete the Livingston Avenue extension
n/a	Written submission & presentation	Jean Grandoni	Resident	Niagara Falls	<ul style="list-style-type: none"> Re-designate land between Niagara Falls and Thorold and between the Welland River and the Niagara Escarpment from Good General to Tender Fruit and Grape Illegal dumping – stop illegal dumping on prime farmlands and in floodplains, creeks and creek valleys, drainage ditches, etc. Climate change – illegal dumping and garbage dumps alters drainage patterns; climate change is further impacted by cutting down forests; need stronger forestry protection Watershed planning – need watershed planning inside and outside the urban boundary; no diversions should occur; fisheries are forgotten local food supply
n/a	Written submission	Chris Jack	Resident	Grimsby	<ul style="list-style-type: none"> Slow down development, preserve farmland and do not build high-rise condos in places they do not belong in what used to be the fruit belt

File No.	Type of Representation*	Name(s)	Organization	Municipality	Summary of Comments
					<ul style="list-style-type: none">Concerns about lack of community consultation, traffic and crime

Appendix 3A – Summary of Interactive Board Comments

Theme	Biggest Challenges	Biggest Opportunities
Growing Region	<ul style="list-style-type: none"> • Protecting farmland and the natural environment, including water resources (e.g. our aquifer) • Planning for climate change and extreme weather events (e.g. flooding) • Sprawling, low-density development • Ensuring intensification/density planning is done right • Uneven growth and inconsistent development strategies • Achieving a mix of housing and employment uses that allows people to work where they live • Building complete communities for residents and visitors year-round, not just in the summer months • Lack of diversity in housing types, including rental housing and affordable options for seniors, persons with disabilities and youth • Lack of affordable retirement homes • Concerns regarding the impact of investor activity and home-sharing (e.g. Airbnb) on the rental housing stock and housing affordability • Limited transportation options for seasonal workers and youth • Not enough proactive, comprehensive community planning (e.g. secondary plans, masterplans) 	<ul style="list-style-type: none"> • Higher density, mixed use development in areas supported by infrastructure and services • More apartment buildings, row housing, semi-detached dwellings, tiny homes and multi-ownership housing to expand affordable housing options • Ensure affordable housing and support services are mixed into our communities rather than isolated • Zoning to support residential intensification and home-based businesses • Prioritize brownfield redevelopment over greenfield development • Build the GO Transit Stations and undertake associated transportation improvements • More housing options in proximity to Niagara's GO Transit Stations • Implement Niagara Region's Transportation Master Plan to support development and attract a diverse labour pool • Protect the natural environment and build sustainable, healthy, liveable communities • Plan for climate change by preserving greenspace, building bike lanes and supporting transit • Nature-based tourism • Opportunities associated with rehabilitated quarries (e.g. housing, recreation, ecotourism) • Prepare secondary plans and master plans in consultation with the community for orderly growth
Vibrant Region	<ul style="list-style-type: none"> • "Not in my backyard" (NIMBY) mentality 	<ul style="list-style-type: none"> • Address NIMBYism • Protect the environment and cultural and archaeological resources

Theme	Biggest Challenges	Biggest Opportunities
	<ul style="list-style-type: none"> • Political support for design excellence rather than large-scale development • Low-density development • Large-scale development occurring without secondary plans • Following and enforcing by-laws • Assessing important archaeological sites in an appropriate manner • Paying for services should the population base decline 	<ul style="list-style-type: none"> • Incorporate Niagara's natural assets into urban design plans • Plant more trees to shade streets • Support and leverage the growth of culture and the arts in Niagara • Develop vibrant community hubs • Support intensification and improve the mix of housing and employment uses to allow people to work where they live • Build GO Train Stations that are easily accessible for vehicles, bikes and pedestrians • Ensure that regional plans recognize and leverage the strengths and success of individual communities within Niagara • Leverage the expertise of urban design staff at Niagara Region
Competitive Region	<ul style="list-style-type: none"> • Loss of industry as the economy transitions • Limited public transit • High volume of commuters • Expansive parking lots that act at heat sinks • Protecting water resources • Concern regarding aggregate extraction deep into the aquifer • Concern that aggregate companies are not following regulations and are not held accountable (threat of aquifer contamination and negative impact on farmland) • Concern regarding fill in wet quarries and impact on the aquifer • Concern regarding wet quarries being converted to garbage dumps • Importation of fill from the Greater Toronto Area 	<ul style="list-style-type: none"> • Protect a sufficient supply of employment lands across the region • Build GO Transit Stations and undertake associated transportation improvements to boost tourism • Increase density at GO Transit Stations • Implement Niagara Region's Transportation Master Plan to support development • Explore regional rail service • Develop Fort Erie QEW Corridor • Limit importation of fill from the Greater Toronto Area • Prohibit fill in wet quarries • Recycle aggregate resources • Limit the amount of quarrying that can occur in a given area • Explore opportunities for community development in proximity to rehabilitated quarries

Theme	Biggest Challenges	Biggest Opportunities
		<ul style="list-style-type: none"> • Explore creative opportunities to reuse depleted quarries, such as outdoor theatres or concert venues • Transform depleted quarries into geo-parks • Protect the natural environment and support eco-tourism • Promote international events in Niagara, such as ploughing matches, automotive exhibitions, and natural resource summits • Attract employment, educational and residential opportunities by capitalizing on Niagara's strengths, such as agriculture, natural environment, resources, new urban development, etc. • Attract green technology and internet technology businesses • Develop a regional employment program that addresses marketing the Region, housing for students and seasonal workers and transportation
Connected Region	<ul style="list-style-type: none"> • Making necessary infrastructure investments • Ensuring transportation infrastructure has capacity to support new development • Limited transportation options for aging population • Need densities to support transit • Need more cycling lanes within and between communities that are separated from traffic • Raw sewage overflows • Water quality at beaches • Protecting our drinking water • Need to recognize the role of existing wetlands and dangers of 	<ul style="list-style-type: none"> • Implement Niagara Region's Transportation Master Plan • Build the GO Transit Stations and make associated transportation improvements (e.g. Livingston Ave. and Casablanca Blvd. in Grimsby) • Rethink rail service in Niagara to address climate change • Better connections between GO Transit stations and local transit • Connect smaller municipalities with nearby city centres through transit • Improve bus connections • Make bus travel faster and more efficient to improve ridership • Provide bus passes free of charge • Direct intensification to areas that support transit

Theme	Biggest Challenges	Biggest Opportunities
	<p>disrupting the course of water flows, especially in light of climate change</p>	<ul style="list-style-type: none"> • Build complete streets and improve active transportation • Reduce commute times • Challenges and opportunities associated with a possible Mid-Peninsula Highway • Sewage lagoons can double as wetlands and waterfowl habitat • Adopt bolder vision for Water and Wastewater Master Servicing Plan
Sustainable Region	<ul style="list-style-type: none"> • Urban sprawl • Urban boundary expansions • Protecting drinking water • Waterfront development • Increase in algae making beaches unsafe to swim • Flooding and storm damage to waterfronts • Shoreline erosion (e.g. Lake Erie) • Loss of forest cover and natural features due to development • Concern that aggregate companies are not following regulations which impacts the natural environment • Inappropriate development • Challenge to achieve open creek conveyance (rather than pipes) • Illegal dumping in natural areas • Impact of infrastructure development on the natural environment (e.g. in Greenbelt) 	<ul style="list-style-type: none"> • Protect the natural environment, including natural features and areas within smaller communities and urban areas • Reduce tree-cutting for development, as trees sequester carbon and absorb water • Park naturalization and green roofs • Low impact development standards • Increase buffers for lakeshores, wetlands, and watercourses and naturalize the buffers • Connect natural features and areas within a natural heritage system • Purchase and protect land that can serve as linkages between natural features and areas • Protect vulnerable areas from recreational uses that may damage natural features • Establish targets relative to the protection of natural environment (e.g. tree canopy target) • Eliminate invasive phragmites • Replant areas that have been cleared due to ash borer • Identify flood zones and prohibit development in flood-prone areas • Develop a water usage plan

Theme	Biggest Challenges	Biggest Opportunities
		<ul style="list-style-type: none"> • Ensure that sustainability and climate change is central to all chapters of the Official Plan • Go beyond provincial minimum requirements for climate change, which are inadequate • Set strong greenhouse gas reduction targets, including targets for net-zero communities • Use natural features and areas to mitigate and adapt to climate change • Prioritize sustainable development to address climate change • Electric vehicle infrastructure • More transit and cycling infrastructure • Relief roads to reduce congestion and pollution on the QEW • Ensure scientific studies guide planning and development • More recycling and community involvement • Electrify more of the Niagara River

