



## **COUNCIL MEETING AGENDA**

*Tuesday, April 16, 2019*

*7:00 P.M.*

*COUNCIL CHAMBERS – CIVIC SQUARE*

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### **1. OPEN COUNCIL MEETING (7:00 p.m.)**

**1.1 NATIONAL ANTHEM**

**1.2 OPENING REMARKS**

**1.3 ADDITIONS/DELETIONS TO AGENDA**

**1.4 ADOPTION OF MINUTES**

Regular Council Meeting of April 2, 2019 (*Previously Distributed*).

**1.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**

**1.6 DISCLOSURES OF INTEREST**

**1.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**

### **2. ORAL REPORTS AND DELEGATIONS**

**2.1 PRESENTATION(S) - Nil**

**2.2 DELEGATION(S) (maximum 5/10/5 policy) - Nil**

**2.3 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S)**

**99-90** Jamie Rowntree, Grants & Sponsorship Coordinator, Welland Downtown Business Improvement Area (WDBIA) and Lucas Rockx, Brock University Recreation and Leisure Department re: 2018 WDBIA Community Report Card.

**(Background information included in Council members packages).**



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### **2.4 LEGISLATED PUBLIC HEARINGS PURSUANT TO THE *PLANNING ACT***

**19-65** Applications have been made by T. Johns Consulting Group Ltd. on behalf of George Holdings Inc. to amend the Official Plan (OPA No. 20), for approval of a Draft Plan of Subdivision (File No. 26T-14-19001) and to rezone the lands at 897 Niagara Street (west side of Niagara Street, south of Quaker Road, north of Trelawn Park, and east of dead-end of Wellandvale Drive) from the existing RS - Regional Shopping Node to a Site Specific Residential Low Density 1 (RL1) and Neighbourhood Open Space (O1) Zone. The purpose of the amendment is to rezone a portion of the property from Regional Shopping Node (RS) to Residential Low Density 1 (RL1) with a site specific exemption to permit a minimum lot area of 330 square meters. The proposed amendments are requested to permit the development of a portion of the lands with 27 unit Plan of Subdivision. The Official Plan designation is REGIONAL SHOPPING. (See Report P&B-2019-18 pages 21 to 32)

### **3. COMMITTEE-OF-THE-WHOLE (OPEN) (to discuss items removed from Agenda Block)**

### **4. BY-LAWS (SEE AGENDA INDEX)**

### **5. NOTICES OF MOTION**

**5.1 Councillor matters discussed with staff for reporting purposes**

**5.2 Notices of Motion (previously submitted for discussion) - Nil**

**5.3 Call for Notices of Motion (for introduction at the meeting)**

### **6. CORPORATION REPORTS**

**6.1 Mayor's Report**

**6.2 Chief Administrative Officer's Report**

### **7. CONFIRMATORY BY-LAW**

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 16<sup>th</sup> day of April, 2019. Ref. No. 19-1

### **8. ADJOURNMENT**



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### **AGENDA BLOCK**

- 1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil**
  
- 2. COMMITTEE AND STAFF REPORTS**
  - 1. Business Arising from Committee-of-the-Whole (closed)**
  - 1 2. General Committee Report to Council - April 9, 2019**
  - 3. Budget Review Committee Report to Council - Nil**
  - 4. Staff Reports**
    - 2 - 4 CLK-2019-10 Gen. Mgr., Human Resources and Legislative Services, R. Mantesso - Financial Statements - Notice of Default - 2018 Municipal Election Campaign Contributions and Expenses. Ref. No. 19-43**
    - 5 - 7 ENG-2019-16 Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Welland Hydro-Electric System Corp. - Easement and Temporary Construction Encroachment Agreement Request Over City Lands Adjacent to the South Property Line of Glen Park Between Glen Park Drive and the Park West Limit. Ref. No. 99-43**
    - 8 - 9 ENG-2019-18 Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Sanitary Sewer Flow Monitoring Program - 2019 Extension of Contract. Ref. No. 15-64 (See By-law 1)**
    - 10 - 16 ENG-2019-19 Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Stopping Up, Closing and Sale of Highway East Side of Douglas Ave., specifically described as Parts 1, Plan 59R-16151. Ref. No. 18-74 (See By-laws 2&3)**
    - 17 - 20 TRAF-2019-05 Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Update to Traffic and Parking By-law 89-2000. Ref. No. 19-22 (See By-law 4)**



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Remove From  
Block

**P&B-2019-18**

Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Application for Official Plan Amendment (OPA 20) Zoning By-law Amendment (2019-01) and Draft Plan of Subdivision (26T-14-19001) T. Johns Consultants for lands on the west side of Niagara Street, south of Quaker Road, north of Trelawn Park and at the end of Wellandvale Drive, municipally known as 897 Niagara Street. Ref. No. 19-65

33 - 66

**P&B-2019-19**

Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - New Memorandum of Understanding for Planning Function and Services between the Regional Municipality of Niagara and Local Area Municipalities. Ref. No. 19-66

### 3. NEW BUSINESS

67 - 87

1. Ann-Marie Norio, Regional Clerk, Niagara Region re: Report PHD 06-2019: Mutual Assistance Agreement for Emergency Management. Ref. No. 19-67

**RECOMMENDATION:**

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.

88 - 89

2. Ann-Marie Norio, Regional Clerk, Niagara Region re: Report PDS 4-2019: Memorandum of Understanding for Planning Function and Services between Niagara Region and Local Area Municipalities. Ref. No. 19-66

**RECOMMENDATION:**

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

***A complete copy of Report PDS 4-2019 including Appendices can be found electronically at:***

<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=7f164c2b-7ac1-4455-8255-2dfcf07fc6be&Agenda=Merged&lang=English&Item=>





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- 90 - 99      3. Ann-Marie Norio, Regional Clerk, Niagara Region re: Report PDS 5-2019: Statutory Public Meeting for Draft Regional Official Plan Amendment 15 - Exemption Policies. Ref. No. 19-68

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated April 9, 2019 regarding Report PDS 5-2019: Statutory Public Meeting for Draft Regional Official Plan Amendment 15 - Exemption Policies.

- 100 - 112      4. Ann-Marie Norio, Regional Clerk, Niagara Region re: Report PDS 6-2019: Niagara Region 2018 Employment Inventory Results Report. Ref. No. 19-69

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated April 9, 2019 regarding Report PDS 6-2019: Niagara Region 2018 Employment Inventory Results Report.

- 113 - 122      5. Ann-Marie Norio, Regional Clerk, Niagara Region re: Report PDS 9-2019: New Official Plan Consultation Timeline Framework. Ref. No. 19-70

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated April 9, 2019 regarding Report PDS 9-2019: New Official Plan Consultation Timeline Framework.

- 123 - 125      6. Ann-Marie Norio, Regional Clerk, Niagara Region re: Report PW 20-2019: Base and Enhanced Services for Next Collection Contract. Ref. No. 16-109

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated April 9, 2019 regarding Report PW 20-2019: Base and Enhanced Services for Next Collection Contract.

***A complete copy of Report PW 20-2019 including Appendices can be found electronically at:***

***<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=5407a5bc-ed1e-43d5-b563-6903c4aafd30&Agenda=Merged&lang=English>***



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- 126 - 127      7. Ann-Marie Norio, Regional Clerk, Niagara Region re: Report PW 22-2019: Managed Competition and Fair Wage considerations for Waste Collection Contract.  
Ref. No. 16-109

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated April 9, 2019 regarding Report PW 22-2019: Managed Competition and Fair Wage considerations for Waste Collection Contract.

*A complete copy of Report PW 22-2019 including Appendices can be found electronically at:*

<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=5407a5bc-ed1e-43d5-b563-6903c4aafd30&Agenda=Merged&lang=English>

- 128              8. Alanna Galeota, North Welland Business Improvement Area re: Appointment of Members. Ref. No. 08-95/19-10

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the appointment of the following directors of the North Welland Business Improvement Area Board of Management as selected by a vote of the membership of the improvement area: John Clark, Alanna Galeota, Chad Scully, Doug Watson, Jeff Reuter, Mark Melloni, Dennis Rogers and Cheryl Laplame with the term of appointment commencing immediately until November 14, 2022.

#### 4. BY-LAWS

**MAY BE VIEWED IN THE CLERK'S DIVISION PRIOR TO THE MEETING IF DESIRED.**

1. A By-law to authorize extension of contract with Associated Engineering (Ont.) Ltd. for the sanitary sewer flow monitoring program 2019; and to amend By-law 2015-36.  
Ref. No. 15-64  
(See Report ENG-2019-18)
2. A By-law to authorize the Stopping-Up and Closing of Part of Douglas Avenue, in the City of Welland being part 1 on Plan 59R-16151. Ref. No. 18-74  
(See Report ENG-2019-19)
3. A By-law to authorize the conveyance of part of Douglas Avenue, in the City of Welland being Part 1 on Plan 59R-16151 to the registered owners of 10 Thorold Road; and to repeal By-law 2018-68. Ref. No. 18-74  
(See Report ENG-2019-19)



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4. A By-law to amend By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland (Schedule I). Ref. No. 19-22  
(See Report TRAF-2019-05)
5. A By-law to authorize acceptance of an offer from Kausar Investment Corp. for the sale of Lot 2 Plan 59M342 vacant land municipally known as 361 Enterprise Drive. Ref. No. 19-71  
(A By-law for the sale of 361 Enterprise Drive).
6. A By-law to designate the Brick Archways at Entrance of Parkway, Welland of Cultural Heritage Value or Interest. Ref. No. 05-50  
(See Report P&B-2019-14 from the March 19, 2019 Council meeting)

**GENERAL COMMITTEE REPORT TO COUNCIL**

On Tuesday, April 9, 2019, the General Committee met with the following members in attendance: Chair, J. Larouche, F. Campion, J. Chiocchio (until 8:02 p.m.), B. Green, D. McLeod (7:06 p.m.), A. Moote, C. Richard, G. Speck and L. Spinosa.

**The General Committee recommends Council approval on the following matters:**

**19-27**




THAT THE GENERAL COMMITTEE receives for information the presentation by Walkerton Clean Water Centre regarding Standard of Care Training.

Respectfully submitted,



TARA STEPHENS  
City Clerk

**COUNCIL**  
**LEGISLATIVE SERVICES – CLERKS DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CLK-2019-10  
 April 16, 2019

19-43

**SUBJECT:** FINANCIAL STATEMENTS – NOTICE OF DEFAULT  
 2018 MUNICIPAL ELECTION CAMPAIGN CONTRIBUTIONS  
 AND EXPENSES

**AUTHOR:** TARA STEPHENS, CITY CLERK

**APPROVING G.M.:** ROSANNE MANTESSO, GENERAL MANAGER  
 HUMAN RESOURCES AND LEGISLATIVE SERVICES

**RECOMMENDATION:**

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.

**ORIGIN AND BACKGROUND:**

Under the provisions of Section 88.23(4) of the *Municipal Elections Act*, 1996, the City Clerk is required to notify Council and all appropriate local boards of those candidates who failed to file a financial statement and/or auditor's report reflecting the candidates' election campaign finances for the 2018 Municipal Election. No auditor's report is required to be filed if the total contributions received and expenses incurred are equal to or less than \$10,000.

**COMMENTS AND ANALYSIS:**

The deadline for candidates to file a financial statement and auditor's report following the 2018 Municipal Election was March 29, 2019 at 2:00 p.m.

All registered candidates and third party advertisers were notified of the filing requirements and the March 29, 2019 deadline by a letter that was sent on December 20, 2018. In addition, a reminder email was sent to all candidates and third party advertisers on March 19, 2019.

Attached is the required Notice of Default disclosing the names of those registered candidates who failed to file the necessary documents on or before the filing date and time. A total of three (3) candidates and one (1) third party advertiser failed to comply with the legislated requirements.

On April 9, 2019, as required by section 88.23(3) of the *Municipal Elections Act*, a Notice of Default was sent to all candidates who are in default.

**FINANCIAL CONSIDERATION:**

N/A

**OTHER DEPARTMENT IMPLICATIONS:**

N/A

**SUMMARY AND CONCLUSION:**

The Notice of Default has been sent to all candidates in default. According to the *Municipal Elections Act*, section 88.23(2) a candidate is subject to the penalties listed, in addition to any other penalty that may be imposed under this *Act*. The penalties described in subsection are as follows:

- a) the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
- b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this *Act* applies. 2016, c. 15, s. 60, *part*.

**ATTACHMENTS:**

Appendix I – Notice of Default.



## NOTICE OF DEFAULT

## MUNICIPAL ELECTIONS ACT, 1996 (SECTION 88.23 (4))

For the campaign period ending December 31, 2019, the registered candidates listed below did not file their financial statements and/or audited report, on or before March 29, 2019 at 2:00 p.m. and therefore have not complied with the provisions of the *Municipal Elections Act, 1996*:

Name (last name, first name)	Office	Ward
CLOW, David	Mayor	Citywide
COMTOIS, Robin	Councillor	1
BRIDEAU, Niki Ann	Councillor	5
FORESTER, Cindy	Third Party Advertiser	Citywide

**88.23 (1)**

A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act,

- if the candidate fails to file a document as required under section 88.25 or 88.32 by the relevant date;
- if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;
- if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
- if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section by the relevant date. 2016, c. 15, s. 60.

**88.23(2)**

Subject to subsection (7), in the case of a default described in subsection (1),

- the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
- until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies. 2016, c. 15, s. 60.

**88.23(3)**

In the case of a default described in subsection (1), the clerk shall,

- notify the candidate in writing that the default has occurred;
- if the candidate was elected, notify the council or board to which he or she was elected in writing that the default has occurred; and
- make available to the public the name of the candidate and a description of the nature of the default. 2016, c. 15, s. 60.

**88.23(4)**

The clerk shall make available to the public a report setting out all candidates in an election and indicating whether each candidate complied with section 88.25. 2016, c. 15, s. 60.

**88.23(6)**

The candidate may, before the last day for filing a document under section 88.25 or 88.32, apply to the Superior Court of Justice to extend the time for filing the document under that section and, if the court is satisfied there are mitigating circumstances justifying a later date for filing the document, the court may grant an extension for the minimum period of time necessary to enable the candidate to file the document but the court shall not grant an extension of more than 90 days. 2016, c. 15, s. 60.

**88.23(8)**

If the court grants an extension under subsection (6), the penalties set out in subsection (2) apply only if the candidate has not filed the document before the end of the extension. 2016, c. 15, s. 60.

I, Tara Stephens, City Clerk for the Municipality of the City of Welland hereby certify that the information submitted above is true and correct.

  
Tara Stephens, City Clerk

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

**COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**ENGINEERING DIVISION**

99-43

REPORT ENG-2019-16  
APRIL 16, 2019

**SUBJECT: WELLAND HYDRO-ELECTRIC SYSTEM CORP  
EASEMENT AND TEMPORARY CONSTRUCTION  
ENCROACHMENT AGREEMENT REQUEST OVER CITY  
LANDS ADJACENT TO THE SOUTH PROPERTY LINE OF  
GLEN PARK BETWEEN GLEN PARK DRIVE AND THE  
PARK WEST LIMIT**

**AUTHOR: MATTHEW MAIN A.Sc.T., E.I.T.  
ENGINEERING DESIGN SUPERVISOR**

**APPROVING G.M.: ERIK NICKEL, P.ENG., GENERAL MANAGER,  
INFRASTRUCTURE AND DEVELOPMENT SERVICES /  
CITY ENGINEER**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Easement and temporary construction encroachment agreement to permit the crossing of City-owned land crossing east/west across Glen Park between Glen Park Drive and the park west limit and a section down to Jennifer Court to the benefit of Welland Hydro-Electric System Corp; and further,

THAT Welland City Council authorizes Staff to prepare the necessary By-law and documentation.

**ORIGIN AND BACKGROUND:**

Welland Hydro-Electric System Corp is requesting an easement and a temporary construction encroachment agreement within Glen Park to upgrade the primary hydro lines in the area. By allowing the easement it will eliminate primary wires through the residential rear yards and make the area less susceptible to power outages. This is part of a project to upgrade all primary cable within the subdivision.

The required easement and temporary construction encroachment agreement is shown on the sketch (Appendix I). Welland Hydro-Electric System Corp is in the process of having the reference plan created.



**COMMENTS AND ANALYSIS:**

The easement and temporary construction encroachment agreement request, permits an upgraded level of service to Welland residents with minimal impact to Glen Park. Staff recommends that said request be granted.

**FINANCIAL CONSIDERATION:**

There are no financial implications related to the contents of this Report.

**OTHER DEPARTMENT IMPLICATIONS:**

The Legal Division will be involved in the preparation of the required By-law and necessary documentation associated with the creation of the easement should Council approval be received.

**SUMMARY AND CONCLUSION:**

Based on the foregoing, Staff would recommend that Council approve the request from Welland Hydro-Electric System Corp for an easement and temporary construction encroachment agreement, as per the attached sketch, to increase the level of service for the local residents.

**ATTACHMENTS:**

Appendix I Area Sketch

APPENDIX I – WELLAND HYDRO-ELECTRIC SYSTEM CORP EASEMENT REQUEST



 PROPOSED EASEMENT



**COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**ENGINEERING DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT ENG-2019-18  
APRIL 16, 2019

*15-64*

**SUBJECT: SANITARY SEWER FLOW MONITORING PROGRAM  
2019 EXTENSION OF CONTRACT**

**AUTHOR: MIKE KOWALCZYK, C.E.T.  
INFRASTRUCTURE PLANNER**

**APPROVING SUPERVISOR: MARVIN INGEBRIGTSEN, P. ENG.  
INFRASTRUCTURE PLANNING & DEVELOPMENT  
SUPERVISOR**

**APPROVING G.M.: ERIK NICKEL, P. ENG. GENERAL MANAGER,  
INFRASTRUCTURE AND DEVELOPMENT  
SERVICES / CITY ENGINEER**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND extend the awarded 2015-2018 Sanitary Sewer Flow Monitoring Program contract with Associated Engineering (Ont.) Ltd. to continue providing engineering services for the 2019 CSO & Sewer System Flow Level Monitoring period as outlined in the 2019 Water and Wastewater capital budget; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to, extend the contract with Associated Engineering (Ont.) Ltd. to perform the flow monitoring services, as dictated by Engineering Services, up to the amount of the available budget.

**ORIGIN AND BACKGROUND:**

The City of Welland undertakes sanitary sewer flow monitoring programs to collect data necessary for the annual combined sewer overflow (CSO) reporting required by Environment Canada (EC) and the Ministry of the Environment, Conservation and Parks (MECP) for Regulation F.5.5 compliance and sewer system analysis.

This annual program allows for the assessment of the hydraulic performance of the sewer system and is used to determine mitigation works that may be required. The flow monitoring data collected will also be used for calibration of the City's sanitary sewer model. Some of the locations included in this program require year round monitoring for mandatory MECP and EC reporting.

Due to the aforementioned circumstances, the flow-monitoring contract contains provisions, which permit the City to increase or decrease work quantities payable at the unit prices bid.

In 2019, the total costs for flow monitoring are expected to be approximately \$300,000. Of this approximately two thirds of this budget is for the actual costs for the flow monitoring sub-consultant, working for Associated Engineering (AE), Civica Infrastructure Inc. (CIVICA), who install and maintain the flow monitoring devices, and the remaining one third is for administration of the project and quality assurance for the data collected performed directly by AE.

AE and CIVICA have provided excellent flow monitoring services since 2015.

No benefit to service or value is expected should the contract be retendered. Further, changing flow-monitoring providers between April and November could result in missing data required for mandated reporting to the Federal and Provincial governments, and therefore not recommended.

Staff intention is to tender a three (3) year, 2020 to 2022 contract for flow monitoring, later in the fall of 2019.

#### **FINANCIAL CONSIDERATION:**

This flow monitoring work pertains to several study projects at this time; therefore, the costs are attributed to a number of Capital Budget Accounts listed below.

<b>Project</b>	<b>Year</b>	<b>City Funded Portion</b>	<b>Region Funded Portion</b>	<b>Other Funding</b>	<b>Total Budget</b>
CSO Flow Monitoring 10-330-G80	2019	\$72,000	\$60,000	\$8,000	\$140,000
Lincoln Coventry Overflows 10-330-G81	2019	\$27,000	\$45,000	\$3,000	\$75,000
Evelyn Ditch Monitoring 10-330-G88	2019	\$60,000	\$90,000	\$0	\$150,000
<b>TOTAL</b>		\$159,000	\$195,000	\$11,000	\$365,000

Project costs are split 40% City of Welland, 60% Region of Niagara. Applications for Regional funding are pending Regional council approval.

#### **OTHER DEPARTMENT IMPLICATIONS:**

None

#### **SUMMARY AND CONCLUSION**

Staff recommends that Council extend the awarded 2015-2018 Sanitary Sewer Flow Monitoring Program contract with Associated Engineering (Ont.) Ltd. For the 2019 monitoring period, up to the amount of the available 2019 budgets.

#### **ATTACHMENTS:**

None



**COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**ENGINEERING DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

18-74  
**REPORT ENG-2019-19**  
**APRIL 16, 2019**

**SUBJECT: STOPPING UP, CLOSING AND SALE OF HIGHWAY EAST SIDE OF DOUGLAS AVE, SPECIFICALLY DESCRIBED AS PARTS 1, PLAN 59R-16151**

**AUTHOR: MATTHEW MAIN, A.Sc.T., E.I.T.  
ENGINEERING DESIGN SUPERVISOR**

**APPROVING G.M.: ERIK NICKEL, P. ENG.,  
GENERAL MANAGER, INFRASTRUCTURE AND DEVELOPMENT SERVICES / CITY ENGINEER**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND waives the requirements of its Policy regarding the Sale of City-Owned Land and the Stopping Up and Closing of Highways for the transfer of lands on the east side of Douglas Ave, specifically described as Parts 1, Plan 59R-16151; and further

THAT Welland City Council authorizes Staff to prepare the necessary By-law and documentation to Stop Up, Close, and declare the portion of the Douglas Avenue road allowance specifically described as Parts 1, Plan 59R-16151 as surplus; and further

THAT Welland City Council authorizes conveyance of the subject lands to Barbara & Felicja Sybka for the consideration of \$2,000.00 plus H.S.T. and requirement that lands merge in title with 10 Thorold Road, Welland; and further

THAT Welland City Council authorizes Staff to prepare the necessary documentation for the transfer of the lands on the east side of Douglas Ave, specifically described as Parts 1, Plan 59R-16151 to to Barbara & Felicja Seybka for the fee of \$2,000.00 plus H.S.T.

**ORIGIN AND BACKGROUND:**

City Staff prepared Report P&B-2018-25, which was presented to Council on May 15, 2018 recommending the City enter into an encroachment agreement for the portion of the house, and eaves that encroaches onto the Douglas Avenue Road Allowance at 10 Thorold Road. The encroachment is identified as Part 1, on the Reference Plan 59R-16151 and has been provided as Appendix I.

Multiple conditions must be met in order to enter into an encroachment agreement with the City of Welland. One condition is to provide proof of liability insurance in the amount \$5,000,000.00 naming the City of Welland as coinsured. This requirement is in place to protect the City in the event there is an insurance claim involving the encroachment as outlined in the agreement.



Mr. Guembel has contacted his insurance company and requested the required insurance, but was informed insurance with a coinsured party is typically only given to commercial clients. It was also identified that insuring the property for \$5,000,000.00 was not possible. Due to this reason Mr. Guembel has requested the City sell Part 1 of Reference Plan 59R-16151 instead of entering into an Encroachment Agreement with the City.

#### **COMMENTS AND ANALYSIS:**

Douglas Avenue is a municipally maintained road and meets the City's minimum standards in width. There will be no need for further road widenings that would increase the level of encroachment. There are no sidewalks along Douglas Avenue that this encroachment impact, and will be outside of any sidewalk or improvement areas should Douglas Avenue be improved in the future. The area of encroachment will not affect the City's overall maintenance of the road and sidewalk or any municipal services below ground. There are no other utilities crossing the encroachment.

The total encroachment into the City's road allowance is 4.6 square meters (0.4m x 11.6m).

The City currently has a policy in regards to the Sale of City Owned Land and the Stopping Up and Closing of Highways. This policy outlines the procedure that includes multiple staff reports, public advertisement and land appraisals. The policy has been provided as Appendix II. The costs associated with following the policy will be much larger than the value of the land to be transferred.

#### **FINANCIAL CONSIDERATION:**

The land will be transferred for the fee of \$2,000.00 plus H.S.T. as the City has waived the requirements for an appraisal report to be completed for the property. Staff is of the opinion that \$2,000.00 will cover the cost of the land as well as cover the cost of the time that staff has spent reviewing this matter. The \$2,000.00 will also cover the legal fees associated with stopping up and closing this portion of Douglas Avenue as well as the legal costs of the land transfer.

#### **OTHER DEPARTMENT IMPLICATIONS:**

The Legal Division will be involved in the preparation of the required By-laws and necessary documentations.

#### **SUMMARY AND CONCLUSION:**

The encroachment on Douglas Avenue is insignificant in size and has minimal impact to the current and future road and utilities. Mr. Guembel has contacted his insurance company and requested the required insurance, but was informed insurance with a coinsured party is typically only given to commercial clients and was not possible. For these reasons, staff is recommending transferring the land to Wolfgang and Barb Guembel instead of entering into an encroachment agreement with the City. Since the area of encroachment is insignificant, staff is recommending to waive the requirements of the Sale of City-Owned Land and the Stopping Up and Closing of Highways policy

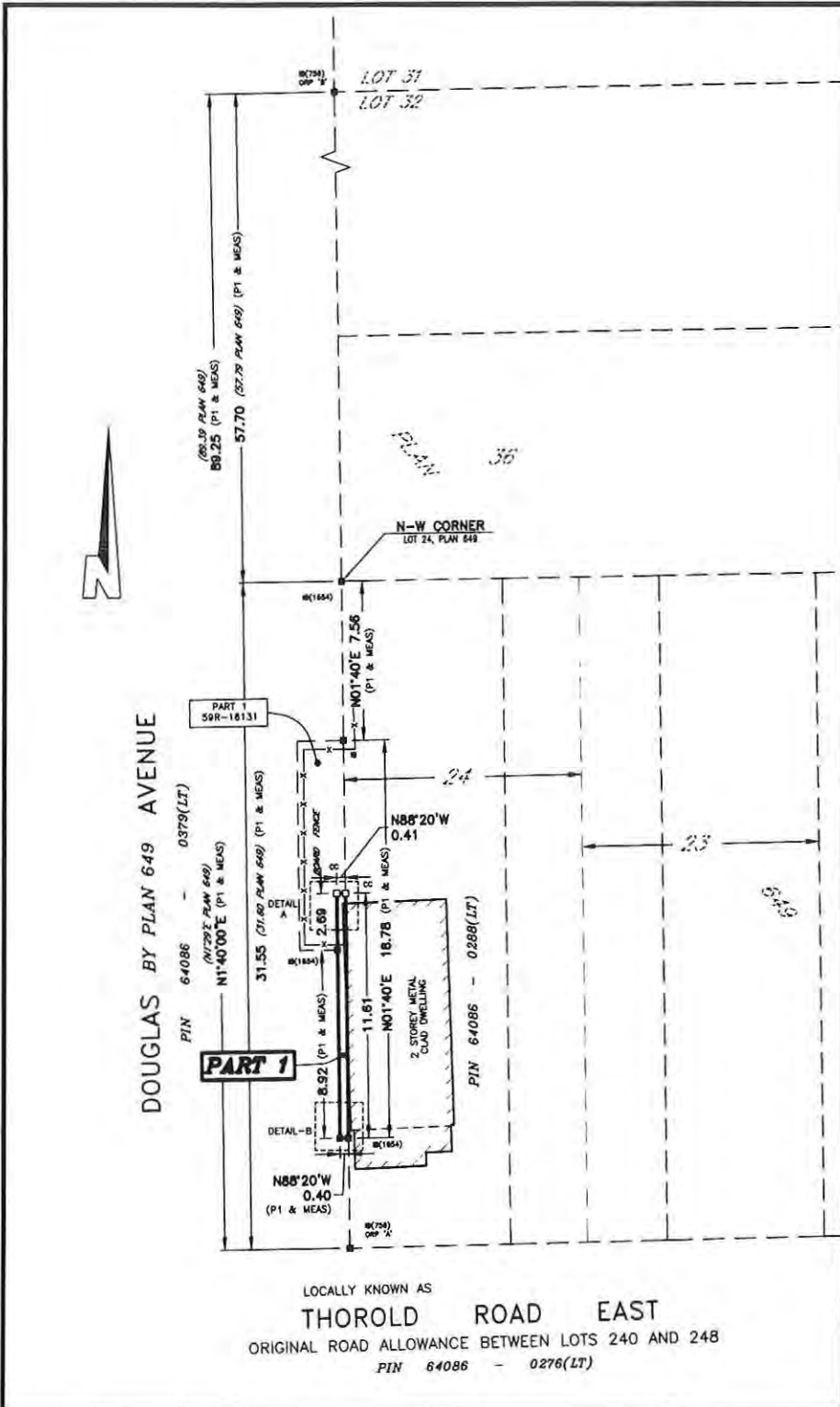
#### **ATTACHMENTS:**

Appendix I – Reference Plan 59R-16151

Appendix II – Policy - Sale of City-Owned Land and the Stopping Up and Closing of Highways



12  
APPENDIX I



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 59R-16151  
RECEIVED AND DEPOSITED

DATE APRIL 30, 2018

DATE May 8, 2018

*Don Chambers*  
DONALD G. CHAMBERS, B. Sc., O.L.S.

*Kenneth*  
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF NIAGARA SOUTH(59)

SCHEDULE

PART	LOT	PLAN/CONCESSION	PIN
1	PART OF DOUGLAS AVENUE	PLAN 649	64086-0379(LT)

PART 1: PART OF PIN 64086-0379(LT)

PLAN OF SURVEY  
PART OF DOUGLAS AVENUE  
PLAN 649  
IN THE  
**CITY OF WELLAND**  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 200

1 2 3 4 5 10

DONALD G. CHAMBERS  
ONTARIO LAND SURVEYOR

LEGEND

Symbol	Denotes	Survey Monument Found
■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	STANDARD IRON BAR	STANDARD IRON BAR
SSIB	SHORT STANDARD IRON BAR	SHORT STANDARD IRON BAR
IB	IRON BAR	IRON BAR
CP	CONCRETE PIN	CONCRETE PIN
RIB	ROUND IRON BAR	ROUND IRON BAR
IP	IRON PIPE	IRON PIPE
MEAS	MEASURED	MEASURED
WT	WITNESS	WITNESS
OU	ORIGIN UNKNOWN	ORIGIN UNKNOWN
N/S/E/W	NORTH/SOUTH/EAST/WEST	NORTH/SOUTH/EAST/WEST
PIN	PROPERTY IDENTIFICATION NUMBER	PROPERTY IDENTIFICATION NUMBER
P1	PLAN 59R-18131	PLAN 59R-18131
1854	D. G. CHAMBERS, O.L.S.	D. G. CHAMBERS, O.L.S.
759	C. J. CLARKE, O.L.S.	C. J. CLARKE, O.L.S.

BEARING NOTE  
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF DOUGLAS AVE AS SHOWN ON P1 ON A COURSE OF N01°40'00"E.

FOR UTM ZONE 17, NAD83 (CSRS) (2010) GRID BEARINGS, A ROTATION OF 2'32"00" COUNTER CLOCK-WISE MUST BE APPLIED TO THE BEARINGS ON THIS PLAN.

DISTANCE NOTE  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999850

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD 83 (CSRS) (2010). CO-ORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
A	4762725.34	642470.38
B	4762814.54	642489.03

CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

METRIC NOTE  
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE  
I CERTIFY THAT:  
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;  
2) THE SURVEY WAS COMPLETED ON THE 30th DAY OF APRIL, 2018.

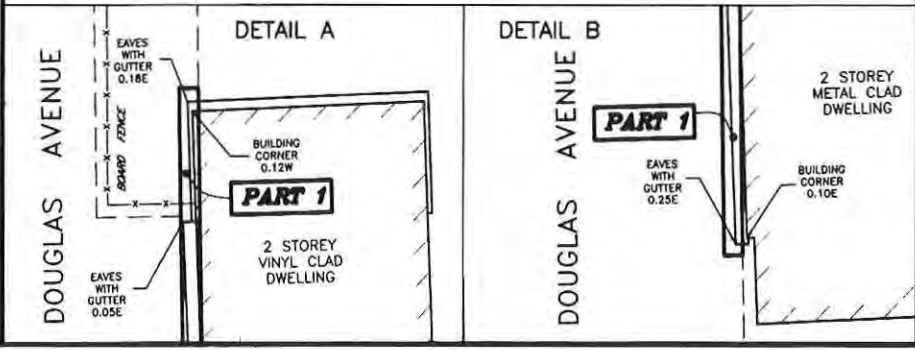
APRIL 30, 2018  
DATE

*Don Chambers*  
DONALD G. CHAMBERS, B. Sc., O.L.S.

**CHAMBERS AND ASSOCIATES**  
SURVEYING LTD

12 THOROLD ROAD EAST  
WELLAND ONTARIO  
L3C 3T2

(905) 735-7841 / 735-7844  
FAX (905) 735-7333  
www.cas-surveying.com



## CITY OF WELLAND

## POLICY

<b>Policy Title:</b> Sale of City-Owned Land and the Stopping Up and Closing of Highways	
<b>Date of Approval:</b> April 20, 2004	<b>Policy Number:</b> SER-013-0011
<b>Lead Role:</b> General Manager, Infrastructure Services/City Engineer	<b>Support Role:</b> City Solicitor
<b>Cross Reference:</b> 2004-37	<b>Next Review Date:</b>
<b>Council File Number:</b> 03-110	<b>Revision Date:</b> December 15, 2015

**Policy Statement:**

That Council adopt the following Policy with respect to the sale of City-owned lands:

## A. REAL PROPERTY

1. Staff shall prepare a Report for Council's consideration complete with analysis recommending that real property be declared surplus.
2. Council must pass a Resolution declaring the lands surplus.
3. Staff shall obtain at least one (1) appraisal of the fair market value of the land.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be sold.
5. All surplus lands shall be advertised at least once in the local newspaper. Notice may also be posted on the City's web site.
6. Those surplus properties which may have some commercial or higher residential value may be aggressively marketed through a tender process to be widely advertised.
7. Any Offer of Purchase and Sale shall be submitted to the General Manager, Infrastructure Services/City Engineer for review. The Offer shall be forwarded to the City Solicitor for review and approval.
  - (a) For lands under the authority of the Welland Development Commission, all Offers of Purchase and Sale shall first be presented to the Manager of Economic Development for review, submitted to the Planning Manager for review and subsequently forwarded to the City Solicitor for review and approval. The Offer shall be presented to the Welland Development Commission for a recommendation.
  - (b) For lands under the authority of the Welland Recreational Canal Corporation (W.R.C.C.) any Offer of Purchase and Sale shall be submitted to the Planning Manager for review and forwarded to the City Solicitor for review.



**Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011**

8. A Staff Report shall be prepared for Council's consideration, with a recommendation to accept or deny an Offer.
9. Upon acceptance of an Offer by Council, a By-law shall be prepared and presented to Council to accept the Offer.
10. The City shall establish and maintain a public register listing and describing the land owned or leased by the municipality with the exception of the following:
  - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
  - Highways;
  - Land formerly used for railway lines.
11. Appraisals are not required for:
  - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
  - Land formerly used for railway lines if sold to an Owner of land abutting the former rail line;
  - Land which does not have direct access to a highway if sold to the Owner of land abutting the land;
  - Land repurchased by an Owner in accordance with Section 42 of the Expropriation Act;
  - Lands sold by the Welland Development Commission;
  - Easements granted to public utilities or to telephone companies;
  - Lands sold to a municipality;
  - Lands sold to a local Board including a School Board or a Conservation Authority;
  - Land sold to the Crown in right of Canada or Ontario and their Agencies.

NOTE: Lands to be used for the establishment and carrying on of industries and industrial operations and incidental uses do not have to comply with Sections A2, A3 and A5.

12. Those lands unserved by water, sewers and/or public access shall not be considered for sale until the City determines that the lands can be serviced and developed in accordance with City Policies. The only exception Council may consider is where unserved lands are being merged in Title with adjoining lands.

**Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011**

13. The City may pay a commission not exceeding five percent (5%) to any licensed Real Estate Agent or representative who, on behalf of a Client, submits an Offer on a City-owned parcel which is accepted by Council and which proceeds to a final sale.
14. The proceeds of the sale of City-owned lands shall be distributed as follows:
  - For the sale of any parklands or open space, net proceeds after sale expenses shall be credited to the Planning Act Reserve Fund;
  - For the sale of lands developed and serviced using the Municipal Incentives Grant Reserve Fund (MIG);
  - For all other non-industrial land sales, the net proceeds, after sale expenses, shall be credited to the MIG Fund;
  - For industrial land sales authorized by the Welland Development Commission, all net proceeds shall be credited to the Economic Development Reserve Fund;

**B. STOPPING UP, CLOSING AND SALE OF HIGHWAYS**

1. Upon request for the Stopping Up, Closing and Sale of a highway or part thereof, or upon the City's initiative, Staff shall request comments from appropriate Departments and Agencies (i.e. Utilities, Regional Niagara).
2. Staff shall prepare a Report for Council's consideration complete with analysis recommending that the highway, or part thereof, be stopped up, closed and declared surplus.
3. Public Notice shall be given of Council's intention to pass a By-law to permanently close a highway in a newspaper having general circulation in the municipality at least seven (7) days prior to the date of passage of the By-law.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be closed.
5. Staff shall obtain at least one (1) appraisal of the fair market value of the lands. An appraisal is not required if the closed highway is sold to an Owner of land abutting the closed highway.
6. Staff shall prepare a By-law to Stop Up, Close and declare surplus for Council's consideration.
7. Upon approval of the By-law, the By-law shall be registered on Title.
8. The surplus lands shall be advertised at least once in the local newspaper. Notice may also be posted on the City's web site.
9. Should the closed highway offer an opportunity to create a developable lot, the lands

**Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011**

shall be offered for sale as such, subject to necessary servicing.

10. Should the closed highway not be a viable lot, adjoining property Owners shall be afforded an opportunity to purchase a portion or the whole of the lands subject to the lands being merged in Title with the adjoining lands.
11. All Offers of Purchase and sale shall be processed in accordance with Sections A7, A8 and A9.



**COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**TRAFFIC DIVISION**

APPROVALS	
GENERAL MANAGER	CA
CFO	[Signature]
CAO	[Signature]

REPORT TRAF-2019-05  
 APRIL 16, 2019

19-22

**SUBJECT:** UPDATE TO TRAFFIC AND PARKING BY-LAW 89-2000

**AUTHOR:** MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.  
 SUPERVISOR, TRAFFIC, PARKING & BY-LAWS

**APPROVING SUPERVISOR:** CHRIS ANDERS, P. ENG.  
 MANAGER, ENGINEERING SERVICES

**APPROVING G.M.:** ERIK NICKEL, P. ENG.  
 GENERAL MANAGER, INFRASTRUCTURE AND DEVELOPMENT SERVICES / CITY ENGINEER

**RECOMMENDATIONS:**

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

**ORIGIN AND BACKGROUND:**

On this occasion, **SCHEDULE "I"**, will be affected.

**SCHEDULE "I" – Municipal/ Private Property**

An amendment is required to include 855 Ontario Road to the City of Welland Municipal/ Private Property Schedule of By-law 89-2000:

This will allow Parking Enforcement Officers to enter onto private lands at the request of the property owner to issue a penalty notice and/ or remove unauthorized vehicles. Authorization letter has been attached as Appendix I.

**COMMENTS AND ANALYSIS:**

The proposed amendments to the Traffic and Parking By-law are necessary to define the traffic and parking regulations on municipal and private property within the City of Welland.

**FINANCIAL CONSIDERATION:**

As properties are added to the Municipal/ Private Property Schedule a slight increase to parking ticket revenue can be expected.