Appendix 3B – Written Submissions

Overview of Top Three Themes

Protection of the natural environment

- Concerns regarding loss of environmental features and wildlife habitat
- Need a mapped natural heritage system and stronger environmental policies to protect the natural environment and plan for climate change
- Any references to biological offsetting should be eliminated from the plan
- Establish an Environmental Advisory Committee
- Hold meetings with environmentalists at more accessible locations (e.g. Fort Erie, Niagara Falls, St. Catharines)
- Importance of scenic conservation (e.g. scenic by-ways)

Managing growth and housing

- Need to use our land wisely and limit the number of single-detached dwellings, parking lots and big box smart centre plazas
- Concerns regarding lack of affordable housing
- Concerns that “Not In My Backyard” (NIMBY) opposition from residents and councillors is limiting the development of affordable housing
- Concerns regarding social impacts of higher-density development

Ensuring infrastructure supports growth

- Concerns regarding sewage overflows in extreme weather events and sewage flowing into Lake Ontario
- Should bury all hydro wires
- Expand GO Train service in Niagara
- Make improvements to Casablanca Blvd. and expand Livingston Ave. in Grimsby
- Request to add a portion of Highway 122 between Garrison Road and Dominion Road in Fort Erie to the Bikeways Master Plan
- Need infrastructure and political coordination and alignment to meet the aggressive population and employment numbers for Niagara Region
- Need to ensure infrastructure can adapt to the impacts of climate change
- Requests to include specific requirements relating to TransCanada Pipelines infrastructure in the new plan

**Administration**

Office of the Regional Clerk

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www.niagararegion.ca

January 24, 2020

CL 23-2019, December 12, 2019
 PEDC 12-2019, December 4, 2019
 PDS 42-2019, December 4, 2019

Local Area Municipalities**SENT ELECTRONICALLY**

**RE: Memorandum of Understanding for Planning Function and Services
 between Niagara Region and Local Area Municipalities
 PDS 42-2019**

Regional Council, at its meeting of December 12, 2019, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 42-2019, dated December 4, 2019, respecting Memorandum of Understanding for Planning Function and Services between Niagara Region and Local Area Municipalities, **BE RECEIVED** and the following recommendations **BE APPROVED**:

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

A copy of Report PDS 42-2019 and the executed revised MOU are enclosed for your information

Yours truly,

A handwritten signature in dark ink, appearing to read "Ann-Marie".

Ann-Marie Norio
 Regional Clerk

:me
 CLK-C 2020-012

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

Prepared by:

Diana Morreale, MCIP, RPP
Director, Development Approvals
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

Appendices

Appendix 1	Memorandum of Understanding
Appendix 2	MOU Authorization from Local Area Municipalities

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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the Niagara Peninsula Conservation Authority

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

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.

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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.

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).

- 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.
- 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

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).

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.

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

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.

applications in accordance with the timelines identified in Table 2 – Non-statutory Development Application Review Timelines.

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.

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).

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:

- 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

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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

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 Stormwater Master Plan/Guidelines		Region NPCA	Local	Planning Act, Local Official Plan
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).

Application Type	Pre-Consultation	Target for Comments After Circulation of a Complete Application
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
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: Date of signature: Jan 20/20CAO Signature: 

Date of Council Endorsement Dec 12/19

Town of Fort Erie

Date of Town Council endorsement: May 6/19CAO Signature: 

Town of Grimsby

Date of Town Council endorsement: May 21/19CAO Signature: 

Town of Lincoln

Date of Town Council endorsement: Jun. 10/19CAO Signature: 

City of Niagara Falls

Date of City Council endorsement: May 14/19CAO Signature: 

Town of Niagara-on-the-Lake

Date of Town Council endorsement: Nov. 13/19CAO Signature: 

Town of Pelham

Date of Town Council endorsement: May 21/19CAO Signature: 

City of Port Colborne

Date of City Council endorsement: May 13/19CAO Signature: 

March 2019

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City of St. Catharines

Date of City Council endorsement:

CAO Signature:

September 9, 2019

[Signature]

Authorized by By-law No. 2019-244 of the City of St. Catharines

Approved
[Signature]
Solicitor
Clerk

City of Thorold

Date of City Council endorsement:

CAO Signature:

Date of Signature: Jan 17, 2020

Date of Council Endorsement: May 17, 2019

Township of Wainfleet

Date of Township Council endorsement:

CAO Signature:

[Signature] May 14/19

City of Welland

Date of City Council endorsement:

CAO Signature:

Date of signature: Jan 17, 2020

Date of Council Endorsement: April 16/19

Township of West Lincoln

Date of Township Council endorsement:

CAO Signature:

[Signature]
Date of signature: Jan 17/20

Date of Council Endorsement: April 16, 2019

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**

March 2019

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Protocol
For Planning Services
Between
the Regional Municipality of Niagara (The Region)
And
the Niagara Peninsula Conservation Authority (NPCA)

January 2018

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Appendix B - Excerpt from the Provincial Policy Statement 2014 – Conservation Responsibility for Natural Hazards

Appendix C - Excerpt from the Ontario Regulation 155/06 Niagara Peninsula Conservation Authority: Regulation of Development, Interface with Wetlands and Alterations to Shorelines and Watercourses

1.0 Basis

In 2007, the Niagara Region, local area municipalities and NPCA signed a Memorandum of Understanding ("MOU") for improving the planning function in Niagara with the ultimate 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."*

Part 3 of the MOU - *Consolidation of the Review of Planning Applications as they Relate to the Natural Environment* - assigned to the NPCA certain responsibilities as part of its review of development applications¹ and proposed policy, and providing technical clearance services with respect to compliance with the Regional Official Plan and Provincial Policies and Plans. Specifics of this assignment of function were detailed in the *Protocol for Plan Review and Technical Clearance* ("Protocol") between the Region and NPCA, which was approved in 2008.

The MOU was reviewed and revised in 2011 and again in 2014. The Protocol has not been updated since its inception in 2008.

The MOU and Protocol have succeeded in managing relationships, reducing duplication and effecting continuous improvements. Since that time changes have occurred in Niagara in terms of legislation, relationships, resources, and growth that have impacted the established roles and responsibilities, particularly with respect to the review of environmental matters.

Through this revised Protocol, the NPCA and the Region will establish a new framework within which the NPCA will provide specified updated services to the Region.

This 2018 Protocol is intended to replace in its entirety the 2008 Protocol. Subsequent to the approval of the 2018 Protocol, the MOU will be updated to incorporate the approved revised functions and other aspects of the planning program in Niagara Region.

This Protocol has been prepared for the Niagara Region and NPCA by an Area Planners MOU Working Group consisting of senior representatives from Niagara Region, NPCA and local municipalities.

2.0 Purpose

The purpose of this Protocol is to:

- Redefine, clarify and set out a new Protocol within which the NPCA will provide specified planning application, policy and technical review services to the Region;
- Identify the respective roles and responsibilities of the NPCA and the Region in Ontario's Land Use Planning System with respect to environmental matters;
- Provide direction for consistent and streamlined circulation and review procedures for all applications under the *Planning Act*, *Environmental Assessment Act*, and *Niagara Escarpment Planning and Development Act*;
- Reinforce the positive relationship between the NPCA and the Region;
- Allow the NPCA and Region to focus on provincially mandated responsibilities, and
- Provide increased decision making autonomy.

¹ Including Planning Act, Niagara Escarpment and Development Act applications, and Environmental Assessments

3.0 Definitions

3.1 Planning Application Review means:

- The review of planning applications (including formal preconsultation) under the *Planning Act, the Niagara Escarpment Planning, and Development Act and the Environmental Assessment Act*;
- The identification of the need for and review of related technical reports (including scoping); and
- The identification of conditions of approval.

3.2 Policy Review means:

- The review of existing or new policy documents, including but not limited to stormwater management guidelines, watershed studies, secondary plans and background studies; and
- The identification of the need for and review of related technical reports.

3.3 Technical Clearance Review means:

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

3.4 Lead Agency means:

- The organization responsible for the principal review of an environmental feature located within or in proximity to land subject to a planning application to ensure compliance and conformity with all applicable legislation and regulations; and
- The organization responsible for the principal review of proposed policies, studies, guidelines or Environmental Assessments as they relate to environmental features to ensure compliance and conformity with all applicable legislation and regulations.

3.5 Environment Feature means:

- All of the environmental features identified in the first column of Table 1 of this Protocol.

3.6 Natural Hazards means:

- Those environmental features identified in Table 1 of this Protocol as natural hazards and/or identified in the 2014 Provincial Policy Statement Section 3.1.

4.0 Principles

This Protocol is based upon the following principles:

1. Adoption of improvements to the planning application processes which results in streamlining and consistency.
2. Direction that interpreting policy is the responsibility of the organization writing and approving that policy unless delegated by the approving authority.
3. Continuing cooperation between the NPCA and the Region.
4. Effective communication and collaboration.
5. Effective, proactive planning².
6. Effective leveraging of resources to deliver planning application, policy and technical clearance reviews.
7. Eliminate overlap in planning application review processes to the extent possible.

5.0 Jurisdiction

This Protocol applies to those lands within the Regional Municipality of Niagara.

² Proactive planning refers to preparing new or updating existing comprehensive studies and guidelines that assist in the early identification of issues and the need for additional study, and include, but are not limited to, watershed and sub-watershed planning, stormwater guidelines, master servicing plans, updates to Schedule C of the Regional Official Plan, etc.

6.0 Roles and Responsibilities

6.1 NPCA

- 6.1.1 The NPCA, through the *Memorandum of Understanding between Conservation Ontario, the Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources and Forestry*, is responsible for providing the Provincial interest comments on policy documents and development applications related to natural hazards (Section 3.1 of the Provincial Policy Statement except Section 3.1.8). See Appendices A and B. Specifically, the NPCA will provide planning application, policy and technical clearance reviews to ensure consistency with the Provincial Policy Statement related to flooding hazards, erosion hazards, dynamic beach hazards, unstable soils and unstable bedrock. This function is not impacted by this Protocol.
- 6.1.2 The NPCA has legislated responsibilities under the *Conservation Authorities Act* (see Appendix C) and will continue to provide planning application and technical clearance reviews pursuant to the NPCA Regulation, as administered through Board approved policies. This function is not impacted by this Protocol.
- 6.1.3 The NPCA will provide the services as identified in Table 1, Table 2 and Table 3.
- 6.1.4 The NPCA will review Region-initiated studies and projects, pursuant to the NPCA Regulation, as administered through Board approved policies, and to the Memorandum of Understanding between the Province and the Conservation Authorities, as a commenting agency without fee to the Region.
- 6.1.5 The NPCA will provide comments on Environmental Assessments pursuant to the NPCA Regulation, as administered through Board approved policies, and pursuant to the Memorandum of Understanding between the Province and the Conservation Authorities.
- 6.1.6 The NPCA will actively participate in formal pre-consultation meetings with developers and landowners when environmental features identified in Table 1 (when the NPCA is the Lead Agency) have potential to be impacted. To help ensure a consistent planning application review and a coordinated message, the NPCA and Region, together with the local municipality, will participate in pre-consultation meetings at the same time with the proponents. The NPCA will work to scope the complete application requirements related to environmental matters prior to the preconsultation meeting. Should the NPCA determine that no environmental features (where the NPCA is identified as the Lead Agency as shown in Table 1) will be impacted, the NPCA will notify the approving authority and may not attend the pre-consultation meeting.
- 6.1.7 The NPCA will scope Environment Impact Studies (EIS) and review the Terms of Reference (ToR) for EIS and similar reports to ensure *natural hazards* and NPCA Regulation/Policy are addressed.
- 6.1.8 Where the NPCA is identified as the Lead Agency on Table 1, the NPCA will provide Technical Clearance on the EIS with respect to those environmental features only.
- 6.1.9 The NPCA will copy the Region on all responses to requests for comment on development planning, technical clearance and policy matters.
- 6.1.10 Nothing in this Protocol shall limit the NPCA from independently appealing a decision or lack of a decision to the Ontario Municipal Board (OMB) or other tribunal. The NPCA will provide notice of an appeal to the Region and local municipality at the time of appeal.
- 6.1.11 The NPCA will provide the Region with its Regulatory Screening Map and provide regular updates.

6.2 Niagara Region

- 6.2.1 The Region will provide planning application review and technical clearance services as identified in Tables 1, 2 and 3, to ensure consistency with the Regional Official Plan, Provincial Policies, Provincial Plans, the Provincial Policy Statement (except Section 3.1 Natural Hazards policies 3.1.1 to 3.1.7), and matters of Provincial Interest.
- 6.2.2 The Region shall circulate to the NPCA for planning application review and/or technical clearance, all Regionally led planning applications, studies or Environmental Assessments that are located in or adjacent to a NPCA property or within a regulated feature/area.
- 6.2.3 The Region in its review of *Planning Act* and *Escarpment Planning and Development Act* applications and *Environmental Assessments* will comment on stormwater management, as identified in Table 3, in accordance with MOECC Stormwater Management Guidelines as well as the NPCA Stormwater Management Guidelines until such time as new stormwater management guidelines are approved by the Region.
- 6.2.4 The Region will review NPCA-initiated studies and projects without fee to the NPCA.
- 6.2.5 The Region will actively participate in formal preconsultation meetings with developers and landowners. To help ensure a consistent planning application review and a coordinated message, the NPCA and Region, together with the local municipality, will participate in preconsultation at the same time with the proponents.
- 6.2.6 Prior to a formal pre-consultation meeting, the Region will work to scope the complete application requirements related to environmental features by identifying environmental features that will be need to be addressed in an Environment Impact Study³ (EIS). Where the NPCA, Region and/or local municipality have identified interests, the Lead Agency (see Table 2) will consult with those parties on the review of the EIS Terms of Reference.
- 6.2.7 Where the Region is identified as the Lead Agency on Table 1, the Region will provide Technical Clearance on EIS with respect to those environmental features.
- 6.2.8 Nothing in this Protocol shall limit the Niagara Region from independently appealing a decision or lack of a decision to the Ontario Municipal Board (OMB) or other tribunal.
- 6.2.9 The Region will be responsible for preparation and maintenance of a comprehensive natural environment screening map, incorporating the NPCA Regulatory screening map as provided and updated by the NPCA.

7.0 Coordination of Environmental Comments on Development Applications

The MOU, as may be revised, gives overall directions for the coordination of development applications, policy and Environmental Assessments review. For the purposes of clarity with respect to environmental features, the NPCA will review the following list of applications in accordance with the Conservation Ontario MOU with the Province and ensure that they are consistent with the NPCA 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. The NPCA will copy the Region and local municipality on all correspondence.

- Regional Official Plan and Amendments
- Local Official Plans and Amendments

³ Includes characterisation reports, natural heritage systems reports and other environmental reports.

- Zoning By-laws and Amendments
- Subdivisions/Condominiums
- Environmental Assessments
- Other Development Applications including: Site Plan, Consents, Minor Variances and NEC Development Permits

8.0 Protocol Terms and Implementation

The Region and NPCA agree to the following:

8.1 Monitoring and Cancellation

This Protocol will be reviewed and amended concurrent with the Memorandum of Understanding between the local municipalities, NPCA and Region 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.

8.2 Transition of Responsibilities

When a complete⁴ development application, Notice of Commencement for an Environmental Assessment (EA) or major study (such as a Secondary Plan) has been received by the NPCA from a local area municipality or the Region prior to the effective date of this Protocol, the NPCA will continue to review the application consistent with the NPCA's roles and responsibilities identified in the 2008 Protocol in accordance with a matrix of open files to be prepared by the Region and NPCA, after which the files will transition to the 2018 Protocol provisions and the Region will assume responsibility.

In an effort to continue the timely reviews of development applications, EAs and major studies during the transition period, the NPCA may support the Region by providing expertise as needed on a fee for service basis; alternatively the Region may hire consultants as necessary.

8.3 Overlapping Mandate

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

8.4 Conflict

- a) Where this Protocol is in conflict with the 2014 MOU, this Protocol will take precedence.
- b) Where there is conflict between new (changing) legislation and this Protocol, new legislation will take precedence.
- c) Subject to paragraph (d) below, where there is a conflict between the Region's Official Plan, the NPCA Regulation and/or Board adopted policies, the Regulation shall take precedence.

⁴ As determined by the approving authority generally as identified through pre-consultation and shown on the Pre-consultation Form/Letter.

- d) Where there are policy conflicts only, Regional, NPCA and local municipal staffs 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 2.

8.5 Streamlining

Further streamlining of the planning review process, as it relates to Provincial, NPCA and regional/local interests, is encouraged.

8.6 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.

8.7 Fees

- a) The Region 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; fees for planning review and technical clearance services will be set by the NPCA;
- b) The NPCA will be responsible for collecting any further processing, approvals and/or Final Clearance Fees, if required; and,
- c) The NPCA will provide the Region and the local municipalities with an approved schedule of fees and updates.

8.8 Effective Date

This Protocol will take effect on the last date signed by the parties to this Protocol.

Date of Regional Council approval _____.

Date of NPCA Board approval _____.