**OTHER DEPARTMENT IMPLICATIONS:**

Legal Services and the Clerks Department would be required to update the By-laws with the changes noted in this report.

**SUMMARY AND CONCLUSION:**

To ensure the appropriate regulations and wording of By-law 89-2000 and By-law 2014-64, Staff recommends the modifications as outlined in this report.

The addition to the Municipal/ Private Property schedule are at the request of the property owners. Private property owners are experiencing difficulties with illegally parked vehicles on their property and the best solution to solve their problems would be to join our Traffic and Parking By-law and request enforcement when required.

**ATTACHMENTS:**

Appendix I – Authorization Letter, 855 Ontario Road



## *Woodrose Co-operative Homes, Inc.*

855 Ontario Road, Welland, Ontario L3B 5Z9  
905 734-1944 woodrosecoop@on.aibn.com

### AUTHORIZATION LETTER

Parking Enforcement Unit as AGENTS

**December 11, 2018**

The Corporation of the City of Welland  
60 East Main Street – City Hall  
Welland, ON  
L3B 3X4

Attention: James Cronshaw, MLEO(C)  
Senior By-law Enforcement Officer

**Re: Authorization for Private Property Tagging and/or Towing  
855 Ontario Road, Welland, ON L3B 5Z9**

**Precision Property Management** are agents for the owners of **Woodrose Co-operative Homes Inc.** and request the City of Welland to control unauthorized parking at the above noted address as per Traffic and Parking By-law 89-2000.

The following person(s) have been designated with signing privileges:

1. Katlee Matthews – Property Co-ordinator
2. Daniel Brochu – President, Board of Directors
3. Rita Rakosi – Corporate Secretary, Board of Directors

A copy of this letter and identification will be produced each time a Parking Enforcement Officer arrives to enforce the offence of "Park on Private Property without the owners consent" or "Park on Private Property in contravention of Traffic and Parking By-law 89-2000".

We understand that you require a "FORM 2" to be fully completed for each and every enforcement attendance by one of the above authorized person(s), who will call (905)735-1700 Ext. 2250 or 2113 for enforcement.

Signage is affixed to permanent post approximately 6' high and are located on both sides of each entrance/exit of the property. The signs indicate:

Private Property  
Unauthorized vehicles will be  
Tagged and/or towed  
At owner's expense  
City of Welland  
By-law 89-2000





*Woodrose Co-operative Homes, Inc.*

855 Ontario Road, Welland, Ontario L3B 5Z9  
905 734-1944 [woodrosecoop@on.aibn.com](mailto:woodrosecoop@on.aibn.com)

If you require further authorization, please contact Katlee Matthews at 905-734-1944.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Katlee Matthews', written in black ink.

Katlee Matthews  
Property Co-ordinator

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

19-59

REPORT P&amp;B-2019-18

APRIL 16, 2019

**SUBJECT:** APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA 20), ZONING BY-LAW AMENDMENT (2019-01) AND DRAFT PLAN OF SUBDIVISION (26T-14-19001) T. JOHNS CONSULTANTS FOR LANDS ON THE WEST SIDE OF NIAGARA STREET, SOUTH OF QUAKER ROAD, NORTH OF TRELAWN PARK, AND AT THE END OF WELLDVALE DRIVE, MUNICIPALLY KNOWN AS 897 NIAGARA STREET

**AUTHOR:** RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP  
PLANNING SUPERVISOR

**APPROVING SUPERVISOR:** GRANT MUNDAY, B.A.A., MCIP, RPP  
MANAGER OF DEVELOPMENT APPROVALS

**APPROVING G.M.:** ERIK NICKEL, P. ENG.  
GENERAL MANAGER,  
INFRASTRUCTURE AND DEVELOPMENT SERVICES/CITY  
ENGINEER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLD 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

ORIGIN AND BACKGROUND:

Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision were submitted for the subject lands on January 25, 2019 and were deemed complete on January 29, 2019.

The purpose of the Official Plan Amendment is to redesignate the western half of the property from Regional Shopping to Low Density Residential to allow for the residential development of this portion of the property. The application for Official Plan Amendment will also redesignate a portion of the property and Parks, Open Space, and Recreation to recognize existing environmental features on the property.



The purpose of the application for Zoning By-law Amendment is to rezone a portion of the property from Regional Shopping (RS) to Residential Low Density 1 (RL1) with exception to allow lot areas of 330 square metres, whereas the Zoning By-law requires a minimum lot area of 400 square metres. The RL1 Zone allows for the development of the property with single-detached and semi-detached dwellings. A portion of the property is also proposed to be Rezoned to Community Open Space (O1) to recognize existing environmental features on the property.

The application for Draft Plan of Subdivision is to develop the western half of the property with a 27 unit Plan of Subdivision on a future City road. The subdivision does not include any road access connections between Wellandvale Drive and Niagara Street, however, a pedestrian walkway is proposed between the proposed subdivision and the future commercial area fronting onto Niagara Street. The eastern portion of the property that are not the subject of these applications will remain for commercial development, with access to these lands from Niagara Street. The portion of the property that is impacted by environmental features will be given to the City as a block through the development of the subdivision.

The applications were circulated to City Departments, as well as outside agencies and members of the public in accordance with the requirements of the Planning Act. A Public Information Meeting was held on March 28, 2019. Approximately 25 members of the public attended the meeting, including the applicant and their agent. The following comments and concerns were raised:

- Is the existing floodway capable of accommodating the additional storm water created by the development;
- Concerns with flooding in the area;
- Concern about the loss of trees on the site, as well as cutting of trees on neighbouring properties;
- Concerns with increased traffic which will lead to safety issues;
- Concern with construction traffic coming down Wellandvale Drive; and,
- Questions regarding the type of housing proposed.

At the time of writing this report, four letters from members of the public have been received. The comments raised the same issues as were raised at the Public Information Meeting.

The Statutory Public Meeting under the Planning Act is being held on April 18, 2019. The Public Meeting provides an opportunity for the Applicant to make a presentation regarding the Applications and proposal, for interested parties to make comment and/or raise concerns, and for Council Members to inquire about the Applications.

This report is intended to give Council background information regarding the subject Applications. Staff will bring a Recommendation Report for Council's consideration at a future meeting.

#### **FINANCIAL CONSIDERATION:**

Any costs associated with the development of the property will be the responsibility of the developer.

**OTHER DEPARTMENT IMPLICATIONS:**

Other City Departments have been circulated the applications for review and comment. Any comments, requirements, and/or recommendations received will be incorporated into the final Recommendation Report.

**SUMMARY AND CONCLUSION:**

The Planning Act requires a Statutory Public Meeting to be held to provide opportunity for public input and discussion regarding the Applications. This Report is intended to provide background information for the Public Meeting.

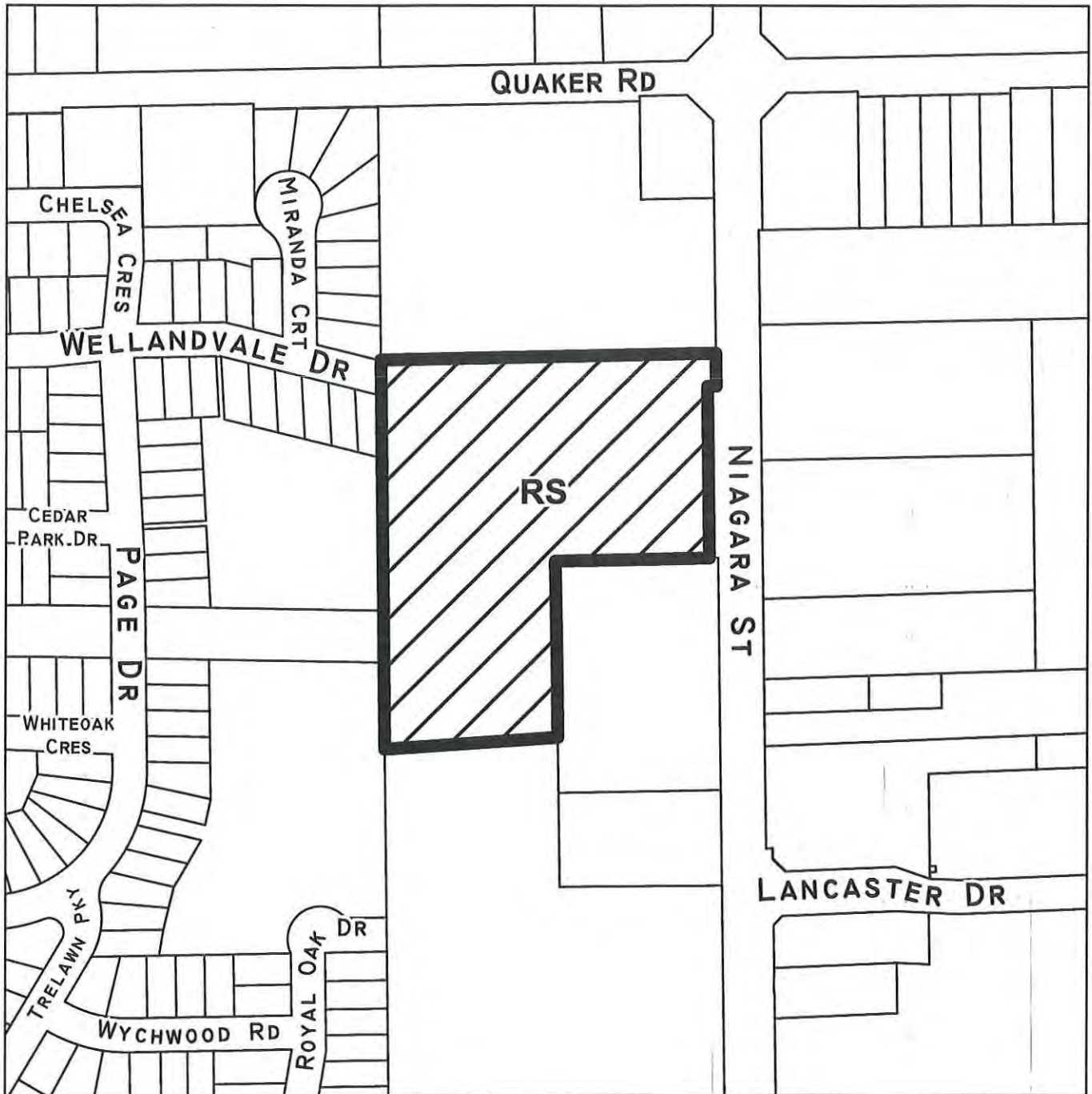
Therefore, it is recommended that Council receives Report P&B-2019-18 for information purposes.

**ATTACHMENTS:**

- Appendix I - Key Map
- Appendix II - Aerial Photo of Subject Lands
- Appendix III - Draft Plan of Subdivision
- Appendix IV - Draft Official Plan Amendment



# 2019-01, 26T-14-19001 & OPA 20



## KEY MAP

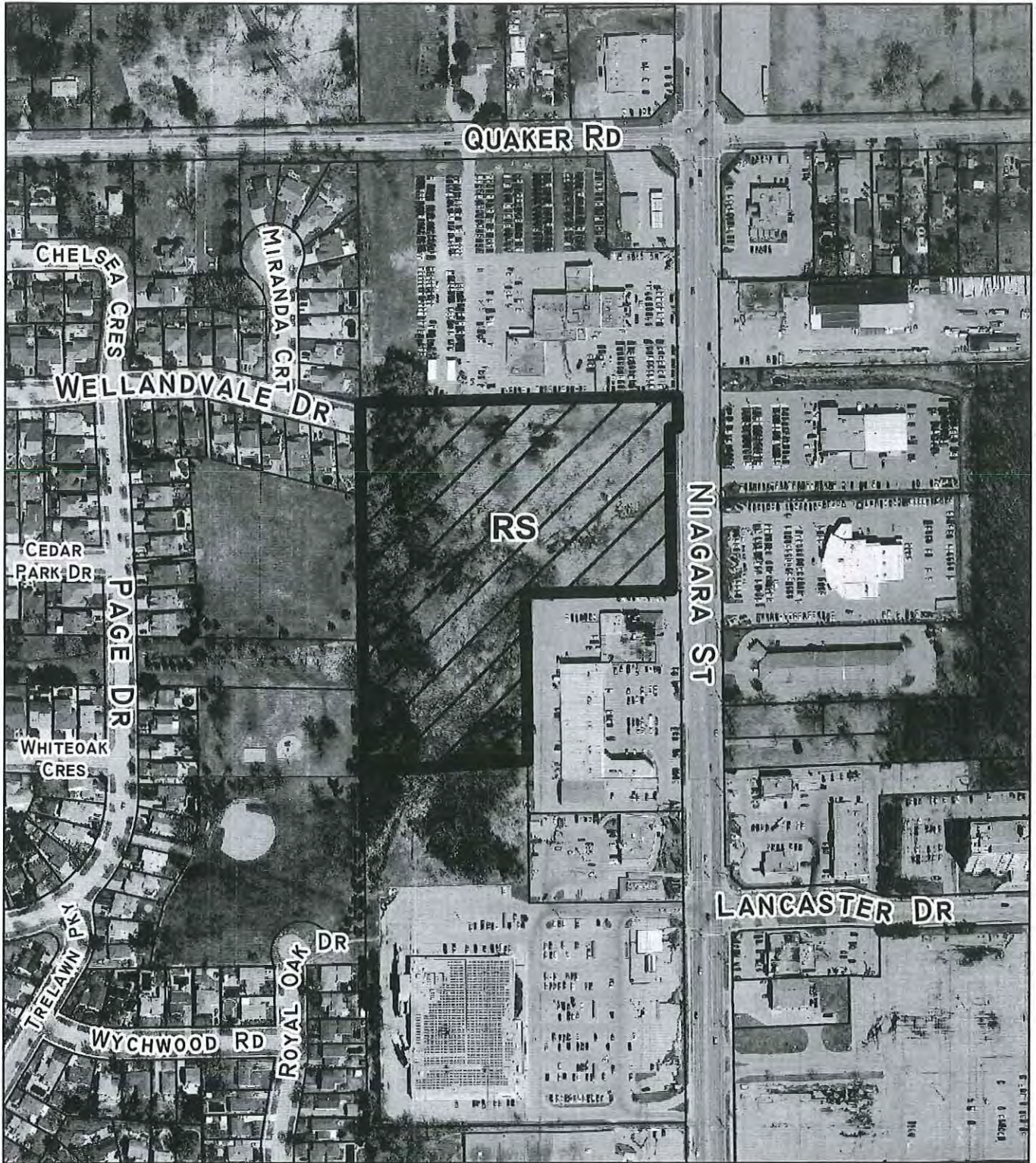


 **SUBJECT LANDS**

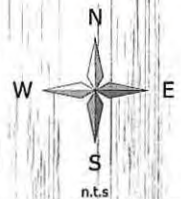


*Infrastructure and  
Development Services*  
Planning Division





**AERIAL PHOTO OF  
THE SUBJECT LANDS**  
2019-01, 26T-14-19001 & OPA 20

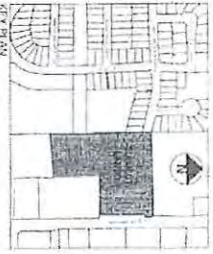
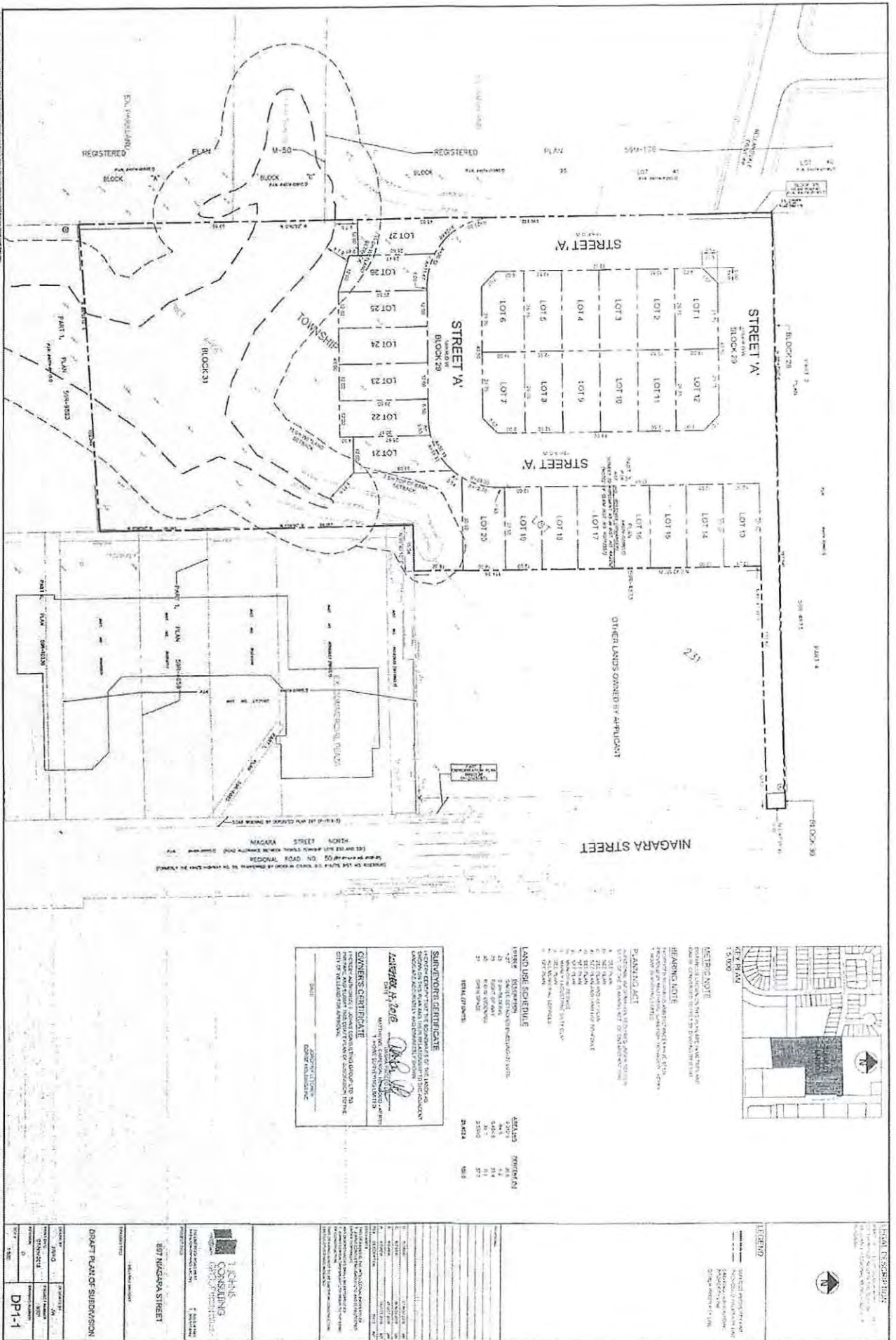


**SUBJECT LANDS**



*Infrastructure and  
Development Services  
Planning Division*





**REGISTERED PLAN**  
 THIS PLAN IS REGISTERED UNDER THE LAND REGISTRATION ACT AND IS VALID FOR THE PURPOSES OF THE ACT.  
 THE APPLICANT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.  
 THE APPLICANT WARRANTS THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

**PLANNING ACT**  
 THIS PLAN IS REGISTERED UNDER THE PLANNING ACT AND IS VALID FOR THE PURPOSES OF THE ACT.  
 THE APPLICANT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.  
 THE APPLICANT WARRANTS THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

**SUBROGATED CERTIFICATE**  
 THIS CERTIFICATE IS VALID FOR THE PURPOSES OF THE ACT.  
 THE APPLICANT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.  
 THE APPLICANT WARRANTS THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

**OWNER'S CERTIFICATE**  
 THIS CERTIFICATE IS VALID FOR THE PURPOSES OF THE ACT.  
 THE APPLICANT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.  
 THE APPLICANT WARRANTS THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

**LEGEND**  
 [Symbol] REGISTERED PLAN  
 [Symbol] REGISTERED BLOCK  
 [Symbol] REGISTERED TOWNSHIP  
 [Symbol] REGISTERED STREET

**LAND USE SCHEDULE**  
 [Symbol] RESIDENTIAL  
 [Symbol] COMMERCIAL  
 [Symbol] INDUSTRIAL

**NOTICE**  
 THIS PLAN IS REGISTERED UNDER THE ACT.  
 THE APPLICANT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.  
 THE APPLICANT WARRANTS THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

**DRAFT PLAN OF SUBDIVISION**  
 LOT 1-27  
 DP1-1

Appendix IV

Amendment No. \_\_\_\_  
To the  
OFFICIAL PLAN  
Of the  
CORPORATION OF THE CITY OF WELLAND

\_\_\_\_\_ 2019

THE CORPORATION OF THE CITY OF WELLAND  
BY-LAW NUMBER 2019-\_\_\_

A BY-LAW TO AUTHORIZE THE ADOPTION  
OF OFFICIAL PLAN AMENDMENT NO. \_\_\_

WHEREAS the Official Plan of the Corporation of the City of Welland was adopted by the City of Welland on May 4, 2010.