Table 1: Responsibilities for Planning Application Review with Respect to Environmental Features

Environmental Features	Lead Agency	Mandate Authority	Planning Application and Policy Review Agency	Technical Clearance Review
Natural Hazards ⁵				
Flooding Hazards, Floodways and Floodplains	NPCA	PPS Section 3.1, MOU with Province, O. Reg. 155/06	NPCA	NPCA
Dynamic Beach and Erosion Hazards	NPCA	PPS Section 3.1, MOU with Province, O. Reg. 155/06	NPCA	NPCA
Hazardous Lands and Hazardous Sites	NPCA	PPS Section 3.1, MOU with Province, O. Reg. 155/06	NPCA	NPCA
Riverine Hazards	NPCA	PPS Section 3.1, MOU with Province, O. Reg. 155/06	NPCA	NPCA
Regulated Watercourses	NPCA	PPS Section 3.1, MOU with Province, O. Reg. 155/06	NPCA	NPCA
Wildland Fires	Region	PPS Section 3.1.8	Region	Region
Natural Heritage				
Wetlands	NPCA/Region	O. Reg. 155/06 PPS Section 2.1, ROP	NPCA/Region	NPCA/Region
Habitat of Endangered and Threatened Species	MNR	Endangered Species Act (Federal and Provincial), ROP	Region	MNR
Significant Woodlands	Region	PPS Section 2.1, ROP	Region	Region
Significant Wildlife Habitat	Region	PPS Section 2.1, ROP	Region	Region

⁵ For the purposes of this document reference to PPS Section 3.1 includes Policies 3.1.1 to 3.1.7 only.

Protocol for Planning Services between the Region and NPCA January 2018

January 2018

Environmental Features	Lead Agency	Mandate Authority	Planning Application and Policy Review Agency	Technical Clearance Review
Significant Valleylands	Region	PPS Section 2.1, ROP	Region	Region
Significant ANSIs (life and earth)	Region	PPS Section 2.1, ROP	Region	Region
Fish Habitat	DFO	Fisheries Act, PPS Section 2.1, ROP	Region	DFO
Water Resource				
Vulnerable Groundwater Areas	Region	PPS Section 2.2, ROP	Region	Region
Groundwater Features	Region	PPS Section 2.2, ROP	Region	Region
Stormwater Management	Region	PPS Section 2.2, ROP	Region / Local	Region
Key Hydrologic Features	Region	Provincial Plans, ROP	Region	Region
Sensitive Water Features	Region	PPS Section 2.2, ROP	Region	Region
Significant Groundwater Recharge Areas	Region	Provincial Plans, ROP	Region	Region
Significant Surface Water Contribution Areas	Region	Provincial Plans, ROP	Region	Region
Intake Protection Zones/Vulnerable Surface Water Features	Local	Clean Water Act 2006 PPS Section 2.2, ROP	Region / Local	N/A

Acronyms from Table 1

DFO – Depart of Fisheries and Oceans

NEC – Niagara Escarpment Commission

O. Reg. 155/06 - Provincial Legislation with respect to the Niagara Peninsula Conservation Authority: Regulation of Development, Interference with wetlands and Alteration to Shorelines and Watercourses.

PPS - Provincial Policy Statement 2014

ROP – Regional Official Plan

Table 2: Implementation Responsibilities

Processes / Reports / Submissions	Lead Agency	Responsibility for Final Approval
Application Processes		
Regional Official Plan/Amendments	Region	Region
Local Official Plan/Amendments	Local	Local / Region ⁶
Zoning By-Law/Amendments	Local	Local
Draft Plans of Subdivision	Local	Local
Site Plan	Local	Local
Draft Plan of Condominium	Local	Local
Minor Variance/Permissions	Local	Local
Consent/Boundary Adjustments	Local	Local
NEC Applications	NEC	NEC
Building Permits	Local	Local
Aggregate Licence	Local / Region / MNRF	MNRF
Environmental Assessments	Local / Region / Province	Local / Region / Province
Reports / Studies		
EIS in a NPCA Regulated Area	NPCA	NPCA
EIS outside Settlement Area ⁷	Region	Region
EIS inside Settlement Area ⁸	Local	Local
Watershed Studies	Region	Region
Subwatershed Studies	Local	Local
Technical Reports for Natural Hazard Identification	NPCA	NPCA
Regional Master Servicing Plans	Region	Region
Regional Stormwater Guidelines	Region	Region

Notes for Table 2:

- (i) The responsibility for the Review of Environmental Features is as noted in Table 1
- (ii) The responsibility for Technical Clearance of Environmental Features is as noted in Table 1

⁶ Regional Official Plan Policies 14.E.7 and 14.E.8 identify criteria under which approval of Local Official Plan Amendment amendments may be delegated to the local Council for approval.

⁷ 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.

⁸ 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.

Table 3: Responsibilities for Stormwater Management Review with Respect to Area of Interest

Area of Interest	NPCA	Region	MOECC	Local
Determination of need for Stormwater Report – Quality and Quantity		✓		✓
Review of Stormwater Report		✓	✓	✓
Location of Facility with Respect to Vision of Area				✓
Location of Facility with Respect to Natural Hazards	✓			
Location of Facility with Respect to Functionality		*		✓
Confirmation of Drainage Areas		*		✓
Sizing of Facility with Respect to Quality, Erosion and Quantity Controls, including Release Rates and Settling Calculations		✓		✓
Other Potential Impacts on Receiving Watercourse (e.g. thermal, water balance, etc)		✓		
Outlet Structure and Spillway Design		✓	✓	✓
Outlet to Watercourse (if necessary)	✓		✓	
Safety – Side Slopes, Grating, Grading, Emergency Access		✓		✓
Landscaping/Re-vegetation				✓
Long Term Maintenance			✓	✓
Major and Minor Flow Conveyance (internal to subdivision)				✓
Hydraulic Gradeline Analysis of Storm Sewer and Outlet				✓

*The Region will be involved in instances where the drainage of a Regional Road may be impacted.

Appendix A - Excerpt from the Memorandum of Understanding on Procedures to Address Conservation Authority Delegated Responsibility

Conservation Ontario, Ministry of Natural Resources & Ministry of Municipal Affairs and Housing

Memorandum of Understanding on Procedures to Address Conservation Authority Delegated Responsibility

2001

Purpose of the MOU

The MOU defines the roles and relationships between Conservation Authorities (CAs), the Ministry of Natural Resources (MNR), and the Ministry of Municipal Affairs and housing (MMAH) in planning for implementation of CA delegated responsibilities under the Provincial One Window Planning System...

Roles and Responsibilities

Conservation Authorities (CAs)

- a) The CAs will review policy documents and development proposals processed under the Planning Act to ensure that the application has appropriate regard to Section 3.1 of the PPS. [see Appendix C]
- b) Upon request from MMAH, CAs will provide comments directly to MMAH on planning matters related to Section 3.1 of the PPS as part of the provincial one window review process.
- c) Where there may be a potential conflict regarding a Conservation Authority's comments on a planning application with respect to Section 3.1 of the PPS and comments from provincial ministries regarding other Sections of the PPS, the Ministry of Municipal Affairs and Housing will facilitate discussions amongst the affected ministries and the Conservation Authority so that a single integrated position can be reached.
- d) CAs will apprise MMAH of planning matters where there is an issue as to whether there has been "regard to" Section 3.1 of the PPS to determine whether or not direct involvement by the province is required.
- e) Where appropriate, CAs will initiate an appeal to the OMB to address planning matters where there is an issue as to whether there has been "regard to" Section 3.1 of the PPS is at issue. CAs may request MMAH to support the appeal.
- f) CAs will participate in provincial review of applications for Special Policy Area approval.
- g) CAs will work with MMAH, to develop screening and streamlining procedures that eliminate unnecessary delays and duplication of effort.

Appendix B - Excerpt from the Provincial Policy Statement 2014 – Conservation Responsibility for Natural Hazards

3.1 Natural Hazards

3.1.1 Development shall generally be directed to areas outside of:

- a. hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
- b. hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and
- c. hazardous sites.

3.1.2 *Development and site alteration* shall not be permitted within:

- a. the dynamic beach hazard;
- b. defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c. areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- d. a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.3 Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

3.1.4 Despite policy 3.1.2, *development and site alteration* may be permitted in certain areas associated with the *floodway* along *river, stream and small inland lake systems*:

- a. in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications; or
- b. where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

3.1.5 *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

- a. an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b. an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
- c. uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

3.1.6 Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources.

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a. development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b. vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c. new hazards are not created and existing hazards are not aggravated; and
- d. no adverse environmental impacts will result.⁹

3.1.8 *Development* shall generally be directed to areas outside of lands that are unsafe for *development* due to the presence of *hazardous forest types* for *wildland fire*.

Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.¹⁰

⁹ Policy 3.1.7 of the PPS was added to the PPS in 2014, and was not part of the Memorandum of Understanding on Procedure to Address Conservation Authority Delegated Responsibility in 2001 between Conservation Ontario, Ministry of Natural Resources & Ministry of Municipal Affairs and Housing. However, Policy 3.1.7 provides clarity to Policies 3.1.2 and 3.1.5 and therefore could be considered part of the NPCA mandate.