AND WHEREAS the Regional Municipality of Niagara gave partial approval to the Official Plan on October 21, 2011.

AND WHEREAS the Ontario Municipal Board gave partial approval to the Official Plan on June 24, 2014.

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend the Official Plan.

AND WHEREAS the Regional Municipality of Niagara is the approval authority for Amendments to the Official Plan of the Corporation of the City of Welland.

AND WHEREAS the Regional Municipality of Niagara has exempted Official Plan Amendment No. \_\_\_ to the Official Plan of the Corporation of the City of Welland from approval in accordance with the Memorandum of Understanding between the Regional Municipality of Niagara and the Corporation of the City of Welland.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the Corporation of the City of Welland hereby adopts and approves Official Plan Amendment No. \_\_\_ for Corporation of the City of Welland.
2. That Staff is hereby authorized and directed to give Notice of Council's adoption of Amendment No. \_\_\_ to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS  
\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

AMENDMENT NO. \_\_\_\_ TO THE OFFICIAL PLAN OF THE  
CORPORATION OF THE CITY OF WELLAND

PART A - THE PREAMBLE (This does not constitute part of the Amendment)

TITLE AND COMPONENTS  
PURPOSE OF THE AMENDMENT  
LOCATION  
BASIS

PART B - THE AMENDMENT

MAP CHANGES  
TEXT CHANGES



**PART A - THE PREAMBLE (This does not constitute part of the Amendment)****TITLE AND COMPONENTS**

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. \_\_\_ to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consists of the map and text changes.

Part "C", the Appendices, which does not constitute part of this Amendment, contains the background data, planning considerations and public involvement associated with this Amendment.

**PURPOSE OF THE AMENDMENT**

The purpose of Official Plan Amendment No. \_\_\_ is to re-designate the lands shown on the attached Schedule "A". The purpose of the Amendment is to permit the construction of twenty-seven (27) single detached residential dwellings and to implement a block of open space. The lands are also subject to an Application for Zoning By-law Amendment - File 2019-\_\_\_.

**LOCATION**

The lands subject to this Amendment are located on the west side of Niagara Street more specifically described as being Part of Lot 231, formerly in the Geographic Township of Thorold, now in the City of Welland, Regional Municipality of Niagara, known municipally as 897 Niagara Street. The subject lands have an approximate lot area of 2.54 hectares.

**BASIS**

The subject lands are within the urban area boundary for the City of Welland and currently designated Commercial. A proposal has been put forth to use the lands for Residential and Open Space uses.

**PART B - THE AMENDMENT**

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the map referred to as Schedule "A" - land Use Plan and Policies, constitutes Amendment No. \_\_\_ to the Official Plan of the Corporation of the City of Welland.

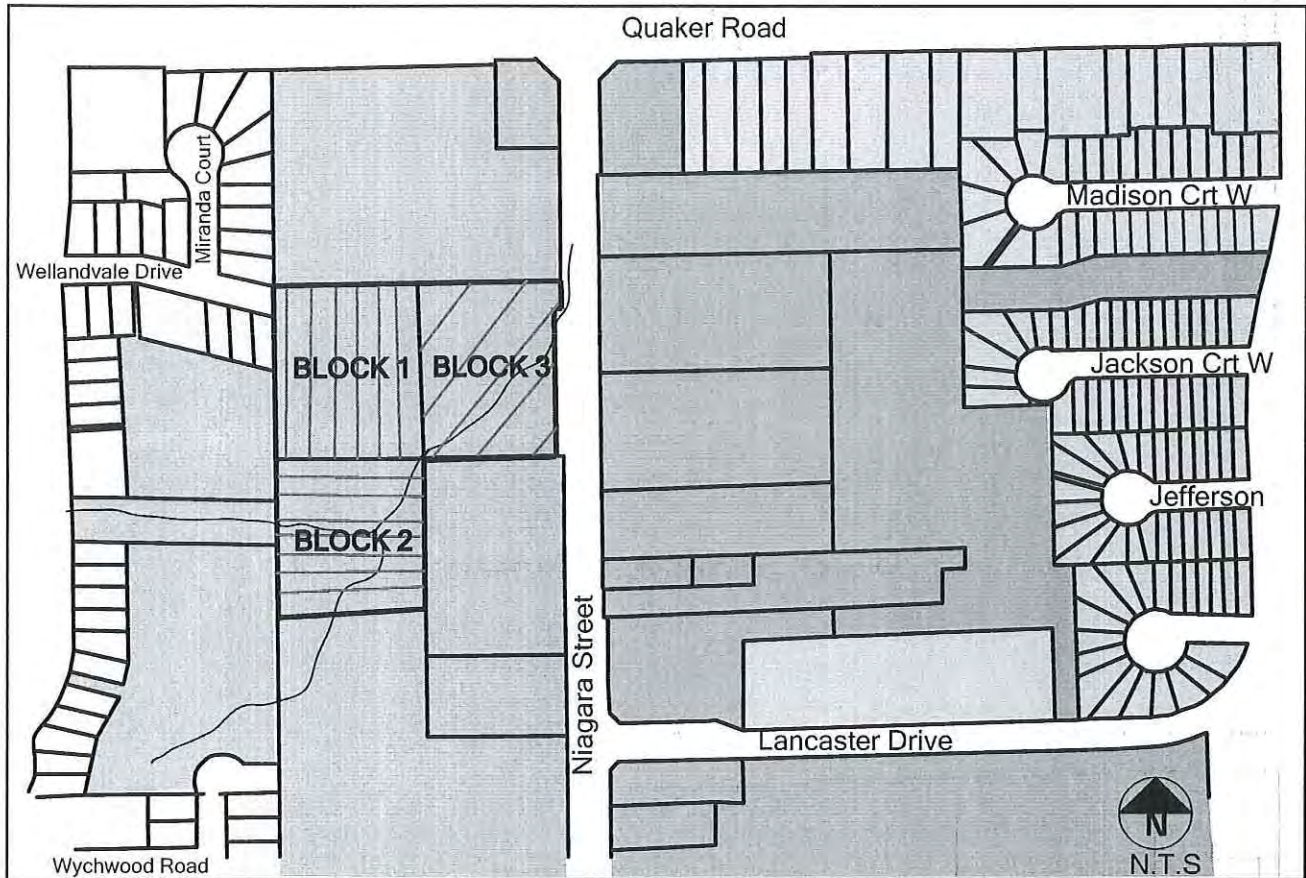
**MAP CHANGES**

1. Schedule B, Land Use Map, is hereby amended by re-designating lands identified as Block 1 from being Commercial to Residential as shown on Schedule "A", attached hereto.
2. Schedule B, Land Use Map, is hereby amended by re-designating lands identified as Block 2 from being Commercial to Open Space & Recreation as shown on Schedule "A", attached hereto.

**TEXT CHANGES**

Not text changes required.

SCHEDULE "A" LAND USE PLAN



Legend

**BLOCK 1**

LANDS DESIGNATED AS 'COMMERCIAL' TO BE AMENDED TO BE DESIGNATED 'RESIDENTIAL'

**BLOCK 2**

LANDS DESIGNATED AS 'COMMERCIAL' TO BE AMENDED TO BE DESIGNATED 'OPEN SPACE & RECREATION'

**BLOCK 3**

LANDS TO REMAIN AS 'COMMERCIAL'

Designation

- Commercial
- Residential
- Open Space and Recreation

SCHEDULE 'A' TO AMENDMENT No. \_\_\_\_\_  
TO THE OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND

NOTE: THIS SCHEDULE FORMS PART OF AMENDMENT No. \_\_\_\_\_ TO THE OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND AND MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT.



**CITY OF WELLAND**  
INTEGRATED SERVICES  
PLANNING DIVISION



APPROVALS	
GENERAL MANAGER	<i>EL</i>
CFO	<i>[Signature]</i>
CAO	<i>EL</i>

**COUNCIL****INFRASTRUCTURE AND DEVELOPMENT SERVICES**

19-60

REPORT P&B-2019-19  
APRIL 16, 2019

**SUBJECT: NEW MEMORANDUM OF UNDERSTANDING FOR  
PLANNING FUNCTION AND SERVICES BETWEEN THE  
REGIONAL MUNICIPALITY OF NIAGARA AND LOCAL  
AREA MUNICIPALITIES**

**AUTHOR: ROSE DI FELICE, M.PI., M.Sc., MCIP, RPP  
MANAGER OF POLICY PLANNING**

**APPROVING G.M.: ERIK NICKEL, P. ENG.,  
GENERAL MANAGER,  
INFRASTRUCTURE AND DEVELOPMENT SERVICES/CITY  
ENGINEER**

**RECOMMENDATION:**

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.

**ORIGIN AND BACKGROUND:**

In 2007, a Memorandum of Understanding (MOU) between the Local Area Municipalities, the Niagara Peninsula Conservation Authority and Niagara Region for improving the planning function was endorsed and executed by the Parties. The purpose of this MOU was for it to serve as a relationship management tool with a focus on clarifying the respective roles and responsibilities of the Parties for policy planning and for the review of development applications and to ensure that planning review was completed in a comprehensive and coordinated manner. The MOU was updated on two (2) occasions first in 2011 and then again in 2014 with minor changes to fine-tune the document.

City Staff has been involved in crafting the amended MOU from the inception of the project through their participation on a MOU Working Group. This Group met on several occasions to determine the direction and content of the updated MOU.

**COMMENTS AND ANALYSIS:**

The key changes and actions found in the March 2019 MOU are as follows:

- The Niagara Region Conservation Authority (NPCA) is no longer a Party to the updated MOU. However, with the integration of the 2018 Protocol between the Region and NPCA into the MOU it permits the MOU to be focused on the regional and local area municipal roles and responsibilities.
- The purpose of the updated MOU is to deliver timely, accurate, effective and customer-focused planning services; to pursue improvements to the planning application processes that achieve good planning, streamlining, predictability and consistency; to eliminate duplication to maximize the utilization of existing resources and technical expertise and, where possible, to coordinate efforts; and, to monitor the performance of this MOU and service delivery.
- The MOU now identifies specific Regional interests in planning matters through the provincial transfer of responsibilities with respect to growth management, water and wastewater services and urban design.
- All Parties agree to provide planning comments based on legislative, regulatory or delegated authority, Council approved policies and by-laws and interests that have been identified through pre-consultation, terms of reference, complete application requirements and/or requisite studies.
- The updated MOU Identifies and clarifies the roles and responsibilities of the Parties to the MOU.
- A Section on the Development Application Review Process has been added to the updated MOU.
- This updated MOU continues to commit to undertaking continuous improvement and agrees that the Local Area Planners will establish a working team or teams to determine and implement best practices in policy planning and development application review.

**FINANCIAL CONSIDERATION:**

There are no financial implications as a result of the contents of this Report.

**OTHER DEPARTMENT IMPLICATIONS:**

There are no implications to other Divisions as a result of the contents of this Report.

**SUMMARY AND CONCLUSION:**

The MOU is an important document intended to clarify roles and responsibilities and to ensure that plan review is completed in a comprehensive, efficient and coordinated manner. The Parties to this Memorandum have work collaboratively to originally develop and now amend the document so that it provides a comprehensive framework to deliver an efficient review process and protect the Region's natural heritage system. The proposed MOU includes a commitment on the part of the Area Planners to

undertake a work program which continues on the theme of collaboration and continuous improvement.

Based on the foregoing, Staff supports the endorsement of the updated MOU to Council.

**ATTACHMENTS:**

Appendix I – Memorandum of Understanding for Planning Function and Services between the Regional Municipality of Niagara and Local Area Municipalities dated March 2019



## 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).<sup>1</sup>

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

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<sup>1</sup> 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.<sup>2</sup>

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

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<sup>2</sup> 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.<sup>3</sup> 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.

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<sup>3</sup> 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 Information<sup>4</sup>

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;

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<sup>4</sup> 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 Studies<sup>5</sup>

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.

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<sup>5</sup> 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 Region<sup>6</sup>

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

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<sup>6</sup> 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 Requirements<sup>7</sup>

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

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<sup>7</sup> 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.<sup>8</sup>

#### **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.

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<sup>8</sup> 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 documents<sup>9</sup>

### 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.

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

The following table shows the results of the survey conducted in the month of March 2019. The data is presented in a tabular format, with columns representing different categories and rows representing individual responses. The table is organized into several sections, each corresponding to a different aspect of the survey. The first section contains the names of the respondents, followed by their respective addresses and contact information. The second section details the responses to the various questions posed in the survey, including demographic information and opinions on the subject matter. The final section provides a summary of the findings and conclusions drawn from the data.



## 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 <sup>10</sup>	Local	Region NPCA	Region	Planning Act, Regional Official Plan
Exempt Local Official Plan Amendments and Secondary Plans <sup>11</sup>	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 <sup>12</sup>
Draft Plan of Condominium	Local	Region NPCA	Local	Planning Act S. 51 and Regional By-laws <sup>13</sup>
Consent/Boundary Adjustments	Local	Region NPCA	Local	Planning Act S. 53 and Regional By-laws <sup>14</sup>

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> 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.

<sup>13</sup> 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

<sup>14</sup> 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 <sup>15</sup>
Site Plan	Local	Region, NPCA	Local	Planning Act S. 41
NEC Applications: Amendments and Permits <sup>16</sup>	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 Area<sup>17</sup></i>		NPCA Local	Region	Regional Official Plan
<i>EIS inside Settlement Area<sup>18,19</sup></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

<sup>15</sup> 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.

<sup>16</sup> The Niagara Escarpment Commission is not a party to this MOU.

<sup>17</sup> 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.

<sup>18</sup> 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.

<sup>19</sup> 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
<b>Site specific Regional Official Plan Amendment</b>	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
<b>Secondary Plan (Local Official Plan Amendment)</b>	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
<b>Other Comprehensive Local Official Plan Amendment</b>	Same as above	As determined in consultation with the area municipality
<b>Site specific Local Official Plan Amendment</b>	Same as above	Parties to provide comments within 20 calendar days
<b>Comprehensive zoning by-law</b>	Same as above	Parties to provide comments within 30 - 45 calendar days
<b>Site specific zoning by-law amendment (including Holding Provision)</b>	Same as above	Parties to provide comments within 20 calendar days
<b>Draft plans of subdivision or condominium</b>	Same as above	Parties to provide comments within 30 - 45 calendar days
<b>Modifications to Draft Approved Subdivision and Condominium</b>	Same as above	Parties to provide comments within 30 - 45 calendar days
<b>Consent</b>	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: \_\_\_\_\_

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:

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**City of Thorold**

Date of City Council endorsement:

CAO Signature:

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**Township of Wainfleet**

Date of Township Council endorsement:

CAO Signature:

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**City of Welland**

Date of City Council endorsement:

CAO Signature:

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**Township of West Lincoln**

Date of Township Council endorsement:

CAO Signature:

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**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](http://www.niagararegion.ca)

April 2, 2019

**CL 8-2019, March 28, 2019****PHSSC 3-2019, March 19, 2019****PHD 06-2019, March 19, 2019****LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**Mutual Assistance Agreement for Emergency Management

PHD 06-2019

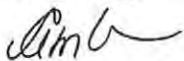
Regional Council, at its meeting held on March 28, 2019, passed the following recommendation of its Public Health and Social Services Committee:

That Report PHD 06-2019, dated March 19, 2019, respecting Mutual Assistance Agreement for Emergency Management, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** entry into the Mutual Assistance Agreement as an equal partner with the 12 local area municipalities to facilitate necessary assistance required during an emergency situation; and
2. That the Chief Administrative Officer **BE AUTHORIZED** to execute the mutual assistance agreement and any ancillary documents on behalf of The Regional Municipality of Niagara.

A copy of PHD 06-2019 and the agreement is enclosed for consideration by your Council.

Yours truly,



Ann-Marie Norio  
Regional Clerk

CLK-C 2019-087

19-67

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**Subject:** Mutual Assistance Agreement for Emergency Management

**Report to:** Public Health and Social Services Committee

**Report date:** Tuesday, March 19, 2019

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### **Recommendations**

1. That Regional Council **APPROVE** entry into the Mutual Assistance Agreement as an equal partner with the 12 local area municipalities to facilitate necessary assistance required during an emergency situation.
2. That the Chief Administrative Officer **BE AUTHORIZED** to execute the mutual assistance agreement and any ancillary documents on behalf of The Regional Municipality of Niagara.

### **Key Facts**

- In Niagara, there is a long history of municipalities helping each other in times of need. However, to ensure that appropriate provisions are in place to allow cross-jurisdictional emergency support, a mutual assistance agreement between Niagara's municipalities, including the Regional Municipality, is required.
- This assistance specifically includes personnel and equipment above and outside of normal services provided to the local municipalities directly or through a two-tier delivery model on any normal daily basis.
- Approval of the Mutual Assistance Agreement enhances the Region's ability to respond to an emergency or disaster situation, thereby reducing the impact on the community.

### **Financial Considerations**

This report will not, in itself, propose any new financial implications for the Niagara Region. However, within the Mutual Assistance Agreement template would be the ability for a municipality to recover the cost of providing assistance if requested.

### **Analysis**

The Mutual Assistance Agreement is proposed to be permissive in nature and non-binding. It serves to protect staff and municipal legal interests when requested and to help their communities during times of need. This agreement does not in itself replace any existing Fire Services Mutual/Automatic Aid Plan. Rather it builds on the same spirit of cooperation to better facilitate assistance where practical and appropriate. When an



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emergency exists, regional and municipal employees as well as partner agencies take such action(s) under emergency management plans as may be required to protect the health, safety, welfare and property of the community. The ability to allow for cross-jurisdictional emergency support between Niagara's municipalities and the Region will strengthen the ability to provide critical services and resources to residents during challenging circumstances.

Based upon the Fire Mutual Aid Agreement, this new Mutual Assistance Agreement addresses the sharing of personnel, equipment and services as required to ensure the delivery of essential services in an emergency situation (e.g. natural disaster). In some instances, this "sharing" of resources was already being done but no formal agreement was in place. Without an agreement in place, municipalities were left open to risk for any injuries or damages.

In 2012, a working group made up of CAO's, human resource specialists and emergency management personnel was assembled to develop a project proposal, agreement template and operating guidelines for mutual assistance. The proposal and template was presented to the Niagara CAO's in September 2012 and approval in principle was given to allow further development.

This agreement has recently been vetted through the Niagara Region Legal Division as well as reviewed by the 12 Municipal Community Emergency Management Coordinators. The resulting agreement, when enacted, would allow any municipality needing assistance to make an appeal to neighbouring municipalities for assistance. That request for support would be made by the CAO of the municipality requesting assistance to the CAO of the municipality being requested to provide assistance.

The agreement is written to be permissive in nature yet non-binding and is empowered by the *Emergency Management and Civil Protection Act* as follows:

*The Council of a municipality may make an agreement with the Council of any other municipality or with any persons for the provision of any personnel, service, equipment or material during an emergency. R.S.O. 1990, c. E.9, s. 13 (3); 1999, c. 12, Sched. P, s. 9.*

A municipality that signs into the agreement is not obligated to provide assistance if requested. Their ability to assist or not assist would be determined by the municipality at that time. Under the agreement, assistance would be provided based upon a number of conditions, including but not limited to the municipality's requirement to ensure essential services in their own jurisdiction. This agreement is meant to be proactive instead of reactive, to protect the safety of staff, municipal assets and ensure that communities do not put themselves at risk by helping neighbours during their time of need. Therefore, by signing into the agreement the municipality benefits from having legal, cost recovery and other risk management issues detailed and agreed upon in advance.