¹⁰ Policy 3.1.8 of the PPS was added to the PPS in 2014, and was not part of the Memorandum of Understanding on Procedures to Address Conservation Authority Delegated Responsibility in 2001 between Conservation Ontario, Ministry of Natural Resources & Ministry of Municipal Affairs and Housing. As wildland fire is a new hazard, it should not be considered part of the NPCA mandate unless the Province gives further direction on this matter.

**Appendix C - Excerpt from the Ontario Regulation 155/06 Niagara Peninsula
Conservation Authority: Regulation of Development, Interface with Wetlands and
Alterations to Shorelines and Watercourses**

Development prohibited

2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,

(a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beaches, including the area from the furthest offshore extent of the Authority's boundary to the furthest landward extent of the aggregate of the following distances:

(i) the 100 year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled "Lake Ontario Shoreline Management Plan" available at the head office of the Authority,

(ii) the 100 year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled "Lake Erie Shoreline Management Plan" available at the head office of the Authority,

(iii) the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period,

(iv) where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled "Lake Ontario Shoreline Management Plan" available at the head office of the Authority, and

(v) where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled "Lake Erie Shoreline Management Plan" available at the head office of the Authority;

(b) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:

(i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,

(ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable

slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,

(iii) where the river or stream valley is not apparent, the valley extends the greater of,

(A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, to a similar point on the opposite side, and

(B) the distance of a predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood standard, to a similar point on the opposite side;

(c) hazardous lands;

(d) wetlands; or

(e) other areas where development could interfere with the hydrologic function of a wetland, including areas up to 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 30 metres of wetlands less than 2 hectares in size. O. Reg. 155/06, s. 2 (1); O. Reg. 71/13, s. 1 (1-3).

(2) All areas within the jurisdiction of the Authority that are described in subsection (1) are delineated as the "Regulation Limit" shown on a series of maps filed at the head office of the Authority under the map title "Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". O. Reg. 71/13, s. 1 (4).

(3) If there is a conflict between the description of areas in subsection (1) and the areas as shown on the series of maps referred to in subsection (2), the description of areas in subsection (1) prevails. O. Reg. 71/13, s. 1 (4).

Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca**Sub-Item 8**

January 24, 2020

CL 2-2020, January 23, 2020**CSC 1-2020, January 15, 2020****CSD 1-2020, January 15, 2020*****Local Area Municipalities******SENT ELECTRONICALLY*****RE: Approval of Interim Levy Dates and Amounts
CSD 1-2020**

Regional Council, at its meeting of January 23, 2020, approved the following recommendation of its Corporate Services Committee:

That Report CSD 1-2020, dated January 15, 2020, respecting Approval of Interim Levy Dates and Amounts, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the interim amounts for the Regional levy **BE APPROVED** by Regional Council in the amounts shown in Appendix 1 to Report CSD 1-2020;
2. That the Regional Clerk ensures that the appropriate by-law **BE PREPARED** for presentation to Regional Council for consideration and approval; and
3. That Report CSD 1-2020 **BE CIRCULATED** to the Councils of the local area municipalities for information.

A copy of Report CSD 1-2020 is enclosed for your information

Yours truly,



Ann-Marie Norio
Regional Clerk
:kl

CLK-C 2020-008

Subject: Approval of Interim Levy Dates and Amounts

Report to: Corporate Services Committee

Report date: Wednesday, January 15, 2020

Recommendations

1. That the interim amounts for the Regional levy **BE APPROVED** by Regional Council in the amounts shown in **Appendix 1**;
2. That the Regional Clerk ensures that the appropriate by-law **BE PREPARED** for presentation to Regional Council for consideration and approval; and
3. That report CSD 1-2019 **BE CIRCULATED** to the Councils of the local area municipalities for information.

Key Facts

- The purpose of this report is to approve the interim levy amounts and due dates.
- Section 316 of the Municipal Act provides that the council of an upper-tier municipality may requisition an amount equivalent to 50% of the prior year's approved levy from each area municipality in order to continue core services prior to the adoption of budget estimates for the year.
- The Region's Budget Control Bylaw (2017-63, section 6.3 paragraph a.) provides that prior to Council's approval of the Operating Budget bylaw, a current year's expenditures may be incurred if a budget for a similar item existed in the previous year's operating budget and the expenditures is at the same service level as the prior year and does not exceed 50% if the amount appropriated in the previous year's operating budget.
- The Region's Budget Control Bylaw (2017-63, section 6.3 paragraph b.) provides that prior to Council's approval of the Capital Budget Bylaw, expenditures for new capital projects may be permitted if an individual capital project is deemed a priority by Council and specifically approved by Council in advance of the general capital budget bylaw (section 6.3. paragraph b).
- Interim levy dates are consistent with the prior years. The local area municipalities were consulted and no alternative dates are considered.

Financial Considerations

The interim levy amounts to be requisitioned from the local area municipalities totals \$182,862,828 (General Levy) and \$17,664,148 (Waste Management) for a total of \$200,526,976 or 50% of the 2019 levied amounts. The interim levy will provide sufficient

cash flows for current year Region operations until approval of the 2020 operating budget and levy amounts.

Analysis

The authority to incur expenditures by Regional departments, boards and agencies is granted by Regional Council through the annual approved operating budget as prescribed by the Municipal Act. Prior to the an annual budget being adopted by Regional Council, bylaw 2017-63 as approved by Regional Council provides that Regional departments, boards and agencies may incur expenses up to 50% of their prior year's operating budget in order to maintain business as usual for Regional services.

Further to this, Section 316 of the Municipal Act authorizes Council through a bylaw to provide an interim levy equivalent to 50% of the prior year's approved estimates (subject to certain adjustments) before the adoption of budget estimates for the year. It has been the Region's past practice to levy an interim levy in order to fund Regional services prior to the approval of the annual budget and final levy amounts.

Expenditures for new capital projects prior to Council's approval of the 2020 consolidated capital budget bylaw may be permitted if an individual capital project is deemed a priority by Council and specifically approved by Council in advance of the general capital budget bylaw (section 6.3. paragraph b).

Alternatives Reviewed

Alternative thresholds were not considered as the interim levy of 50% permitted by the Municipal Act will generally ensure cash inflows in the shorter term are able to accommodate the level of expenditures. The Municipal Act does not have a requirement to approve a spending limit in advance of the budget approval however the practice has been adopted by the Region through bylaw 2017-63.

Relationship to Council Strategic Priorities

Not Applicable.

Other Pertinent Reports

Not Applicable.

Prepared by:

Rob Fleming, MBA
Senior Tax & Revenue Analyst
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

This report was prepared in consultation with Margaret Murphy, Associate Director, Budget Planning & Strategy and reviewed by Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer

Appendices

Appendix 1 Interim Levy Payments and Dates

Page 4

Appendix 1 - Interim Levy Payments and Dates

General Levy			
Municipality	March 11, 2020	May 13, 2020	Total Interim Levy
Fort Erie	5,726,046	5,726,046	11,452,091
Grimsby	6,852,188	6,852,188	13,704,377
Lincoln	5,341,710	5,341,710	10,683,420
Niagara Falls	19,292,739	19,292,739	38,585,479
Niagara-on-the-Lake	7,863,682	7,863,682	15,727,363
Pelham	3,790,363	3,790,363	7,580,725
Port Colborne	2,979,336	2,979,336	5,958,671
St. Catharines	24,269,932	24,269,932	48,539,864
Thorold	3,636,661	3,636,661	7,273,323
Wainfleet	1,377,324	1,377,324	2,754,648
Welland	7,460,447	7,460,447	14,920,894
West Lincoln	2,840,987	2,840,987	5,681,975
Total	91,431,414	91,431,414	182,862,828

Waste Management Special Levy			
Municipality	March 11, 2020	May 13, 2020	Total Interim Levy
Fort Erie	669,137	669,137	1,338,273
Grimsby	462,426	462,426	924,851
Lincoln	400,600	400,600	801,200
Niagara Falls	1,732,600	1,732,600	3,465,200
Niagara-on-the-Lake	386,227	386,227	772,453
Pelham	301,185	301,185	602,370
Port Colborne	442,770	442,770	885,540
St. Catharines	2,718,320	2,718,320	5,436,640
Thorold	368,883	368,883	737,766
Wainfleet	136,860	136,860	273,720
Welland	990,994	990,994	1,981,988
West Lincoln	222,074	222,074	444,149
Total	8,832,074	8,832,074	17,664,148

Total General & Waste Management Interim Levy			
Municipality	March 11, 2020	May 13, 2020	Total Interim Levy
Fort Erie	6,395,182	6,395,182	12,790,364
Grimsby	7,314,614	7,314,614	14,629,228
Lincoln	5,742,310	5,742,310	11,484,620
Niagara Falls	21,025,339	21,025,339	42,050,678
Niagara-on-the-Lake	8,249,908	8,249,908	16,499,816
Pelham	4,091,548	4,091,548	8,183,095
Port Colborne	3,422,106	3,422,106	6,844,211
St. Catharines	26,988,252	26,988,252	53,976,504
Thorold	4,005,544	4,005,544	8,011,088
Wainfleet	1,514,184	1,514,184	3,028,368
Welland	8,451,441	8,451,441	16,902,882
West Lincoln	3,063,062	3,063,062	6,126,123
Total	100,263,488	100,263,488	200,526,976

Sub-Item 9

ORL #	Date Requested	Councillor	Request	Lead Dept.	Expected Due Date	Council Requested Due Date	Expected Committee Input Date	Comments
OUTSTANDING REPORT LIST - FILE UPDATED: January 30, 2020								
2019-03	11-Feb-19	Porter	Policy and funding methods for how the City could support requests for assistance for affordable housing endeavors in the future	PBS	March			To be incorporated in CIP Review Process
2019-12	15-Apr-19	Porter	Review of Citizen Appointments to Boards and Committees Policy	LCS	Q2 2020			Once current appointment process is completed
2019-13	29-Apr-19	Townsend	Feasibility of green alternatives to road salts for City's winter program	MW	Q1 2020			Report will be sent to BSC for input prior to going to Council
2019-18	10-Jun-19	Williamson	Condition of Inner Range Port Dalhousie Lighthouse and development of plan to more permanently protect both lighthouses and lakeside park from future flooding	EFES	Q1 2020			Report to be done after high waters recede
2019-20	24-Jun-19	Mayor Sendzik	Corporate waste reduction strategy including best practices for municipal waste diversion and organics at city facilities, parks, beaches, public spaces and events at city facilities, including an implementation strategy and budget for 2020.	EFES / MW	Q1 2020			This report is to go to the Environmental Sustainability Committee
2019-22	15-Jul-19	Townsend	Amend sign by-law to permit digital signage on City-owned properties and buildings, including the appropriateness and ability to include third-party advertising as part of digital signage on City-owned properties.	PBS / COMMS	23-Mar-20	Q4 2019		Appeal Information Report - Application for Sign By-law Variance; 142 St. Paul Street; Owner: 2400795 Ontario Inc. was deferred 8-12-19 until ORL #2019-22 is presented to
2019-23	15-Jul-19	Littleton	Opportunities and strategies for the City to support neighbourhood associations and neighbourhood-based community groups, including best practices and information gathered from the forum	CRCS	Q2 2020			Staff report will come forward following the neighbourhood association forum
2019-26	12-Aug-19	Siscoe	Renaming of parkette at 91 York Street	CRCS	Q2 2020			
2019-29	09-Sep-19	Littleton	Report back on the existing street naming process with ways to include more public engagement, perhaps similar to the park naming process	PBS	Q2 2020			
2019-31	09-Sep-19	Garcia	Creation of a new rental category for use of vacant and unused City properties by Community-based Volunteer Groups (not to be used for commercial purpose)	FMS / CRCS	Q1 2020			Rental fees to be waived in total for volunteer groups. Groups still need proper insurance and to help with maintenance
2019-33	09-Sep-19	Townsend	Naloxone training for City staff and City Councillors, including availability of Naloxone kits in the trunks of City vehicles and Councillors' vehicles.	CSS	10-Feb-20	Q4 2019		Include information on the current availability of kits at City's facilities
2019-34	23-Sep-19	Mayor Sendzik	That additional staffing be considered for RZone in the 2021 budget deliberations and come back to Council with a report in Q3 2020	CRCS	Q3 2020	Q3 2020		
2019-38	4-Nov-19	Siscoe	Labyrinth Project - follow-up report with information before the end of Q1 2020 for final approval prior to construction of the labyrinth	FMS	10-Feb-20	Q1 2020		From BSC meeting of October 28, 2019, passed at Council November 4.
2019-39	4-Nov-19	Townsend	Single-use plastic bag ban	EFES / LCS / EDTS	Q4 2020			
2019-40	2-Dec-19		That staff report back to Council with a schedule for Deputy Mayors	LCS	Q3 2020			
2019-41	2-Dec-19	Littleton	That staff report back regarding the Conversion of Grantham South to a one-way street heading north from Queenston Street to Eastchester Avenue	EFES	Q3 2020			
2019-42	2-Dec-19	Kushner / Williamson	That staff be directed to report back on the recent increase on graffiti which tagged not only buildings but also vehicles in west St. Catharines and the downtown, including the three questions for staff.	PBS	10-Feb-20			
2019-43	2-Dec-19	Kushner / Phillips	That staff utilize the EngageSTC portal to gather public feedback and report back end of Q1 2020 regarding a national ban on handguns and the joining with other municipalities that are advocating for a national ban on handguns.			End of Q1 2020		Motion was referred to staff at Council meeting of December 2, 2019
2019-44	2-Dec-19	Porter	That staff be directed to gather the appeal processes for all grant programs and report back to Council	CRCS				From BSC meeting of October 28, 2019

ORL #	Date Requested	Councillor	Request	Lead Dept.	Expected Due Date	Council Requested Due Date	Expected Committee Input Date	Comments
2019-45	16-Dec-19	Porter	That staff be directed to consult with the public and report back to Council in Q2 with recommendations for how to use the telephone town hall money	FMS		Q2 2020		Report to come through BSC task force on budget process engagement / communication, include City of
2019-46	16-Dec-19	Porter	That staff report back after completion of the WE Day event, including how many staff hours were spent					
2019-47	16-Dec-19	Miller / Mayor Sendzik	That the request for funds to be used to record in-camera meetings be referred to 2020 for a report including the upgrading of screening services for all meetings (open and closed sessions).	LCS				
2019-48	16-Dec-19	Dodge	That the request to add cutting of cul-de-sacs and boulevards be referred to staff for a report.	MW				
2019-49	16-Dec-19	Mayor Sendzik	That the needle pick-up team be a pilot project that includes tracking of the number of needles picked up, the cost of cleaning up spaces that have been subjected to abuse by people using needles and other drugs; and other issues around homelessness and addictions found in city parks and that the findings be reported back to Council by November 2020; and That data be used to secure future funding from Regional, provincial and federal governments to deal with this epidemic	MW		1-Nov-20		
2020-01	13-Jan-20	Kushner	Multi-year budgeting	FMS	Q2 2020			Report will be sent to BSC for input prior to going to Council
2020-02	13-Jan-20	Townsend	E-Scooter report with results of consultation with stakeholder groups and risk management analysis	EDTS / EFES / MW				Follow up report. Initial report (EDTS/CRCs-006-2020) approved January 13, 2020
2020-03	15-Jul-19	Porter	Living Wage Employer Implementation Plan, including financial impacts to the City.	CSS				Follow up report. Initial report (CAO-144-2019) approved July 15, 2019



Corporate Report City Council

Report from: Planning and Building Services, Building and Development

Report Date: January 23, 2020 **Meeting Date:** February 10, 2020

Report Number: PBS-010-2020 **File:** 35.60.69

Subject: Recent Increase in Graffiti

Strategic Pillar:



Recommendation

That Report PBS-010-2020 regarding the recent increase in graffiti be received for information; and

That the City request that Niagara Regional Police increase their enforcement and vigilance; and

That the City request the Ministry of the Attorney General to consider more severe penalties with convicted perpetrators to deter further graffiti and that the Members of Provincial Parliament, Niagara Region Council, and all Niagara local area municipalities be copied on that request. FORTHWITH

Summary

The number of graffiti related complaints received by City staff has increased significantly in 2018 and 2019 compared to previous years. Staff have responded to the complaints in accordance with Nuisance By-law 2007-295. The rise in complaints have resulted in an increased workload on the City's By-law Enforcement team.

Relationship to Strategic Plan

Social Well-Being

Strategic Goal – Build and support strong, inclusive neighbourhoods that provide high quality of life for residents of all ages.

Background

By-law 2007-295, being a by-law to address public nuisances, defines graffiti as, "images or lettering scratched, scrawled, painted or any form of marking on property that does not belong to the artist." Further, the By-law states that, "no person shall mark or apply graffiti on any public place, including signs, or private property."

Council passed a resolution on December 2, 2019 directing staff to report back with responses to the questions distributed separately to staff. These questions originated from a city resident and were forwarded to staff by a member of Council.

This report is being submitted in accordance with the above direction from Council.