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The agreement documents will be provided to the Community Emergency Management Coordinators (CEMC's) in each of the 12 local area municipalities to present to their Council following approval by Regional Council. The goal is for completion of the formal, region-wide agreement in time for Emergency Preparedness Week in May 2019 where the announcement would be made publicly.

### **Alternatives Reviewed**

The Emergency Management program is constantly assessing priorities and best methodologies for service delivery. The Mutual Assistance Agreement will assist in further strengthening the working relationship and sharing of resources in and amongst the region and 12 lower area municipalities.

### **Relationship to Council Strategic Priorities**

Approval of the Mutual Assistance Agreement enhances the Region's ability to respond to an emergency or disaster situation, thereby reducing the impact on the community, while supporting the strategic priorities of Council.

### **Other Pertinent Reports**

No other pertinent reports.

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#### **Prepared by:**

Kevin Smith  
Chief, Niagara Emergency Medical  
Services & Director, Emergency  
Services

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#### **Recommended by:**

M. Mustafa Hirji, MD, MPH, FRCPC  
Medical Officer of Health &  
Commissioner (Acting)  
Public Health & Emergency Services

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#### **Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Cathy McGrath, Emergency Management Program Specialist, and reviewed by Kevin Smith, Chief, Niagara Emergency Medical Services.*

**MUTUAL ASSISTANCE AGREEMENT**

BETWEEN:

THE CORPORATION OF THE TOWN OF FORT ERIE  
 and  
 THE CORPORATION OF THE TOWN OF GRIMSBY  
 and  
 THE CORPORATION OF THE TOWN OF LINCOLN  
 and  
 THE CORPORATION OF THE CITY OF NIAGARA FALLS  
 and  
 THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE  
 and  
 THE CORPORATION OF THE TOWN OF PELHAM  
 and  
 THE CORPORATION OF THE CITY OF PORT COLBORNE  
 and  
 THE CORPORATION OF THE CITY OF THOROLD  
 and  
 THE CORPORATION OF THE CITY OF ST. CATHARINES  
 and  
 THE CORPORATION OF THE TOWNSHIP OF WAINFLEET  
 and  
 THE CORPORATION OF THE CITY OF WELLAND  
 and  
 THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
 and  
 THE REGIONAL MUNICIPALITY OF NIAGARA

the "Parties"

**WHEREAS** Subsection 13(3) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9, as amended (the "Act") provides that the council of a municipality may make an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency;



**AND WHEREAS** the Parties wish to provide for mutual aid and assistance to each other through the provision of personnel, services, equipment or material to one or the other within the meaning of the Act;

**AND WHEREAS** each of the Parties has a current Emergency Plan pursuant to the Act;

**NOW THEREFORE** in consideration of the mutual covenants herein contained, the Parties agree as follows:

## 1. Definitions

1.1 In this Agreement,

1.1.1 "Act" means the *Emergency Management and Civil Protection Act*, as may be amended, and all regulations thereto;

1.1.2 "Assisted Municipality" means the municipality receiving aid or assistance pursuant to this Agreement;

1.1.3 "Assisting Municipality" means the municipality providing aid or assistance pursuant to this Agreement;

1.1.4 "Emergency", "Emergency Area" and "Emergency Plan" shall have the same meanings as in the Act;

1.1.5 "Mutual Assistance Agreement" means this Agreement and the attached Schedule(s) which embody the entire Agreement between the Parties;

1.1.6 "Parties" means those municipalities that have fully executed and delivered this Mutual Assistance Agreement

1.1.7 "Requesting Party" means the municipality asking for aid, assistance or both pursuant to this Agreement; and

1.1.8 "Municipal Emergency Control Group" means the organizational entity responsible for directing and controlling the Assisted Municipality's response to an Emergency.

## 2. Role of the Solicitor General

2.1 The Parties acknowledge that pursuant to the Act, the Solicitor General for the Province of Ontario is responsible for the administration of the Act and is the principal contact for all Emergencies.

2.2 The Parties further agree that the Solicitor General shall be notified in writing of any request made under this Agreement. The Requesting Party agrees to notify as soon as reasonably practicable, Office of the Fire Marshall and Emergency Management (OFMEM), Ministry of Community

Safety and Correctional Services and any other person required to be notified pursuant to the Act, on the matter of any request for assistance made under this Agreement.

### **3. Authorization to Request/Offer Assistance**

- 3.1 Each Party hereby authorizes its Chief Administrative Officer, City Manager, Town Manager or such other senior administrative officer of the Party as the Chief Administrative Officer has designated (hereinafter "CAO") to request assistance or offer to provide assistance pursuant to this Agreement on behalf of that Party.

### **4. Requests for Assistance**

- 4.1 The Parties agree that in an Emergency, a Requesting Party may request assistance in the form of qualified personnel, services, equipment, or material from another Party.
- 4.2 The request for assistance shall be made by the CAO of the Requesting Party to the CAO of the other Party. The CAO of the Requesting Party may make the initial request for assistance orally, however, a written request using the form set out in Schedule "A", and in accordance with Section 17, should follow as soon as reasonably practicable.
- 4.3 The written request shall set out in detail the specific personnel, services, equipment and/or material that has been requested as assistance. A Party may request such reasonable additional information as it considers necessary to confirm the existence of the Emergency and to assess the type, scope, nature and amount of assistance to be provided.
- 4.4 The Party which has received a request from a Requesting Party shall respond to the request within one (1) day, and may in its sole discretion determine the type and scope, nature and amount of assistance it will provide. The Assisting Municipality may respond to the request orally, however, shall respond in writing as soon as reasonably practicable using the form set out in Schedule "A" attached hereto. The CAO of the Requesting Party shall complete, sign and forward the form to the CAO of the Assisting Municipality, who shall then return a signed copy. The written confirmation shall set out in detail the specific personnel, services, equipment or material that has been requested as assistance and which the Assisting Municipality has agreed to provide.
- 4.5 The Assisting Municipality and the Assisted Municipality may by mutual agreement at any time as necessary, amend the scope, type, nature or amount of assistance to be provided to the Assisted Municipality under this Agreement. Amendments shall be confirmed in writing by the Parties using the form set out in Schedule "A" attached hereto within three (3) days of being agreed upon or as soon as reasonably practicable.



## **5. Limitations on Assistance Provided**

- 5.1 Nothing in this Agreement shall require or obligate or be construed to require or obligate a Party to provide assistance. Each Party shall retain the right to refuse the request to provide assistance, and the right to offer alternatives to the assistance that has been requested.
- 5.2 No liability shall arise against the Party who was being asked for assistance if it fails, for any reason whatsoever, to respond to a request for assistance made under this Agreement.
- 5.3 When assistance has been offered or provided by the Assisting Municipality, the Assisting Municipality shall not be obligated to provide any further assistance or to do anything or take any action beyond that which is specifically agreed to by the acceptance of the request for assistance.
- 5.4 Nothing in this Agreement shall prevent the Assisting Municipality, in its sole discretion, from withdrawing any or all assistance it had agreed to provide to the Assisted Municipality. Any withdrawal of assistance by the Assisting Municipality shall be made only upon at least forty-eight (48) hours' notice to the Assisted Municipality, unless the Assisting Municipality is responding to an actual or pending Emergency within its own geographical boundaries, in which case it may withdraw assistance from the Assisted Municipality immediately upon notice.
- 5.5 The Assisted Municipality may determine in its sole discretion, subject to any required approval by governmental authorities, that its requirement for assistance has ceased and shall notify the Assisting Municipality of this in writing.

## **6. Term and Termination**

- 6.1 The Mutual Assistance Agreement shall be in effect for each Party from the date on which each Party signs the Agreement.
- 6.2 Despite any other section of this Agreement, any Municipality may terminate this Agreement upon at least sixty (60) days' written notice to all the other Parties. It is understood that the Agreement shall continue in force as between the other Parties.

## **7. Costs**

- 7.1 Unless otherwise agreed upon, any and all direct and indirect costs of the Assisting Municipality in providing assistance are to be paid by the Assisted Municipality. The Assisted Municipality shall be required to reimburse any and all actual costs incurred by or attributable to the Assisting Municipality in providing the assistance. Such costs shall include, but are not limited to, any and all supplies, equipment materials, fuel, repairs, parts, lodging, wages, salaries, overtime, shift premium charges, and similar charges and



expenses incurred in or attributable to providing the assistance including those wages, salaries, overtime and shift premium charges incurred resulting from staffing requirements in its home jurisdiction during the period of the assistance, providing all such costs are reasonable in the circumstances.

- 7.2 The Assisting Municipality shall remain responsible for making all statutorily required deductions, contributions, payments and costs of employment benefits which includes for the purposes of this Agreement, Canada Pension Plan, Employment Insurance, OMERS contributions, and/or contributions made to life insurance, health, dental, and/or disability plans or policies.
- 7.3 The Assisted Municipality shall be responsible for the cost of replacing equipment or material furnished by the Assisting Municipality if damaged beyond reasonable repair while providing assistance.
- 7.4 The Assisting Municipality shall provide to the Assisted Municipality, if practical and available, an estimate of the cost of providing the assistance.

## **8. Payment**

- 8.1 Payment by the Assisted Municipality for costs incurred for the assistance provided shall be made to the Assisting Municipality within the time frame referenced in section 8.3 following delivery receipt of an invoice from the Assisting Municipality. Such invoice shall set out in sufficient detail the costs actually incurred by or attributed to the provision of assistance by the Assisting Municipality pursuant to this Agreement, and where practically available, receipts for disbursements shall be forwarded in support of the invoice.
- 8.2 Any discrepancy relating to an invoice shall be discussed between the Parties involved and additional documentation shall be provided. The Parties shall attempt in good faith to reach resolution as expeditiously and amicably as possible. The Parties may agree on a method of third party resolution, if necessary, and shall share the costs of same equally.
- 8.3 The Assisted Municipality shall remit payment of the amount owing for the assistance provided within thirty (30) days of the receipt of the Assisting Municipality's invoice.
- 8.4 Any amount remaining unpaid and outstanding after the thirty (30) day period referred to in subsection 8.3 of this Agreement shall bear interest at the rate stipulated in the Assisting Municipality's invoice, which rate shall not exceed the Bank of Canada bank rate at the date of the invoice plus two (2) per cent per annum until paid.

## **9. Employment Relationship**

- 9.1 Despite that the employees, contractors, servants and agents (collectively "the workers") of the Assisting Municipality may be assigned to perform duties for the Assisted Municipality, and that for the duration of the Emergency, the Assisted Municipality shall reimburse the Assisting Municipality for the costs of the wages, salaries and expenses of the workers, the workers of the Assisting Municipality shall retain their employment or contractual relationship with the Assisting Municipality. The Parties acknowledge and agree that the Assisted Municipality is not to be deemed the employer or contractor of the Assisting Municipality's employees, agents, contractors or servants, under any circumstances or for any purpose whatsoever.

## 10. Records

- 10.1 Any personal (or health) information collected, used or disclosed by an Assisting Municipality while assisting an Assisted Municipality pursuant to this Agreement is subject to the rights, responsibilities and safeguards provided for in the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act, 2004*. The Parties hereby state their intention that the Assisting Municipality and its employees, contractors, servants and agents are acting as agents of the Assisted Municipality in the collection, use or disclosure of any personal (or health) information, which is at all times the intellectual property of and under the care, custody and control of the Assisted Municipality. The Assisted Municipality may direct the Assisting Municipality how to safeguard and deal with the information to meet the purposes of this Agreement and the Assisting Municipality shall protect and treat the personal (or health) information according to the standards of the applicable legislation and in accordance with the directions of the Assisted Municipality, acting reasonably.

## 11. Indemnity

- 11.1 The Assisted Municipality shall defend, indemnify and save harmless the Assisting Municipality, its officers, employees, contractors, servants and agents from any and all claims, costs, all manner of action or actions, cause and causes of action, accounts, covenants, contracts, demands or other proceedings of every kind or nature whatsoever at law or in equity arising out of this Agreement and out of assistance provided pursuant to this Agreement. The indemnity herein provided shall include all costs, including but not limited to duties, dues, accounts, demands, penalties, fines and fees.

## 12. Insurance

- 12.1 During the term of this Agreement, each Party shall obtain and maintain in full force and effect, general liability insurance issued by an insurance company authorized by law to carry on business in the Province of Ontario, providing



for, without limitation, coverage for personal injury, public liability and property damage. Such policy shall:

- 12.1.1 have inclusive limits of not less than Five Million Dollars (\$5,000,000) for injury, loss or damage resulting from any one occurrence;
  - 12.1.2 contain a cross-liability clause endorsement and severability of interests clause of standard wording;
  - 12.1.3 name the other Parties as additional insureds with respect to any claim arising out of the Assisted Municipality's obligations under this Agreement or the Assisting Municipality's provision of personnel, services, equipment or material pursuant to this Agreement; and
  - 12.1.4 include a Non-Owned Automobile endorsement.
- 12.2 During the term of this Agreement, each Party shall obtain and maintain in full force and effect, automobile liability insurance in the amount of Two Million Dollars (\$2,000,000.00) for injury, loss or damage resulting from anyone occurrence.
- 12.3 Upon the request of the other Party, each Party shall provide proof of insurance in a form satisfactory to the requesting Party's CAO.
- 12.4 In the case of any conflict between the provisions of this document and any other provisions speaking to contractual indemnity or insurance clauses, the provisions of this Agreement will govern.

### **13. Collective Agreements**

- 13.1 Each Party agrees to review the provisions of this Agreement with its appropriate local bargaining units for the purpose of seeking amendments to local agreements, if required to facilitate participation within the terms of this Agreement. Each Party further agrees to advise the other Parties as soon as practically possible if it becomes aware of any impediments or obstacles imposed by local agreements to meeting its obligations under this Agreement.

### **14. Liaison and Supervision**

- 14.1 The Assisting Municipality shall have the right, to be exercised in its sole discretion, to assign an employee or agent (the "Liaison Officer") of the Assisting Municipality to the Municipal Emergency Control Group of the Assisted Municipality. The Liaison Officer shall provide a liaison between the Assisting Municipality and the Municipal Emergency Control Group of the Assisted Municipality. The parties acknowledge that the purpose of the Liaison Officer shall be to permit communication between the Assisted and Assisting Municipalities. Subject to the *Municipal Freedom of Information and*



*Protection of Privacy Act*, the Liaison Officer shall be permitted to inform the Assisting Municipality on the status of the Emergency and the actions taken by the Assisted Municipality. The Liaison Officer shall have the right to obtain information about the Emergency and the use of the assistance provided in order to report to the Assisting Municipality during and after the duration of the assistance provided and the Emergency. The Assisting Municipality shall keep confidential and not disclose any information concerning the Emergency or the assistance provided without the prior consent of the Assisted Municipality, except as may be legally required.

- 14.2 The Assisting Municipality shall assign its personnel to perform tasks as directed by the Municipal Emergency Control Group of the Assisted Municipality. The Assisting Municipality shall have the right to assign supervisory personnel to operate or supervise the operation of any of the Assisting Municipality's personnel and or equipment furnished as assistance to the Assisted Municipality. Such supervision shall be in accordance with the instructions of the Municipal Emergency Control Group.

## **15. Information Sharing**

- 15.1 If requested and subject to the *Municipal Freedom of Information and Protection of Privacy Act*, each Party shall respond to the other Party's request for information regarding specified types of personnel, services, equipment or material in the possession of each party that may be used in the provision of assistance under this Agreement. All such information shall be provided without any warranty of any kind as to its accuracy, reliability, usefulness or other characteristics.

## **16. Food and Lodging**

- 16.1 For the duration of the assistance provided under this Agreement, the Assisted Municipality shall be responsible for providing all food, lodging and accommodation as required and appropriate for the personnel furnished pursuant to this Agreement. Where food and lodging cannot be provided in-kind, the Assisted Municipality shall pay a reasonable *per diem* to personnel for any food and lodging purchased by personnel of the Assisting Municipality. The *per diem* shall be no less than the Assisted Municipality pays to its own employees as a matter of policy or agreement.

## **17. Notice**

- 17.1 Any notice, direction, request or document required or permitted to be given by either Party to the other in writing shall be deemed to have been sufficiently and effectually given if delivered by hand or by prepaid registered mail at the addresses provided for below during normal business hours, or sent by facsimile transmission or electronic mail to the number shown below.

The Corporation of the Town of Fort Erie at:

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6  
Attention: Chief Administrative Officer  
Fax: 905-871-4022

The Corporation of the Town of Grimsby at:  
160 Livingston Avenue, Grimsby, ON L3M 4G3  
Attention: Chief Administrative Officer  
Fax: 905-945-5010

The Corporation of the Town of Lincoln at:  
4800 South Service Road, Beamsville, ON L0R 1B1  
Attention: Chief Administrative Officer  
Fax: 905-563-6566

The Corporation of the City of Niagara Falls at:  
4310 Queen Street, Niagara Falls, ON L2E 6X5  
Attention: Chief Administrative Officer  
Fax: 905-374-3357

The Corporation of the Town of Niagara-on-the-Lake at:  
1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0  
Attention: Chief Administrative Officer  
Fax: 905-468-2959

The Corporation of the Town of Pelham at:  
20 Pelham Town Square, P.O. Box 400, Fonthill, ON L0S 1E0  
Attention: Chief Administrative Officer  
Fax: 905-892-5055

The Corporation of the City of Port Colborne at:  
66 Charlotte Street, Port Colborne, ON L3K 3C8  
Attention: Chief Administrative Officer  
Fax: 905-835-2969

The Corporation of the City of Thorold at:  
3540 Schmon Parkway, P.O. Box 1044, Thorold, ON L2V 4A7  
Attention: Chief Administrative Officer  
Fax: 905-227-5590

The Corporation of the City of St. Catharines at:  
PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2  
Attention: Chief Administrative Officer  
Fax: 905-688-5955



The Corporation of the Township of Wainfleet at:  
 31940 Highway 3, P.O. Box 40, Wainfleet, ON L0S 1V0  
 Attention: Chief Administrative Officer  
 Fax: 905-899-2340

The Corporation of the City of Welland at:  
 60 East Main Street, Welland, ON L3B 3X4  
 Attention: Chief Administrative Officer  
 Fax: 905-735-1543

The Corporation of the Township of West Lincoln at:  
 318 Canborough Street, Box 400, Smithville, ON L0R 2A0  
 Attention: Chief Administrative Officer  
 Fax: 905-957-3219

The Regional Municipality of Niagara at:  
 1815 Sir Isaac Brock Way, P.O. Box 1042 Thorold, ON L2V 4T7  
 Attention: Chief Administrative Officer  
 Fax: 905-685-6243

or to such other address of a Party as it shall specify to the other Parties by written notice given in the manner aforesaid.

- 17.2 If hand delivered, the notice is effective on the date of delivery; if sent by facsimile transmission or electronic mail before 3:00 p.m., the notice is effective on the date and time the fax is sent; if sent by facsimile transmission or electronic mail after 3:00 p.m., the notice is effective on the following day; and if mailed, the notice is deemed to be effective on the fifth business day following the day of mailing.
- 17.3 Any notice given shall be sufficiently given if signed by the CAO or by a person authorized by or acting under the direction or control of the CAO.

## **18. General**

- 18.1 Nothing contained in this Agreement shall be construed as restricting or preventing either Party from relying on any right or remedy otherwise available to it under this Agreement, at law or in equity in the event of any breach of this Agreement.
- 18.2 This Agreement shall enure to the benefit of, and be binding upon the Parties and their respective successors, administrators and assigns.
- 18.3 This Agreement shall not be construed as or deemed to be an agreement for the benefit of any third parties, and no third party shall have any right of action arising in any way or manner under this Agreement for any cause whatsoever.



- 18.4 This Agreement and the attached Schedule "A" embody the entire Agreement and supersede any other understanding or agreement, collateral, oral or otherwise, existing between the parties prior to or at the date of execution.
- 18.5 Sections 2, 5.2, 7, 8, 9, 11, 12, 17, and 18 of this Agreement shall survive termination of this Agreement.
- 18.6 The Parties agree to be governed by the laws of the Province of Ontario and Canada.
- 18.7 The Parties herein agree that in the event of any dispute arising under or pursuant to this Agreement, which dispute cannot be resolved by the mutual agreement of the Parties' C.A.O.s, the C.A.O.s shall refer the dispute to the respective Chairs/Mayors of the Parties for resolution. In the event that the Chairs/Mayors cannot resolve the dispute, either Party may, on providing ninety (90) days' written notice to the other, refer the dispute to a third party arbitrator of their mutual choice for resolution. Such arbitration shall be conducted pursuant to the *Arbitration Act, 1991*, S.O. 1991 c. 17, as amended.
- 18.8 This Agreement may be executed and delivered in any number of separate counter-parts, each of which when executed and delivered is an original but all of which taken together constitutes one and the same instrument. Any Party may deliver an executed copy of this Agreement by facsimile transmission.
- 18.9 This agreement is intended to be binding in accordance with its terms on and between all municipalities that execute the Agreement and the failure of a municipality referenced on page one or the execution pages of this document shall not prevent the applicability of the Agreement to the Parties who execute the Agreement.

**IN WITNESS WHEREOF** the Parties have, by their authorized signing officer(s), executed this Agreement.

**THE CORPORATION OF THE TOWN OF FORT ERIE**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF GRIMSBY**

\_\_\_\_\_  
Name:

Title:

\_\_\_\_\_  
Name:

Title:

I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF LINCOLN**

\_\_\_\_\_  
Name:

Title:

\_\_\_\_\_  
Name:

Title:

I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF NIAGARA FALLS**

\_\_\_\_\_  
Name:

Title:

\_\_\_\_\_  
Name:

Title:

I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF PELHAM**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF PORT COLBORNE**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date



**THE CORPORATION OF THE CITY OF THOROLD**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF ST. CATHARINES**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF WELLAND**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE REGIONAL MUNICIPALITY OF NIAGARA**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

SCHEDULE "A"

**Sample Mutual Assistance Agreement**  
(see attached page)



### Mutual Assistance Agreement

I, \_\_\_\_\_, Chief Administrative Officer / Designated Official of \_\_\_\_\_, duly authorized to do so by the Council of \_\_\_\_\_, do hereby confirm my request of \_\_\_\_\_, to provide assistance in the form of

- \_\_\_\_\_ PERSONNEL
- \_\_\_\_\_ SERVICES
- \_\_\_\_\_ EQUIPMENT
- \_\_\_\_\_ MATERIAL

AS IS MORE PARTICULARLY SET OUT IN DETAIL AS FOLLOWS:

FOR THE DURATION OF: \_\_\_\_\_

The above confirms the assistance verbally requested on \_\_\_\_\_, and which assistance \_\_\_\_\_ has agreed to provide.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
(Assisted Municipality)

Confirmed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
(Assisting Municipality)

**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](http://www.niagararegion.ca)

April 9, 2019

**CL 8-2019, March 28, 2019****PEDC 3-2019, March 20, 2019****PDS 4-2019, March 20, 2019****LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**Memorandum of Understanding for Planning Function and Services between Niagara Region and Local Area Municipalities

PDS 4-2019

Regional Council, at its meeting held on March 28, 2019, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 4-2019, dated March 20, 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 updated Memorandum of Understanding (MOU) for Planning Function and Services between The Regional Municipality of Niagara and the Local Area Municipalities dated March 2019, attached to Report PDS 4-2019 as Appendix I, **BE CIRCULATED** to the Local Area Municipalities for review and approval; and
2. 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.

A copy of PDS 4-2019 is enclosed for your reference.

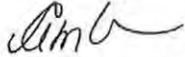
19-666

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

April 9, 2019

Page 2

Yours truly,



Ann-Marie Norio

Regional Clerk

:jg

CLK-C 2019-081

cc: D. Morreale      Director, Development Approvals, Planning and Development Services  
N. Oakes            Executive Assistant to the Commissioner, Planning and Development Services  
R. Mostacci         Commissioner, Planning and Development Services



**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](http://www.niagararegion.ca)

April 9, 2019

**CL 8-2019, March 28, 2019****PEDC 3-2019, March 20, 2019****PDS 5-2019, March 20, 2019****LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**Statutory Public Meeting for Draft Regional Official Plan Amendment 15 – Exemption Policies

PDS 5-2019

Regional Council, at its meeting held on March 28, 2019, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 5-2019, dated March 20, 2019, respecting Statutory Public Meeting for Draft Regional Official Plan Amendment 15 – Exemption Policies, **BE RECEIVED** and the following recommendations **BE APPROVED**;

1. That a copy of Report PDS 5-2019 **BE CIRCULATED** to the Local Area Municipalities for information;
2. That the necessary update to the exemption by-law **BE PREPARED** and **PRESENTED** to Council for consideration with the recommendation report for Regional Official Plan Amendment No. 15;
3. That existing By-law 129-2001 and By-law 43-2002 **BE REPEALED** when the new exemption by-law is passed; and
4. That the following correspondence items **BE RECEIVED** and **REFERRED** to the preparation of the final report on Regional Official Plan Amendment 15:

PDS-C 10-2019

Letter from L. Tulloch, Planner, Community Planning and Development (West), Ministry of Municipal Affairs and Housing, dated February 25, 2019, respecting Regional Official Plan Amendment 15

19-68

Statutory Public Meeting for Draft Regional Official Plan Amendment 15 –  
Exemption Policies  
April 9, 2019  
Page 2

PDS-C 11-2019  
Letter from R. Brady, Director, Planning and Development Services, Town of  
Fort Erie, dated February 27, 2019, respecting Regional Official Plan  
Amendment 15

A copy of PDS 5-2019 is enclosed for your reference.

Yours truly,



Ann-Marie Norio  
Regional Clerk

:jg

CLK-C 2019-080

cc: K. McCauley      Senior Planner, Secondary Plans, Planning and Development Services  
N. Oakes            Executive Assistant to the Commissioner, Planning and Development Services  
R. Mostacci         Commissioner, Planning and Development Services

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**Subject:** Statutory Public Meeting for Draft Regional Official Plan Amendment 15 – Exemption Policies

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, March 20, 2019

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### Recommendations

1. That Report PDS 5-2019 **BE RECEIVED** for information;
2. That a copy of Report PDS 5-2019 **BE CIRCULATED** to the Local Area Municipalities for information;
3. That the necessary update to the exemption by-law **BE PREPARED** and **PRESENTED** to Council for consideration with the recommendation report for Regional Official Plan Amendment No. 15; and
4. That existing By-law 129-2001 and By-law 43-2002 **BE REPEALED** when the new exemption by-law is passed.

### Key Facts

- Section 17(10) and Ontario Regulation 699/98 of the *Planning Act, 1990*, allows Niagara Region to pass a by-law exempting local Official Plan Amendments (LOPAs) from Regional approval.
- The Region passed exemption By-law 129-2001 authorizing the Region of Niagara to exempt minor, site specific LOPAs from Regional approval per Regional Policy Plan Amendment 137. By-law 43-2002 delegates the exemption approval to the Commissioner of Planning and Development Services or his/her delegate. By-laws 129-2001 and 43-2002 are no longer consistent with the needs of the Region and local municipalities.
- The Region has undertaken a review of the existing exemption policies in Section 14.E.6-14.E.9 of the Regional Official Plan. The exemption policies identify the process and circumstances where the Region will exempt local Official Plan Amendments from Regional approval.
- The proposed amendment will modernize these policies and provide better clarity and certainty to the exemption process for the Region's local area municipalities.



- 
- The proposed policy was done in conjunction with an update to the Memorandum of Understanding between the Region and the local area municipalities, which included discussions with the local area planners.

### **Financial Considerations**

There are no direct financial implications arising from this report as the cost to process the Amendment can be accommodated within the Planning and Development Services base Operating Budget.

### **Analysis**

#### ***Process***

As per the *Planning Act, 1990*, the upper tier municipality is the approval authority for any and all local Official Plan Amendments (LOPAs). However, section 17(10) of the *Act* allows a municipality, with approval from the Minister, to pass a by-law exempting LOPAs from Regional approval. Niagara Region received approval authority from the Minister to pass a by-law to exempt any or all LOPAs per Ontario Regulation 699/98.

Following a process review and consultation with local area partners, the first exemption by-law was passed in 2001 in conjunction with Regional Policy Plan Amendment (RPPA) 137. By-law 129-2001 authorizes the Region of Niagara to exempt minor, site specific LOPAs from Regional approval per RPPA 137 and the exemption approval process in Schedule A to the By-law. The exemption process involves working collaboratively with the local municipality through the process and the review of the LOPA document. This means that the Region has the authority to exemption LOPAs from approval where is deemed to comply with the exemption policy and process. The approval of these amendments would then rest with the local municipal Council.

In 2002, the Region passed By-law 43-2002 to delegate the power to exempt the LOPA to the Commissioner of Planning and Development Services or his/her delegate. This By-law continued to reference the approval process as set out in By-law 129-2001 and the policy of RPPA 137.

Following a process review and consultation with local partners, it was determined that there needed to be differentiation in review and exemption requirements for minor, site specific and comprehensive LOPAs. The Region amended the exemption policies through RPPA 5-2013 to implement this direction. This amendment made minor wording modifications to what was approved through RPPA 137 but largely kept the previously approved wording for minor, site specific amendments. RPPA 5-2013 also added new policy related to exemption of comprehensive LOPAs (i.e. Secondary Plans or where the amendment may have cross boundary impacts). Each policy continued to have criteria outlining where the LOPA would not receive exemption.

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***Existing Policy and New DRAFT Regional Official Plan Amendment (ROPA)***

Appendix 1 contains the DRAFT proposed Exemption ROPA policy for consideration. Appendix 2 contains the current wording of Regional Official Plan (ROP) policies (s. 14.E.6-4.E.9) that would be replaced by the new wording. Feedback from our local partners indicate that the existing policies are unnecessarily wordy and confusing. Some of the information is out of date and the policy direction of the existing 14.E.7 and 14.E.8 can limit the opportunity for the Region to collaborate with the local area municipality.

Regional staff have condensed and simplified the wording through the draft ROPA. Current Policy 14.E.6 has been removed in its entirety. The guidance and timeframe for the review process of LOPAs will be detailed in the updated Memorandum of Understanding (MOU). Also through recent *Planning Act, 1990*, amendments, the Region's review time increased to 210 days with the ability to request extension. This timeline is detailed in the *Act* and should be removed from the Region Official Plan (ROP). Existing Policy 14.E.9 is inherent in the review process so it has also been removed.

The new proposed ROPA Policy 14.E.6 outlines the exemption authority and provides two part direction as to when the LOPA may be exempt:

- Part A is for amendments that are minor, site specific with no issues/concerns related to Regional and Provincial interest. In this case, the exemption can be determined and issued at the pre-consultation stage.
- Part B is for more comprehensive LOPAs (i.e. Secondary Plans) that require continued collaboration between the Region and the local area municipality (LAM). The Region would work with the LAM to identify and address any matters of Regional and Provincial interest and review the draft LOPA or Secondary Plan document to determine that the matters have been satisfactorily addressed. If the Region is satisfied with the policies (or other steps taken to address the issue), the Region can issue the exemption.

The draft ROPA continues to contain a list of criteria in Policy 14.E.7 to outline where the amendment may not be exempt. It combines, summarizes and condenses the list in the previous 14.E.7 and 14.E.8. The intent of this policy is to provide detailed direction on matters of Regional and Provincial interest where the Regional will retain approval authority if there is disagreement on one or more of the criteria listed. However, where a resolution can be reached which will satisfactorily address the matter through policy or other means (i.e. zoning, conditions of draft plan approval), Part B of Policy 14.E.6 would apply. The listed criteria will continue to be a helpful tool for interested external parties in understanding the Region's exemption process.



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**Exemption by-law**

In order to properly align this Regional Official Plan Amendment, the existing exemption By-law 129-2001 and 43-2002 will be repealed and replaced by a new exemption by-law that reflects the updated policy and Memorandum of Understanding process. Information on the Memorandum of Understanding is contained in Report PDS 4-2019.

**Conclusion**

The exemption policies are being updated to better reflect the working relationship between the Region and the LAMs. It continues to support strong collaboration between the LAMs and the Region and provides more clarity and consistency in reviewing LOPAs.

Following the public meeting, Regional staff will review comments presented at the public meeting, as well as any agency comments received through circulation. A recommendation report will be presented for consideration when finalized.

**Alternatives Reviewed**

The *Planning Act, 1990*, requires that a public meeting be held for all amendments to municipal Official Plans. Appropriate notice has been provided for this statutory public meeting.

**Relationship to Council Strategic Priorities**

This report support Council's strategic areas for fostering innovation, investment, and entrepreneurship and doing business differently.

**Other Pertinent Reports**

N/A



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**Prepared by:**

Kirsten McCauley, MCIP, RPP  
Senior Planner, Secondary Plans  
Planning and Development Services

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**Recommended by:**

Rino Mostacci, MCIP, RPP  
Commissioner  
Planning and Development Services

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**Submitted by:**

Ron Tripp, P. Eng  
Acting Chief Administrative Officer

*This report was prepared in consultation with Isaiah Banach, Manager of Long Range Planning, and reviewed by Doug Giles, Director of Community and Long Range Planning.*

**Appendices**

Appendix 1  
Appendix 2

DRAFT Regional Official Plan Amendment No. 15  
Existing Regional Official Plan Policy

Page 6  
Page 7

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**APPENDIX 1 – DRAFT Regional Official Plan Amendment****DRAFT Amendment XX  
To The Official Plan for the  
Niagara Planning Area****Text Changes**

The Official Plan for the Niagara Planning Area is amended as follows:

**Part I – Modifications to Existing Policies**

1. **Policy 14.E.6, 14.E.7, 14.E.8 and 14.E.9** are deleted and replaced with the following:

14.E.6 The Commissioner of Planning and Development Services, or his/her designate, shall determine and issue an exemption from Regional approval for a local Official Plan Amendment (OPA) where:

a) It is determined through pre-consultation that the draft OPA is of local significance, is consistent, conforms to, or does not conflict with Provincial Policy and Plans, and is in conformity with the Regional Official Plan; or,

b) Matters of Regional and Provincial interest are present and, through a collaborative process between the Region and the local municipality, it is determined that the OPA has identified and satisfactorily addressed these matters. In the case of a Secondary Plan, the Region shall review the draft Secondary Plan policy set and mapping prior to determining exemption.

14.E.7 A local OPA shall not be exempt from Regional approval if any of the following cannot be addressed to Region's satisfaction:

- i. conformity with the Regional Official Plan;
- ii. consistency with the Provincial Policy Statement and/or conformity with Provincial Plans;
- iii. significant impacts relating to the Regional Master Servicing Plan and/or Transportation Master Plan;
- iv. directly affects Regional capital forecasts; or
- v. cross-boundary impacts or impacts on any adjacent municipality."

**APPENDIX 2 – Existing Regional Official Plan Exemption Policies 14.E.6 – 14.E.9****Policy 14.E.6**

The following decision-making targets shall be used in the review of local Official Plans and Amendments:

Table 14-1: Decision Making Target Timeframes	
Request	Timeframe
A request for exemption from Regional approval as per this Plan	10 days to respond to request by municipality
A regionally significant local Official Plan or Official Plan Amendment	180 days after submission to the Region to process with decision by Regional Council

**Policy 14.E.7**

Policy amendments to local Official Plans that are in conformity with the Regional Official Plan may be exempt from Regional approval where they are of local significance and no Regional interest is adversely affected. Applications for a policy amendment to local Official Plans with Regional interests, where a collaborative process has been undertaken between the Region and the Local Municipality, including policies (i) and (ii) below, have been addressed through pre-consultation and review of the draft Local Amendment may also be exempt. Amendments impacting any one of the following areas are not eligible for exemption:

- i. Applications directly and substantially affecting Regional servicing infrastructure: i.e. streets, water, and wastewater;
- ii. Applications that substantially change Regional capital forecasts;
- iii. Urban boundary expansions;
- iv. Applications to convert employment areas and lands that have the potential for adversely affecting the viability of an employment area;
- v. Major applications that will adversely affect Regional traffic flows;
- vi. Major secondary plans;
- vii. Retail applications of Regional scale which have a market area extending two or more municipalities;
- viii. Applications that are not consistent with the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe;
- ix. Applications with cross-boundary impacts.



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Within Designated Greenfield areas a major secondary plan constitutes an area of 25 hectares or more.
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Policy 14.E.8

Site specific amendments to local Official Plans shall be subject to the following policy. The *Region* as the approval authority for local Official Plans may exempt some local Official Plan amendments involving land use designation changes from Regional approval. Local Official Plan amendments to be considered for exemption will be of local interest only, not extensive or comprehensive in nature and not involving a change to the municipality's urban area boundaries. Only those amendments which satisfy the following criteria are eligible for exemption:

- i. The amendment must be site specific and/or minor in size and nature,
- ii. The amendment conforms to the Regional Official Plan and is consistent with the Provincial Policy Statement,
- iii. The amendment does not impact on any adjacent municipality or conflict with the Niagara Escarpment Plan, and does not require new Regional financing or servicing,
- iv. The amendment complies with the Region's financial and servicing strategy,
- v. The amendment incorporates any concerns or modifications recommended by the Region to address Regional or Provincial concerns, and
- vi. Any subsequent changes made to the local Official Plan amendment by the local Council in adopting the amendment do not conflict with the Regional Official Plan or previous requirements by the *Region*.

Policy 14.E.9

Decisions of Local Official Plan Amendments must be in conformity with the Regional Official Plan. The policies of the Regional Official Plan continue to apply after adoption and approval of the Local Official Plan."


**Administration**

Office of the Regional Clerk

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

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[www.niagararegion.ca](http://www.niagararegion.ca)

April 9, 2019

**CL 8-2019, March 28, 2019**
**PEDC 3-2019, March 20, 2019**
**PDS 6-2019, March 20, 2019**
***DISTRIBUTION LIST***
***SENT ELECTRONICALLY***
Niagara Region 2018 Employment Inventory Results Report

PDS 6-2019

Regional Council, at its meeting held on March 28, 2019, passed the following recommendation of its Planning and Economic Development Committee:

1. That Report PDS 6-2019, dated March 20, 2019, respecting Niagara Region 2018 Employment Inventory Results Report, **BE RECEIVED**; and
2. That a copy of Report PDS 6-2019 **BE CIRCULATED** to the Local Area Municipalities, Local Economic Development Offices, Niagara Workforce Planning Board and the Niagara Chambers of Commerce.

A copy of PDS 6-2019 is enclosed for your reference.

Yours truly,

Ann-Marie Norio

Regional Clerk

:jg

CLK-C 2019-082

## Distribution List

J. Docker	Planner, Planning and Development Services
N. Oakes	Executive Assistant to the Commissioner, Planning and Development Services
R. Mostacci	Commissioner, Planning and Development Services
	Local Area Municipalities

19-69

Local Economic Development Offices  
Niagara Workforce Planning Board  
Niagara Chambers of Commerce



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**Subject:** Niagara Region 2018 Employment Inventory Results Report

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, March 20, 2019

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### Recommendations

1. That Report PDS 6-2019 respecting the 2018 Niagara Region Employment Inventory Results report **BE RECEIVED** for information; and
2. That a copy Report PDS 6-2019 **BE DISTRIBUTED** to the Local Area Municipalities, Local Economic Development Offices, Niagara Workforce Planning Board and the Niagara Chambers of Commerce.