Report

At its meeting on December 2, 2019, Council made the following resolution:

“That staff be directed to report back with responses to the three questions distributed to staff regarding the recent increase on graffiti which tagged not only buildings but also vehicles in west St. Catharines and the downtown.”

Staff is of the understanding that the “questions” referenced in the resolution refer to questions raised by a resident to a Councillor. This email was subsequently forwarded to staff by the Councillor. Although the Council resolution refers to three questions, the email that forms the basis of the resolution contained four questions. These four questions are reproduced below verbatim, along with staff responses.

1. A list of graffiti reporting avenues available to citizens, and how each of those avenues is monitored, tracked and actioned out to City staff.

Staff response

There are various avenues available for citizens to report graffiti problems to the City: in-person, online, mail, telephone or email. Such complaints can be made directly to Citizens First or the Planning and Building Services (PBS) department. Enforcement of By-law 2007-295 is the responsibility of PBS. A municipal address is required in order to identify, investigate, log and enforce the complaint.

In terms of digital tools, citizens can submit complaints through City’s website or through Pingstreet, the City’s third-party app. While using this app, citizens can click on “report a problem” and take a photograph of the graffiti or enter the relevant information into the app.

In all cases, the complaints are directed to the By-law Coordinator, who upon receiving a complaint, initiates the following process:

- Create a complaint file and assign a By-law Officer to attend to the site to verify the complaint.
- Upon verification, sends a notice of violation to the property owner providing for a two to four week compliance period applying discretion based on factors such as weather, etc. (Note - under the by-law, the property owner is responsible for removal of graffiti).
- A follow up inspection is scheduled for the following day to the specified compliance date.
- If compliance is not achieved, a final notice is issued with a revised compliance date commensurate to the violation, on a case by case basis. Staff recognize that graffiti related cases require taking a reasonable approach given that the owners

are technically victims of an act of vandalism. Furthermore, weather can contribute to delays of clean-up activities.

- A follow up inspection is conducted on the following day after the date specified on the final notice.
- If compliance is still not achieved, the City arranges for the graffiti to be removed and invoices the property owners for the expenses incurred.

**2. The number of graffiti reports received by the City over the last two years
(Note, there should be at least 350+)**

Staff response

The following table provides the number of complaints received over the last five years. Although the question asked for two years of data, staff have provided five years of data to provide an enhanced understanding of the history of graffiti complaints received by the City.

Year	Number of Complaints
2015	34
2016	39
2017	26
2018	108
2019	151

The last two years (2018 and 2019) saw increased number of complaints, significantly higher than the previous three years (2015, 2016 and 2017). Between 2017 and 2018, the increase in complaints was over 400%, while between 2018 and 2019 the increase was over 40%. The increased number of complaints placed significant pressure on City resources to follow up on the complaints. It should be noted that By-law Enforcement staff is only able to investigate complaints of private properties with associated municipal addresses.

3. The number of graffiti removed by the City and private property owners over the last two years (this number should be close to the reported number, if it's not, there is reason to be a concerned)

Staff response

The following table provides data from the last five years:

Year	Complaints received	Status of Complaints
2015	34	26 Resolved, 6 unwarranted, 2 withdrawn
2016	39	31 Resolved, 6 unwarranted, 2 withdrawn
2017	26	23 Resolved, 3 unwarranted
2018	108	98 Resolved, 9 unwarranted, 1 withdrawn
2019	151	93 Resolved, 38 unwarranted, 2 withdrawn, 18 in progress

Explanation of status categories:

- **Resolved** - graffiti removed by the property owner or the City of St. Catharines.
- **Unwarranted** - graffiti was already removed by the time City staff went to the site or staff were unable to find the graffiti because the address or location was not being accurately provided in the complaint.
- **Withdrawn** - complaint withdrawn by complainant because the complainant resolved the issue themselves.
- **In progress** - it is under investigation by staff.

As evident from the above table, staff responded to all the complaints received. The action taken by staff depended on the status of the complaint at the time of investigation. It should be noted that not all complaints received may result in graffiti removal action. If the information on address / location provided to staff is inaccurate the investigation will not be successful. Staff does endeavor to obtain accurate information through follow ups to the extent they can.

City Facility and Infrastructure

The following table provides the number of complaints at City facilities or on City infrastructure over the last five years.

Year	Number of Complaints
2015	72
2016	39
2017	27
2018	42
2019	44

On a complaint basis, staff from Engineering, Facilities and Environmental Services (for facilities) and Municipal Works (for sidewalks and bridge abutments) respond to resolve these complaints. As with staff from Planning and Building Services, a location must be provided in order to act on the removal. Since we are dealing with City owned assets, all of the complaints have been resolved. The targeted response time for hate graffiti is 24 hours and seven days for other types of graffiti.

4. Does the City have a process for sharing graffiti-related data with Niagara municipalities, the region, and NRP? If so, what is the process?

Staff response

The City does not have an automatic process for sharing graffiti-related data with other local municipalities in Niagara, the Region of Niagara and/or the Niagara Regional Police (NRP). However, where specific information is requested by NRP, the City provides such information. Staff is not aware of any past request from the Region or other local municipalities asking for graffiti related information.

Graffiti is considered an act of mischief under the Criminal Code of Canada and is therefore considered a crime. When an act of crime occurs on a private property, the

onus is on the property owner to report it to police. It is not the role of municipalities to report crimes on private properties to police. Where vandalism occurs on City-owned properties, the City may choose to refer the matter to police.

City staff in all instances encourage residents to report graffiti complaints to NRP. In particular, where property owners apply for assistance under the City's Graffiti Removal Financial Assistance Program, they are required to provide the incident number of their police complaint. By asking for this information, the City is facilitating the reporting of graffiti related vandalism acts to the police by property owners.

Any notion that data-sharing among local municipalities, the Region and the NRP will result in a more effective by-law enforcement system should ideally be explored by the Region to ensure a more holistic approach. Staff is not aware at the time of writing this report if the Region is considering any initiative on data sharing between municipalities to deal with by-law enforcement issues. Similarly, staff is also not aware of the NRP looking into any such initiative. However, if a proposal comes forward from the Region or NRP, staff is willing to discuss the benefits of participation in a data sharing program. It should be noted that any release of information is subject to Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Additional Steps

The most effective way to combat graffiti is to prevent it from occurring. Property owners are encouraged to use lighting, cameras, vegetation / landscaping and other protective applications (e.g. surface coating that prevents paint application) to protect their properties, especially in areas that serve as potential canvases for vandalism. Furthermore, we encourage property owners to make every attempt to remove graffiti as soon as possible to send a message that this behaviour is not acceptable and discourage further tagging of graffiti.

People who witness or have information that could identify individuals who have performed acts of vandalism, mischief, and/or graffiti application are encouraged to report it immediately to the NRP and/or Crime Stoppers of Niagara. Crime Stoppers of Niagara offers cash rewards and anonymity to people who can provide credible details.

In response to citizen unawareness of graffiti reporting procedures, City Communications staff have recently increased social media posts around how to report incidents of graffiti. PBS staff will work with Communications staff in reviewing the online presence of accurate information in this regard.

The City offers a Graffiti Removal Financial Assistance Program through the Community, Recreation, and Cultural Services department. When a complaint is received, By-law Enforcement staff advise the complainant of the assistance program and provide the program guide (Appendix 1), upon request.

The City does have a dedicated space for graffiti. Two downtown property owners have agreed to provide the alleyway between James Street and Garden Park as a dedicated

area for graffiti artists. Every year since 2003, artists are encouraged to use this space during the Garden Park Urban Art Festival.

Financial Implications

The increasing number of graffiti complaints is resulting in higher workload on the By-law Enforcement staff who respond to such complaints. If the number continues to increase at the rate seen in the last two years, the existing staffing resources will be unsustainable to address future complaints in a timely manner.

Conclusion

This report provides staff's response to questions raised by a city resident regarding the graffiti problem in St. Catharines. The questions were endorsed through a Council motion directing staff to provide a report.

Graffiti related complaints have tremendously increased over the last two years compared to the previous three years, placing an increased administrative burden on by-law staff to provide timely responses to complaints.