### Key Facts

- This report highlights the key performance indicators of the data collected during the 2018 Employment Inventory period.
- The Employment Inventory is an annual primary data collection exercise where a small team of post-secondary students attempt to visit every publically accessible (signed) business within Niagara during the summer months.
- In 2018, the Employment Inventory team inventoried over 11,700 businesses throughout the urban and rural areas of Niagara and collected the location of approximately 142,000 jobs.
- This year's data collection resulted in an 87% full participation rate, compared to 68% from 2016 and 76% in 2017. This increase is attributed to ongoing support from local municipal partners and other special interest stakeholders.
- Data captured through the Employment Inventory has become a key asset for:
  - Internal Regional departments
  - Local area municipalities
  - Local Economic Development offices
  - Niagara Workforce Planning Board
  - Local Employment Ontario agencies

- 
- The results are currently assisting in informing Regional service delivery decisions such as:
    - Providing sufficient levels for servicing child care centres
    - Providing up-to-date employer data for the Building Employment Networks Niagara (BENN) application
    - Locating premises for the Environmental Health Legionella Exposure Inventory
    - Assisting with waste management communication outreach
    - Informing Economic Prosperity Dashboard indicators
  
  - In an effort to promote innovation and foster greater transparency and accountability, a subset of the data captured through the 2018 Employment Inventory will be made publically available through the Niagara Region Open Data portal.

### Financial Considerations

The Niagara Employment Inventory was funded through the Council approved 2018 operating budget with contributions from Planning and Development Services, Economic Development, SAEO, and Internal Control and Organizational Performance.

The total cost of the project (rounded to the nearest \$100) was **\$99,900** and is broken down as follows:

Student wages	\$93,600
Mileage disbursement	\$4,400
Cellular fees	\$1,600
Attire and branding	\$300
<b>Total</b>	<b>\$99,900</b>



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## Analysis

Niagara Region is among several municipalities in Ontario that collect employment data on an annual basis. The project was initiated in 2016, when the Planning and Development department partnered with Economic Development to embark on a primary data collection exercise to gather information about the types and size of businesses in Niagara.

Each year, the Employment Inventory is conducted by a small team of post-secondary students between the months of May and September. The primary method of data collection is through door-to-door interviews with local business owners, with any additional follow-up engagement conducted through email and telephone communication.

The 2018 Employment Inventory team visited over 11,700 businesses and collected the physical location of 142,000 full and part time jobs. Compared to the 2017 results, this is an increase of almost 500 surveyed businesses and over 11,000 additional jobs identified.

The Employment Inventory is a comprehensive dataset of business information that indicates: number of jobs, business locations, business size, type of business sector, level of foreign investment, and exporting patterns relating to each business. The inventory is a geo-coded, spatial enabled dataset, which facilitates analysis at the street address level.

The questionnaire (Appendix 1), was developed leveraging best practices from our Greater Toronto and Hamilton area counterparts as well as consultation from the following internal and external stakeholders:

- Internal Regional departments
- Local area municipalities
- Local Economic Development offices
- Local Employment Ontario agencies
- Niagara Workforce Planning Board

With assistance from local municipal partners and other special interest stakeholders, the inventory continues to experience a steady growth in the response rate, achieving an 87% full participation rate in 2018.

Each year, the inventory questionnaire features a unique subset of questions that are specifically tailored to gain insight into the local business community. The project team will continue to engage internal and external stakeholders to explore whether to include additional or different questions.



## Results

Table 1 (below) illustrates the proportion of complete and partially complete survey responses over the 3-year survey. This year's data collection resulted in an 87% full participation rate, compared to 68% from 2016 and 76% in 2017. A full participation rate indicates a business that provided responses to all survey questions from beginning to end.

Table 1 – Inventory Response Rate

Year	Complete Survey Response	Partially Complete Survey Response	Refused to Participate
2016	68%	30%	2%
2017	76%	22%	2%
<b>2018</b>	<b>87%</b>	<b>12%</b>	<b>1%</b>

The rise in participation rate can be attributed to increased familiarity with the survey team, a streamlined data entry methodology, and joint communication outreach conducted by our local Chamber of Commerce's and other interest groups. The Employment Inventory continues to see a low refusal rate of just 1%.

A partially completed response still results in successfully capturing the physical location of the business and the associated industry code. Regional staff continue to work with local area municipalities and other partners to bolster the number of completed responses.

Table 2 (below) illustrates the number of businesses inventoried and the number of jobs reported from respondents over the 3-year survey period. It is important to note that the totals do not reflect an overall increase in the number of business and jobs per year. The increase is largely linked to the expanded survey area (which now includes all rural and agricultural areas), as well as the significant improvement in the survey participation rate.

Table 2 – Number of Businesses and Jobs Reported

Year	Businesses Inventoried	Full Time Jobs Reported	Part Time Jobs Reported	Total Jobs Reported
2016	10,743	71,899	38,239	110,138
2017	11,202	91,216	39,848	131,144
<b>2018</b>	<b>11,720</b>	<b>98,706</b>	<b>43,478</b>	<b>142,184</b>

*\* Home-based and mobile businesses were not inventoried.*

Table 3 (below) illustrates the municipal breakdown of the number of businesses and jobs over the 3-year survey period.

Table 3 – Distribution of Businesses and Jobs by Municipality

Municipality	Number of Businesses (2016)	Number of Jobs Reported (2016)	Number of Businesses (2017)	Number of Jobs Reported (2017)	Number of Businesses (2018)	Number of Jobs Reported (2018)	Number of Unique Jobs Reported* (2016-2018)
Fort Erie	709	6,351	719	6,867	763	8,414	8,790
Grimsby	443	4,009	455	4,750	465	5,204	5,767
Lincoln	440	4,198	543	6,650	564	6,964	7,759
Niagara Falls	2,514	22,929	2,553	32,982	2,642	32,687	37,484
Niagara on the Lake	456	7,082	513	9,707	560	11,238	11,966
Pelham	271	1,743	301	2,275	318	2,677	2,903
Port Colborne	461	2,912	465	3,917	468	4,176	4,561
St Catharines	3,657	43,045	3,771	44,254	3,966	48,130	58,021
Thorold	460	4,980	491	5,307	523	5,674	6,196
Wainfleet	43	179	58	402	60	507	523
Welland	1,161	11,221	1,158	12,122	1,188	14,149	14,803
West Lincoln	128	1,489	175	1,911	203	2,364	2,524
Niagara Region	10,743	110,138	11,202	131,144	11,720	142,184	161,297

\* Number of Unique Jobs Reported (2016-2018) column indicates the combined 3-year total of jobs reported. This combined 3-year total accounts for completed responses received in any survey year and does not include duplicates.

As the Employment Inventory matures and the participation rate increases among employers, the results will be used in conjunction with Statistics Canada data and other data sources to accurately monitor the regional economy, gain insights into where economic gains are occurring, and better understand where Niagara Region and local municipalities can take action to help facilitate economic growth and opportunity.

The data collected each year through the Employment Inventory provides detailed local business information that is not available through Statistics Canada data. In most cases, Statistics Canada data is updated once every 5 years, whereas the Employment Inventory is updated on a yearly basis. Statistics Canada data is ideal for performing analysis at the regional and municipal level, but lacks the ability to analyze raw business data at the street address level. Collecting annual business data at the street address level allows for micro analysis to be done at custom geographies and time series.

Reliable and comprehensive data about our business community is integral towards understanding the Region's employment context and facilitating the Region to respond quickly to emerging economic development opportunities. Furthermore, the Employment Inventory dataset plays a significant role in supporting decisions related to population and employment growth and forecasting, infrastructure investment (including public transit), socioeconomics, and the ongoing monitoring of economic conditions and trends.



Table 4 (below) illustrates the number of businesses and jobs captured in 2018 based on the 2-digit North American Industry Classification System (NAICS). NAICS is a standardized industry classification system used to classify business establishments according to type of economic activity or industry.

The top three sectors by number of jobs captured were associated with “Retail Trade”, followed by “Accommodation and Food Services” and “Health Care and Social Assistance” respectively. These three sectors account for almost 45% of the total number of jobs reported by respondents in 2018.

Table 4 – Number of Businesses and Jobs by NAICS Sector

NAICS Industry Sector (2-Digit)	Number of		Number of Jobs
	Businesses 2018	Number of Jobs 2018	Proportion of Region
Retail trade	2,647	23,733	16.7%
Accommodation and food services	1,647	19,110	13.4%
Health care and social assistance	1,227	17,939	12.6%
Manufacturing	845	15,577	11.0%
Educational services	232	10,280	7.2%
Arts, entertainment and recreation	378	8,706	6.1%
Public administration	195	7,421	5.2%
Construction	373	5,474	3.8%
Other services (except public administration)	1,602	5,407	3.8%
Administration and support, waste management and remediation services	279	4,857	3.4%
Professional, scientific and technical services	715	4,269	3.0%
Finance and insurance	461	4,065	2.9%
Transportation and warehousing	221	3,563	2.5%
Agriculture, forestry, fishing and hunting	139	3,409	2.4%
Real estate and rental and leasing	286	3,230	2.3%
Wholesale trade	262	3,107	2.2%
Information and cultural industries	152	1,097	0.8%
Utilities	32	704	0.5%
Management of companies and enterprises	12	161	0.1%
Mining, quarrying, and oil and gas extraction	7	75	0.1%
Undetermined	8	0	0.0%
<b>Total</b>	<b>11,720</b>	<b>142,184</b>	<b>100.0%</b>

The Employment Inventory also provides a key opportunity for the Region to personally connect with local businesses in order to further develop partnerships, fostering an environment for innovation and development within the Niagara business community.

Table 5 (below) highlights the responses received when business owners were asked “Is there anything Niagara Region could do to help support your business?”. For reporting purposes, the responses have been categorized into themes, however, the raw comments will be shared with internal staff as well as our local municipal partners.



Table 5 - "Is there anything Niagara Region could do to help support your business?"

Response Theme	Responses Received	Proportion
Taxes and Utilities	310	15.0%
Business Exposure	300	14.5%
Beautification/Infrastructure/Traffic Issues/Construction	293	14.2%
Incentives/Grants/Contracts	279	13.5%
Skills and Labour Force	211	10.2%
Transit	109	5.3%
Social Support Programs/Programs	101	4.9%
Awareness and Education	98	4.7%
Parking Issues	81	3.9%
Uncategorized	75	3.6%
Waste Management	70	3.4%
Development Process/Zoning/Land Use	54	2.6%
Health and Safety	40	1.9%
Minimum Wage Increase Concerns	32	1.5%
Development Charges	16	0.8%
<b>Total</b>	<b>2069</b>	<b>100%</b>

In keeping with Niagara Region's collaborative One Team mandate, this year's inventory featured a series of questions for our SAEO department to assist in gaining better insights to the educational levels that are required to work for businesses. This demonstrates the capacity for the inventory to feature additional questions (on a limited scale) from other potential stakeholders in subsequent surveys.

Table 6 (below) illustrates the responses from businesses when asked, "What educational levels are required to work for your business?".

Table 6 – Minimum Education Levels Required

Education Question	Yes	No	Decline
Require a high school diploma (or equivalent)	3,964	3,696	416
Require a college diploma or university degree	2,452	5,154	433
Employ workers with trades certificates or are involved in an apprenticeship program	1,713	5,865	449

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Other departments within the Region also benefit from this dataset. The results are currently assisting in informing Regional service delivery decisions such as:

- Providing sufficient levels for servicing child care centres
- Providing up-to-date employer data for the Building Employment Networks Niagara (BENN) application used to match Ontario Works and Ontario Disability Support clients to available training and job opportunities
- Locating premises for the Environmental Health Legionella Exposure Inventory
- Assisting with waste management communication outreach
- Informing Economic Prosperity Dashboard indicators

A subset of the 2017 Employment Inventory results was previously released to the public through the Niagara Region Open Data Portal. Open Data promotes innovation and fosters greater transparency and accountability. Since May 2018, the 2017 Employment Inventory Open Data dataset has attracted 677 page views and a total of 112 download events.

The following list identifies the attributes that are made openly available to the public:

- Business Name
- Street Address, Unit #
- Municipality
- Postal Code
- Business Website
- 6-digit North American Industry Classification System (NAICS) code
- Employee Size category based on Statistics Canada, Canadian Industry

Statistics.

- Micro 1-4 employees
- Small 5-99 employees
- Medium 100-499 employees
- Large 500 + employees

### **Alternatives Reviewed**

The goal of the Employment Inventory is to update the data on an annual basis to monitor, understand, and track trends over time. With successive years of data collection, historic trends analysis of the data will show how specific businesses, business sectors and geographic areas of employment in Niagara evolve over time as our economy changes.

Continuing to collect this level of data annually provides a baseline to analyze historical trends, forecast employment growth, supplement other employment sources and provide a resource back to the community.



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### Relationship to Council Strategic Priorities

The Employment Inventory is a key tool that the Niagara Region uses to strengthen its economic competitiveness by better understanding its current employment landscape and workforce composition. Data collected through the Employment Inventory plays a significant role towards informing future decisions related to population and employment growth, infrastructure investment, public transit planning, economic development, and the ongoing monitoring of economic conditions. The Niagara Region continues to rely on this dataset as a valuable asset when developing robust business cases designed to attract investment, innovation, and entrepreneurship to Niagara and strengthen the Region's position globally.

### Other Pertinent Reports

- PDS 13-2016
- PDS 1-2017
- PDS 5-2018

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#### Prepared by:

John Docker  
Planner  
Planning and Development Services

---

#### Recommended by:

Rino Mostacci, MCIP, RPP  
Commissioner  
Planning and Development Services

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#### Submitted by:

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Daniel Turner, Employment Inventory Data Intern, and reviewed by Isaiah Banach, Manager, Long Range Planning.*

### Appendices

Appendix 1

2018 Employment Inventory Questionnaire

Page 10



**2018 Niagara Region Employment Inventory**

Niagara Region is conducting an annual inventory of businesses to gather information for planning policy and economic development purposes. Information collected through this inventory will be grouped together and publicly reported to Regional Council in 2018. Information collected through this inventory will also be shared with Niagara's local municipal governments, economic development offices and Employment Ontario agencies. A subset of the information collected will be released publically through Niagara Region's open data program, observing your rights and freedoms outlined in the Municipal Freedom of Information and Protection of Privacy Act. For more information about this initiative please visit [www.niagararegion.ca/employmentinventory](http://www.niagararegion.ca/employmentinventory).

**Business Identification**

 Business Name: 

 Business Contact Name: 

 Business Street Address: 

 Unit/Suite #:  Municipality:  Postal Code: 

 Business Telephone #:  Business Contact Email: 

 Business Website: 

 Business Mailing Address:   
 (only if different from above)

 What year did this business open in Niagara? 

 Is this business involved in the tourism sector? Yes  No  Does your business sell goods or services outside Canada? Yes  No 

 Does this business have foreign or international ownership? Yes  No  *If yes, what is the primary country of origin of the foreign ownership?*


Provide details about the specific services and/or agricultural activities associated with this business. (e.g. Full-service restaurant, Home furnishing store, Insurance agency, Machine shop, Engineering services, Roofing contractor, Vineyard, Dairy cattle farm, etc).

 What is the INDOOR floor size (GFA) of this business?

  Feet  Metres  Estimate

 What is the OUTDOOR operating area of this business (if applicable)?

  Acres  Hectares  Estimate

 How many people are presently employed (including owners) at THIS location?

Please return completed form to Niagara Region, Planning and Development Services at your earliest convenience.

 E-mail: [employmentinventory@niagararegion.ca](mailto:employmentinventory@niagararegion.ca) Fax: 905-641-5208 Mail: Employment Inventory, 1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

	# of Full Time Employees (work more than 30 hours per week)	# of Part Time Employees (work less than 30 hours per week)
PERMANENT		
SEASONAL (between 4-6 months per year)		
CONTRACT		

Do your employees work shift work?  
(work outside the hours of 7:00 am to 6:00 pm)

Yes  No

Do your employees work weekends?  Yes  No

**Educational required to work for this business (payroll employees)**

Do employees require a High School Diploma (or equivalent) to work for this business (not including summer students)?  Yes  No

Do any positions require a College Diploma or University Degree to work for this business?  Yes  No

Do you require employees to possess a Trades Certificate or be involved in an Apprenticeship Program?  Yes  No

**Business Productivity**

Niagara Region is interested in learning more about business productivity across various industry sectors of the economy. This information will be used to inform regional economic development programming and activities

Could the productivity and/or efficiency of your business benefit from adopting new technologies?  Yes  No

Do you require any assistance in adopting new technology into your business?  Yes  No

Do you have procedures or processes in place to evaluate employee productivity (i.e. employee performance management)?  Yes  No

**Additional Information**

Is there anything the Niagara Region could do to help support your business?

**Consent**

Do you consent to receive email communication from NIAGARA REGION on specific regional programs or services that may be related to your business? Yes  No

Please return completed form to Niagara Region, Planning and Development Services at your earliest convenience.

E-mail: [employmentinventory@niagararegion.ca](mailto:employmentinventory@niagararegion.ca) Fax: 905-641-5208 Mail: Employment Inventory, 1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7




**Administration**

Office of the Regional Clerk

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[www.niagararegion.ca](http://www.niagararegion.ca)

April 9, 2019

**CL 8-2019, March 28, 2019**
**PEDC 3-2019, March 20, 2019**
**PDS 9-2019, March 20, 2019**
**LOCAL AREA MUNICIPALITIES**
**NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)**
**SENT ELECTRONICALLY**
New Official Plan Consultation Timeline Framework

PDS 9-2019

Regional Council, at its meeting held on March 28, 2019, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 9-2019, dated March 20, 2019, respecting New Official Plan Consultation Timeline Framework, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities and the Niagara Peninsula Conservation Authority (NPCA).

A copy of PDS 9-2019 is enclosed for your reference.

Yours truly,

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

Ann-Marie Norio

Regional Clerk

:jg

CLK-C 2019-083

 cc: D. Heyworth  
 N. Oakes  
 R. Mostacci

 Official Plan Policy Consultant, Community and Long Range Planning  
 Executive Assistant to the Commissioner, Planning and Development Services  
 Commissioner, Planning and Development Services



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**Subject:** New Official Plan Consultation Timeline Framework

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, March 20, 2019

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### **Recommendations**

1. That Report PDS 9-2019, respecting the New Official Plan Consultation Timeline Framework, **BE RECEIVED**; and
2. That Report PDS 9-2019 **BE CIRCULATED** to the Local Area Municipalities and the Niagara Peninsula Conservation Authority (NPCA).

### **Key Facts**

- In November 2017, Council approved a High Level Process Framework for the New Official Plan.
- In 2018 Council approved frameworks for priority Background Studies, developed through consultation with Area Planners, for Growth Management, namely; Urban Structure, Employment Lands Strategy, Housing Strategy and Land Needs Assessment, as well as Natural Environment and Rural Systems, namely; Natural Environment, Agriculture, Climate Change and Aggregates.
- In 2018, a presentation to Local Councils on the High Level Official Plan framework occurred and individual meetings held with Area Planners to gather planning input.
- On July 5, 2018, a Special Meeting of Council occurred under the Planning Act to hear public comments on the development of a New Official Plan. The Council passed a motion relative to consultation for the New Official Plan.
- The progression of Background Studies, which will inform the New Official Plan, has allowed staff to develop a more detailed Consultation Timeline Framework for the Official Plan.
- The Consultation Framework incorporates consultation during key steps of the Background Reports development, as well as the draft policy stage.

### **Financial Considerations**

Council approved the resources to complete the New Official Plan over the next 5 years as part of the 2017 Budget Process. The completion of the necessary Background Studies and preparation of the New Official Plan will require the combination of significant staff and consulting resources over the next three years.

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## **Analysis**

### **Background**

When the Regional Official Plan was approved in the mid 1970's, the Region's role and content of the Plan focused on protecting agricultural lands and establishing urban (settlement area) boundaries.

Over the years, amendments occurred to reflect the Region's increased planning functions under an evolving provincial planning system. In 2017, a budget was established to develop a contemporary and user friendly Official Plan that provides a consistent structure and reflects the current comprehensive planning framework.

### **Key Official Plan Objectives**

The key objectives of the New Official Plan in terms of structure and content are to:

- promote and achieve great development outcomes;
- be more user friendly for the public, stakeholder groups, consultants, staff and Council;
- be more concise and provide clearer policy guidance where necessary and latitude where appropriate; and
- address Provincial requirements, Regional interests and provide guidance to the Local Area Municipalities.