Prepared and Submitted by

Nadim Khan, P.Eng., MPPAL

Chief Building Official / Senior Manager of Building and Development Services

Approved by

Tami Kitay, MPA, MCIP, RPP

Director of Planning and Building Services

Appendices

- Appendix 1 – Graffiti Removal Financial Assistance Program Guide



Graffiti Removal Financial Assistance Program Application

Reporting and Application Process

Step 1:

- Applicant reports incident to Niagara Police Service at 905.688.4111 and obtains incident number
- Applicant reports incident to City, calling 905.688.5600 ext. 3145

Step 2:

- City staff provide preliminary program description
- Staff process inspection work order
- Staff inspect property and verify graffiti
- Staff provide information package

Step 3:

- Property owner reviews information package, acknowledges disclaimer
- Owner selects contractor, authorizes contractor to proceed with work
- Owner pays contractor in full upon work completion
- Owner submits complete application and proof of payment

Step 4:

- Staff inspect the work and verify completion
- Application approved
- Staff process payment to applicant

Return Completed Application to:

Attention: Project and Development Planner

City of St. Catharines
 Community, Recreation and Culture Services
 50 Church Street
 St. Catharines, ON
 L2R 7C2

Application Form

Applicant information (required)

Note: The applicant must have the same name as that which appears on the proof of payment.

First Name: _____ Last Name: _____

Company name/number if applicable:

Address of graffiti: _____

Mailing Address: _____

City: _____ Postal Code: _____

Telephone: _____

Email (optional): _____

Have you previously applied for Graffiti Removal Assistance in the current calendar year?

Yes

No

Police Report

Date Reported: _____

Incident Number: _____

Graffiti Information

Date of Incident: _____

Location on Building: _____

Cost of Removal

It is the applicant's responsibility to engage a qualified contractor for graffiti removal.

The City of St. Catharines will contribute 50 per cent of the cost of removal, up to a maximum contribution of \$500 per incident up to a maximum of three times per year.

Application approval is subject to inspection by City staff.

Total cost of graffiti removal: _____

Both the contractor's invoice and proof of payment must accompany the application.
The contractor's invoice must indicate:

- Contractor address and contact information
- Total costs including all applicable taxes
- Certificate of WSIB
- Certificate of valid insurance
- Date work completed
- Method of removal

Disclaimer

I am the owner, or authorized agent of the owner in possession of the property described above, which has been subject to the unwanted application of graffiti without the consent of the owner or any authorized agent of the owner in possession, and as such, I have full authority to enter into this agreement. I acknowledge and agree that:

1. I have engaged, or propose to engage a qualified contractor to remove the graffiti from the property, which may include covering, concealing and/or removal of the graffiti;
2. The work will be performed by the contractor under my contract with the contractor, and I will be solely responsible for the decision to cover, conceal or remove the graffiti, the type and colour of material used and the method of application;
3. The City of St. Catharines will not be responsible in any way for the contractor, or for the removal of graffiti by the contractor, or for any of the work;
4. The City of St. Catharines does not warrant the contractor's work, and makes no representation about the ability of the contractor to perform the work;
5. I will be responsible for, and will pay the contractor for the work under my contract with the contractor;
6. I understand the work can leave traces, marks or other surface features; and,
7. The work shall be done at my sole risk, and I release the City of St. Catharines from any and all actions, causes of actions, claims and demands for or by reason of any damage, loss or injury to person or property which has been, or hereafter may be sustained in consequence of my participation in the City of St. Catharines Graffiti Removal Financial Assistance Program.

I, the undersigned, hereby acknowledge and accept the terms and conditions outlined above:

Signature of Applicant: _____ Date: _____



Corporate Report City Council

Report from: Community, Recreation and Culture Services, Business Planning and Strategic Services

Report Date: January 30, 2020 **Meeting Date:** February 10, 2020

Report Number: CRCS-023-2020 **File:** 68.31.99

Subject: Labyrinth Project Update

Strategic Pillar: 

Recommendation

That Council receive Report CRCS-023-2020, regarding the Labyrinth Project Update, for information; and

That Councillor _____ be appointed to fundraise for the labyrinth project in consultation with staff who will ensure that fundraising complies with City policies; and

That Council direct staff to begin the procurement process to hire a contractor to build the Labyrinth at Jaycee Park on Ontario Street once the Council-lead fundraising initiative has concluded. FORTHWITH

Summary

Labyrinths (sometimes referred to as healing gardens) are walking paths designed for meditation, mindfulness and personal reflection. It can be utilized by persons of all abilities, as participating in a labyrinth can benefit body, mind and spirit, reduce stress and provide gentle exercise. A labyrinth can also play a vital role in treating mental health conditions and Post Traumatic Stress Disorder (PTSD).

This report provides the First Quarter (Q1) 2020 Council requested update on the Labyrinth Project. It outlines the project funding, the feedback from the Accessibility Advisory Committee and the project's timelines and design.

Relationship to Strategic Plan

The Labyrinth Project will support the Social Well-Being strategic goal to build and support strong, inclusive neighbourhoods that provide high quality of life for residents of all ages:

2.1 Establish area-specific plans for the redevelopment of key sites in the city to promote strong, compatible, connected neighbourhoods that enhance the quality of life.

Background

At its meeting on September 23, 2019, Council approved the following report request from Councillor Dodge:

“That staff be directed to prepare a report regarding the construction costs, scheduling of the project, legal agreements and the Jaycee Park location for a labyrinth, that follows the Niagara-on-the-Lake model; and

That this report be brought to Council for their consideration as soon as possible.”

At its meeting on [November 4, 2019](#), Council approved the following motion:

“That the Labyrinth Project be approved, in principle; and

That the project be funded from the Civic Project Fund, after all sources of donations have been exhausted, to a maximum of \$35,000; and

That staff report to Council before the end of the First Quarter (Q1) of 2020 for final approval prior to construction; and

That staff be directed to begin design immediately in anticipation of completion by July 1, 2020. FORTHWITH”

Report

Council Lead Fundraising Initiative

At its meeting of [November 4, 2019](#), Council approved the following within its motion:

“...That the project be funded from the Civic Project Fund, after all sources of donations have been exhausted, to a maximum of \$35,000...”

To date, there have been no donations or other sources of funding solicited or received for the Labyrinth Project. A fundraising initiative is recommended to help alleviate the impact to the Civic Project Fund.

Accessibility and Inclusivity of Labyrinth

Accessibility and inclusiveness of all park assets are recommendations of the Recreation Facility and Programming Master plan:

“Recommendation #37. Continue to enhance the design and redesign of parks and trails through strategic improvements focused on accessibility for persons with disabilities and special needs, user comfort, safety, wayfinding and interpretative signage, at a minimum.”

Within [Report FMS-235-2019](#), staff recommended that the Labyrinth Project be shared with the City’s Accessibility Advisory Committee (AAC) for comment.

On January 22, 2020, staff presented the Labyrinth Project to the AAC for feedback. Below is the summary:

- Overall, the AAC appreciates the Labyrinth Project and views it as positive and valuable to the community.
 - There are accessibility challenges with the project that will limit certain members of the community from participating:
 - The Labyrinth will have well drained grass pathways that could support certain types of mobility devices (the grass has a stone base beneath the surface). However, certain mobility devices still will not be able to use the space. In addition, in certain weather conditions such as rain, the Labyrinth could become unusable to people using wheelchairs, walkers, canes, or other similar devices;
 - The design of the Labyrinth is a grass walkway with brick border. Over the life of the Labyrinth, there is the possibility that the grass and brick will no longer form a level surface and therefore create a small ridge. This ridge could create a challenge for some users, especially those who use a mobility device. This would have to be monitored and corrected through on-going maintenance.
 - The entrance of the Labyrinth must have a hard surface connection to the asphalt pathways that connect the Labyrinth to the accessible parking spots and bus route.
- Future Labyrinth Projects should strongly consider the following:
- The location should always reflect the purpose of Labyrinth to ensure meditation, mindfulness and personal reflection;
 - A level, hard surface should be installed (concrete, asphalt, stone and artificial turf should all be considered as options);
 - Wheelchair width should always be considered with the designs of the Labyrinth. Specifically, the pathways should be wide enough and the turns in the Labyrinth should be reasonable to navigate in a wheelchair.

Labyrinth Project Design and Timeline

At its meeting of [November 4, 2019](#), Council approved the following within its motion:

“...That staff be directed to begin design immediately in anticipation of completion by July 1, 2020...”

The Labyrinth Project will be constructed through a design-build contractor. Staff will commence the procurement process to hire a contractor once Council approval is granted following the Council-lead fundraising initiative. The anticipated completion date of July 1, 2020 is significantly dependent upon when the fundraising initiative concludes.

Financial Implications

Subject to Council's fundraising initiatives and final approval, the conceptual Labyrinth design that follows the Niagara-on-the-Lake model has an estimated construction cost of \$35,000.

At its meeting of [November 4, 2019](#), Council approved the following within its motion:

“...That the project be funded from the Civic Project Fund, after all sources of donations have been exhausted, to a maximum of \$35,000...”

All construction costs related to conceptual Labyrinth designs should be considered variable as the designs are scalable.

Conclusion

This report provides Council with an update on the Labyrinth Project to be located at Ontario Jaycee Gardens Park, based on the Niagara-on-the-Lake model, prior to any construction.

Prepared & Submitted by:

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