### **Priority Background Studies**

In 2018 Council approved frameworks for eight interrelated priority Background Studies, developed through consultation with Area Planners, for Growth Management, namely; Urban Structure, Employment Lands Strategy, Housing Strategy and Land Needs Assessment, as well as Natural Environment and Rural Systems, namely; Natural Environment, Agriculture, Climate Change and Aggregates (See **Appendix 1**). These Background studies are essential to inform the preparation of the new Official Plan.

### **Consultation**

Several important consultation steps have taken place already to both inform and create awareness of the development of the New Official Plan.

Imagine Niagara was a consultation process initiated in 2013 to gather input for the updating of the Official Plan to 2031. It was a nine month process with over 4,000 surveys and 2,000 resident comments which identified important themes outlined in



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**Appendix 2.** While provincial planning now requires planning policy to address growth to 2041, planning staff consider the themes generated from public input under Imagine Niagara to be current and relevant. In the proposed timeline there will be the opportunity for the public to comment in general on policy matters and objectives, as well as on more specific policy as it develops.

Regional Council approved a High Level Process Framework for the new regional Official Plan in November 2017. This framework was presented to Planning and Economic Development Committee in January 2019 by the Director of Community and Long Range Planning.

In 2018 meetings were held with Area Planners to develop the frameworks for the Background Studies, the frameworks were approved by Council and on July 5, 2018, a Special Meeting of Council occurred under the *Planning Act* to hear public comments on the development of a new Regional Official Plan. Throughout the second half of 2018, presentations to each Local Council regarding the Framework of the new Regional Official Plan took place.

### **Consultation Timeline Framework**

The Consultation Timeline Framework, included in **Appendix 3**, provides for the following key aspects:

- the creation of a consolidated draft New Official Plan by end of 2020 for consultation, refinement and approval by end of 2021;
- opportunities for input at key stages of Background study formulation and draft policy stages;
- stakeholder and public input;
- keeping local Councils and Area Planners informed;
- a webpage and e-mail for the New Official Plan for comment;
- Public Information Centres (Public Open Houses) that will seek comments based on policy direction based on the results of background studies.

The Consultation Timeline Framework identifies major points of public and stakeholder consultation and target timelines, recognizing that flexibility is required to adapt to evolving provincial direction, new issues and shifting priorities. Council will be advised of any major changes to the consultation framework.

While not depicted in the Consultation Timeline Framework, each phase will include inter-departmental collaboration, engagement with working groups established for



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various work programs, and input from the Planning Advisory Committee. The public and Indigenous communities will also be engaged throughout the process.

“Phase 1 – Project Initiation” of the Consultation Timelines Framework in Appendix 3 has been completed. The following is a summary of the upcoming public and stakeholder consultation activities identified in Appendix 3.

#### Phase 2 – Background and Options

A number of background reports and discussion papers will be prepared to help inform the development of policy options for the New Official Plan. The reports and discussion papers will be brought to Committee and Council for endorsement before being released for consultations. It is anticipated that the endorsed documents will be posted on the Official Plan website for information and feedback. In addition, stakeholder consultations will be held on background and options, leveraging opportunities to group topics of interest to various stakeholder groups. This phase will conclude with four Public Open Houses, spread geographically across the region to provide easy access for residents in central, north-east, north-west and southern Niagara.

#### Phase 3 – Recommendations

The consultations at the background and options phase will help to inform the development of recommendations for the New Official Plan. It is anticipated that additional consultations will be held with stakeholders, as needed, to further refine the options and develop a recommended approach. A report summarizing the consultation feedback to date and recommended direction for the New Official Plan will be brought to Committee and Council for endorsement.

#### Phase 4 – Draft Policies and Schedules

Once the policy direction has been established for the new Official Plan, policies and schedules will be drafted for further consultation. Policy sets and applicable schedules for each topic area will be posted on the Official Plan website for information and input. Additional stakeholder consultations will be held on draft policies and schedules. The public will also have opportunities to provide input through Public Open Houses and Public Meetings at Committee. This phase will conclude with a report to Committee and Council seeking endorsement of the draft consolidated Official Plan in principle.

#### Phase 5 & 6 – Draft Official Plan

The draft consolidated Official Plan will be posted on the Official Plan website for information and input. During this phase, the statutory Public Open House and statutory Public Meeting will also be held on the draft Official Plan, as required under the *Planning Act*. This input will inform the development of the final Official Plan to be brought to Committee and Council for adoption and the Province for approval (Phase 6).

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## Alternatives Reviewed

On July 5, 2018, a Special Meeting of Council occurred under the *Planning Act* to hear public comments on the development of a New Official Plan. The Council passed a motion relative to consultation for the New Official Plan, being: That Regional Council **AUTHORIZE** the preparation of a comprehensive New Official Plan in accordance with the requirements of the *Planning Act* involving the area municipalities including open houses in each municipality.

The scenario of holding an Open House in every municipality was discussed with Area Planners and it was felt the process would likely result in comments on local issues that would not relate to Regional planning responsibilities. A significant level of input was gathered through Imagine Niagara, which was considered in the structure of background reports, and this Consultation Framework will provide the opportunity for public comment on substantive planning/policy content.

The New Official Plan has many components – the sections addressed by the priority Background Studies, as well as servicing, transportation and cultural heritage. There will be public and stakeholder input at various stages of these studies. The co-ordination and gathering of input requires the grouping of topics and locations for input.

## Relationship to Council Strategic Priorities

The new Regional Official Plan will assist in implementing Council's Strategic Priority of Innovation, Investment, & Entrepreneurship.

## Other Pertinent Reports

- PDS 40-2016 – Regional Official Plan Update
- PDS 41-2017 – New Official Plan Structure and Framework
- PDS 3-2018 – New Official Plan Update
- PDS 6-2018 – Natural Environment Project Initiation Report
- PDS 18-2018 – Natural Environment – Project Framework
- PDS-21-2018 – Municipal Comprehensive Review Update-New Regional Official Plan and Growth Management Program



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**Prepared by:**

David Heyworth, MCIP, RPP  
Official Plan Policy Consultant  
Community and Long Range Planning

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**Recommended by:**

Rino Mostacci, MCIP, RPP  
Commissioner  
Planning and Development Services

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**Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Lindsey Savage, MCIP, RPP, Senior Planner-Regional Official Plan, and reviewed by Doug Giles, MCIP, RPP, Director, Community and Long Range Planning.*

**Appendices**

Appendix 1	Priority Background Studies	Page 7
Appendix 2	Imagine Niagara Themes	Page 8
Appendix 3	Consultation Timeline Framework	Page 9



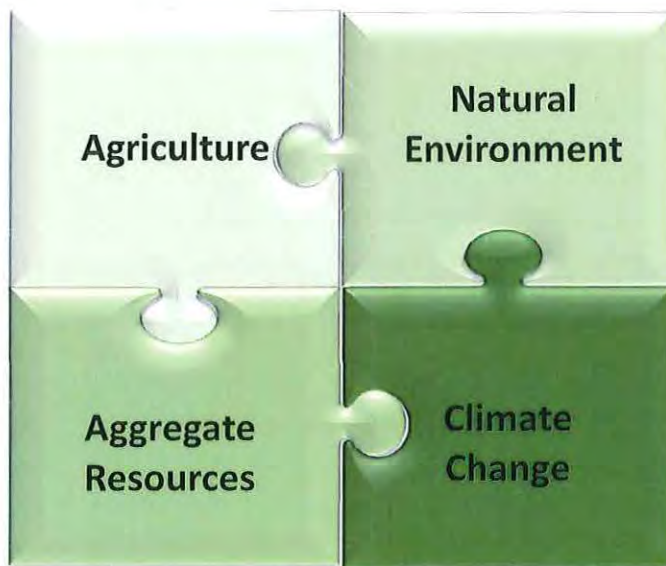
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**APPENDIX 1 – PRIORITY BACKGROUND STUDIES**

**Growth Management**



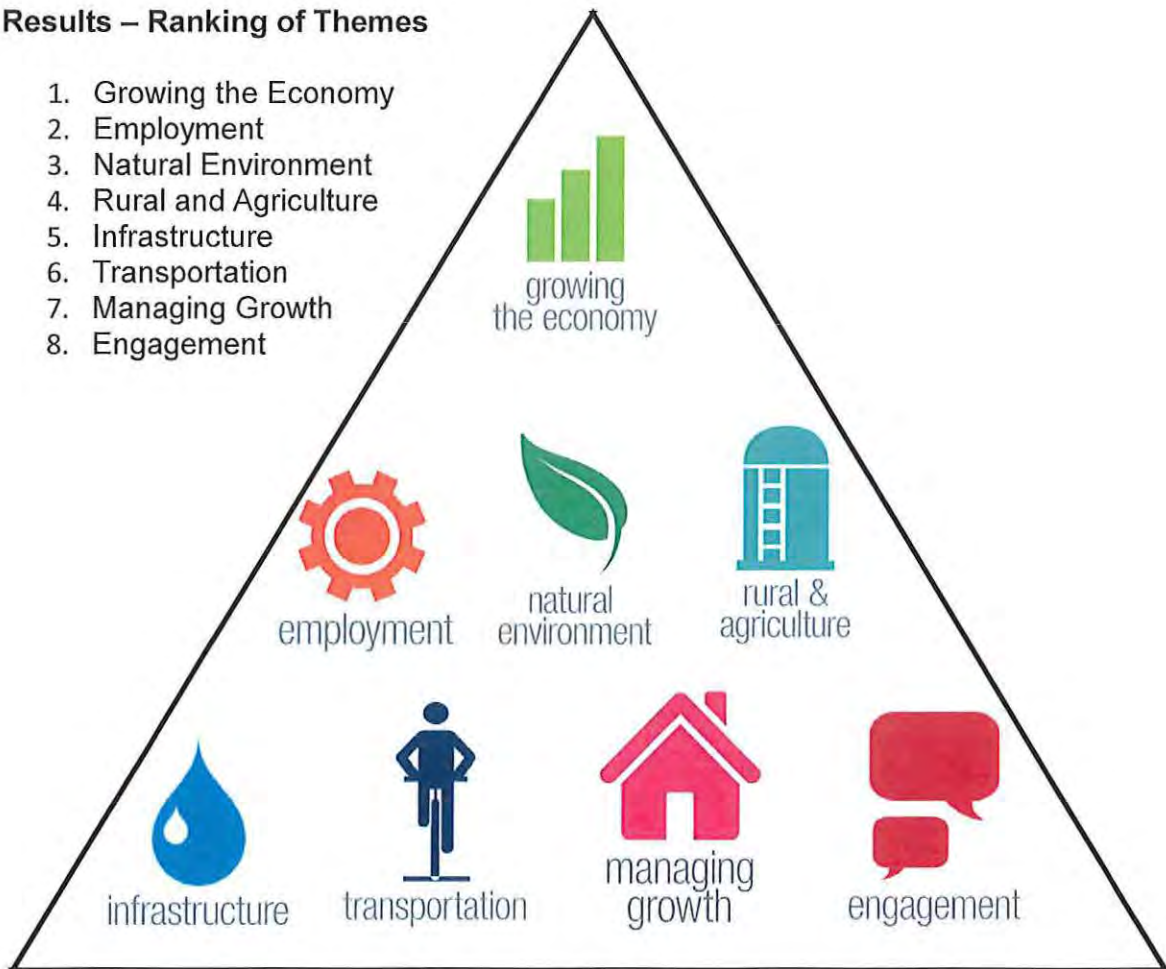
**Natural Systems**



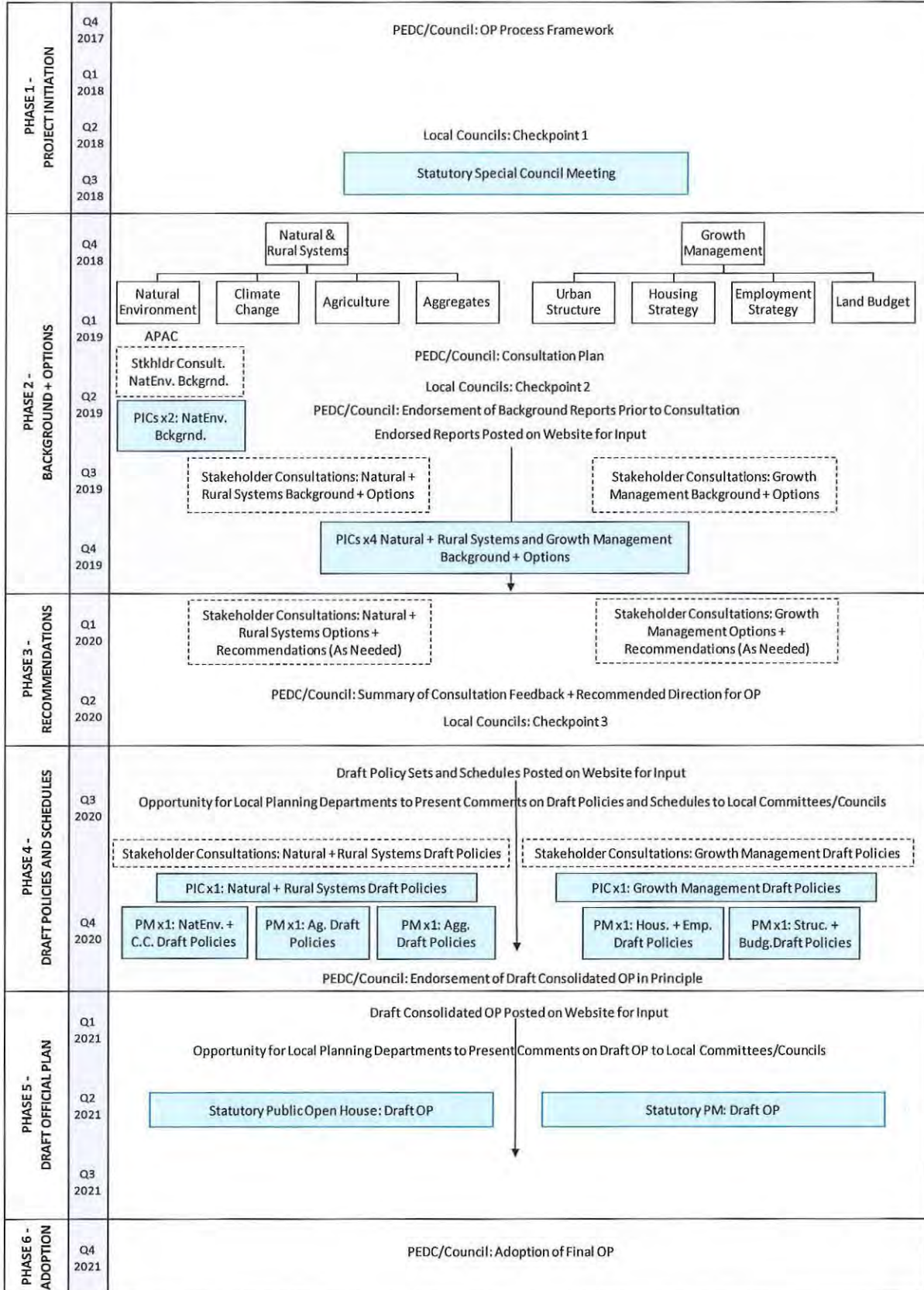
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**APPENDIX 2 – IMAGINE NIAGARA THEMES****Results – Ranking of Themes**

1. Growing the Economy
2. Employment
3. Natural Environment
4. Rural and Agriculture
5. Infrastructure
6. Transportation
7. Managing Growth
8. Engagement



**APPENDIX 3 – CONSULTATION TIMELINE FRAMEWORK**





**Administration**

Office of the Regional Clerk

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April 9, 2019

**CL 8-2019, March 28, 2019****PWC 3-2019, March 19, 2019****PW 20-2019, March 19, 2019****LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**Base and Enhanced Services for Next Collection Contract

PW 20-2019

Regional Council, at its meeting held on March 28, 2019, passed the following recommendation of its Public Works Committee:

That Report PW 20-2019, dated March 19, 2019, respecting Base and Enhanced Services for Next Collection Contract, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That, based on the results of consultations with the various stakeholder groups, including the Local Area Municipalities (LAMs), the Request for Proposal (RFP) for Niagara Region's next garbage, recycling and organics collection contract **BE APPROVED** to include the following base collection options:
  - a. Obtain pricing for the following garbage collection frequency options:
    - i. Every-other-week (EOW) garbage collection for all residential properties and for those Industrial, Commercial & Institutional (IC&I) and Mixed-Use (MU) properties located outside Designated Business Areas (DBAs), as a base service (weekly recycling and organics to continue, and current garbage container (bag/can) limits would double for affected sectors, on an EOW basis); and
    - ii. Status quo – weekly base garbage collection service for all residential, IC&I and MU properties. Current garbage container limits would not change.

16-109

- b. Establish a four (4) item limit per residential unit, per collection, for large item collection at Low-Density Residential (LDR) properties, as a base service;
  - c. Obtain pricing to discontinue and continue appliances and scrap metal curbside collection at LDR properties, as a base service;
  - d. Change the weekly garbage container (bag/can) limits for Industrial, Commercial & Institutional (IC&I) and Mixed-Use (MU) properties located inside Designated Business Areas (DBAs) from seven (7) containers to four (4) containers per property, as a base service; and
  - e. Change the weekly garbage container (bag/can) limit for MU properties located outside DBAs from six (6) containers to four (4) containers per property, as a base service.
2. That mandatory use of clear garbage bags, with the option of allowing an opaque privacy bag to be placed inside the clear bag, **NOT BE IMPLEMENTED** for all sectors, as a base service, at this time;
  3. That the enhanced collection services requested by the LAMs and identified in this report **BE INCLUDED** in Niagara Region's next garbage, recycling and organics collection contract RFP;
  4. That a follow-up report **BE SUBMITTED** to Public Works Committee with recommendations for weekly versus EOW garbage collection and continuing versus discontinuing appliances and scrap metal curbside collection following receipt of pricing for these options in next collection contract RFP submissions; and
  5. That Report PW 20-2019 and Council's resolutions **BE CIRCULATED** to the LAMs for their information.

A copy of PW 20-2019 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:jg

Base and Enhanced Services for Next Collection Contract

April 9, 2019

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cc: B. Whitelaw Program Manager, Policy & Planning, Waste Management Services  
N. Coffey Executive Assistant, Public Works Department  
C. Habermehl Acting Commissioner, Public Works Department



**Administration**

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April 9, 2019

CL 8-2019, March 28, 2019

PWC 3-2019, March 19, 2019

PW 22-2019, March 19, 2019

**LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**

Managed Competition and Fair Wage Considerations for Waste Collection Contract  
PW 22-2019

Regional Council, at its meeting held on March 28, 2019, passed the following recommendation of its Public Works Committee:

That Report PW 22-2019, dated March 19, 2019, respecting Managed Competition and Fair Wage Considerations for Waste Collection Contract, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **NOT APPROVE** Waste Management staff proceeding with the request for a managed competition bid process (i.e. in-house bid) for Niagara Region's next garbage, recycling and organics collection contract (Collection Contract) primarily due to timing constraints;
2. That Regional Council **ENDORSE** inclusion of a living wage clause in the Collection Contract Request for Proposal (RFP); and
3. That Report PW 22-2019 and Council's resolutions **BE CIRCULATED** to the Local Area Municipalities (LAMs), for their information.

A copy of PW 22-2019 is enclosed for your reference.

Yours truly,

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

Ann-Marie Norio

Regional Clerk

:jg

16-109

Managed Competition and Fair Wage Considerations for Waste Collection Contract

April 9, 2019

Page 2

CLK-C 2019-085

cc: B. Whitelaw      Program Manager, Policy & Planning, Waste Management Services  
N. Coffey          Executive Assistant, Public Works Department  
C. Habermebl      Acting Commissioner, Public Works Department



April 9, 2019  
City Of Welland  
60 East Main Street  
Welland, Ontario L3B 3X4

Dear Welland City Council,

Please accept this letter as our request that you appoint the following people to the North Welland Business Improvement Area's Board of Management for the Council Term ending 2022.

John Clark

Alanna Galeota

Chad Scully

Doug Watson

Jeff Reuter

Mark Melloni

Dennis Rogers

Cheryl Lapalme

In addition to our two council appointees.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alanna Galeota'.

Alanna Galeota

North Welland Business Improvement Area

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19-10