



**REPORT**  
PLANNING/BUILDING/ENVIRONMENTAL  
COMMITTEE

**DATE:** October 10, 2023

**REPORT NO:** PD-50-2023

**SUBJECT:** **Recommendation Report - Service Level Agreement (Planning) with the Region of Niagara**

**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- Bill 23 received Royal Assent on November 28, 2022 resulting in significant changes to the Planning Act, including the removal of upper-tier planning responsibilities upon royal proclamation.
- As a result of this change, the Region organized facilitated discussions with local area municipal CAOs and Planning Directors to determine a new model of planning service delivery that supports the changes to provincial legislation, expected growth needs across the Region, and an improved or at least sustained customer-centered service approach and level of service delivery.
- The Service Level Agreement (SLA) for Planning Services was prepared through this consultative and collaborative approach.
- The SLA sets out the terms of service delivery between the Township and Region following the proclamation and removal of upper-tier planning responsibilities.
- The SLA supports staff capacity and expertise which will be of high importance in meeting Bill 109 timelines.

**RECOMMENDATION:**

1. That, Report PD-50-2023, regarding "Recommendation Report - Service Level Agreement (Planning) with the Region of Niagara", dated October 10, 2023 be received; and,
2. That, Council receives and endorses the Planning Service Level Agreement, found at Attachment 1, between the Township of West Lincoln and the Regional Municipality of Niagara ("Niagara Region"); and,
3. That, the CAO be authorized to sign the Agreement on behalf of the Township upon the date of provincial proclamation for the amendments to the Planning Act related to upper-tier municipal planning responsibilities.

**ALIGNMENT TO STRATEGIC PLAN:**

- **Champion** - Strategic and Responsible Growth
- **Advance** - Organizational Capacity and Effectiveness

**BACKGROUND:**

Bill 23, an Omnibus Bill which proposed significant changes to the Planning Act received Royal Assent on November 28th, 2022, following a short consultation period.

One significant change made to the Planning Act through Bill 23 was the removal of planning responsibilities for several upper-tier municipalities, including the Niagara Region. This change will mean that much of the planning and planning-related functions that Niagara Region currently has responsibility for, will be downloaded to local municipalities. Although the planning responsibilities will be removed, upper-tier municipalities are permitted to provide advice and assistance to a lower-tier municipality with the permission of the local Council. At this time, Township Staff does not know when this change will take effect as the date for proclamation has not been set. It is anticipated that it could be as early as winter 2024. In anticipation of this change, the CAO, the Director of Planning and Building Services, and representatives from Niagara Region and other area municipalities met several times to discuss the transfer of planning review functions that Niagara Region has traditionally performed. The Region retained a facilitator to guide discussions to develop a new planning service delivery framework that responds to the changes to provincial legislation, expected growth needs across the Region and an improved customer-service approach.

**CURRENT SITUATION:**

Township planning staff have looked at the increased planning responsibilities, once planning approvals are removed from the Region, as well as the Township staffing and expertise. West Lincoln would benefit from the full range of planning services being offered by entering an SLA with the Region.

The Agreement sets out the services to be provided by Niagara Region to the Township concerning planning matters and to promote the delivery of efficient and effective municipal planning services using a "one-window" approach.

The SLA, (Attachment 1) will replace the current approved Memorandum of Understanding (MOU) between the Niagara Region, area municipalities and the Niagara Peninsula Conservation Authority (NPCA).

Appendix A of the Agreement sets the details and timeframes to which the Niagara Region has committed to providing comments on applications. The Township requests a development application service review to be provided by the Region for planning applications, to encompass:

- Land Use Compatibility
- Environmental Review
- Former Landfill Sites
- Screening to Address Water Protection and Environmental Heritage
- Urban Design

- Flexibility to request additional services, if required

The Regional review service will be covered by the fees collected by the Township on development applications, ensuring no impact on the local ratepayer. Regional Staff will undertake the review role on behalf of the area municipality, and formal comments will appear as Township comments. Further, where and when needed, Regional Planning Staff could also work directly from the local municipality's office

In the event of a conflict between the Region and the Township as to the interpretation of a Provincial Plan, Provincial Policy and/or an Official Plan Policy, planning staff of the Region and the Township shall work together to resolve the interpretation issue and if such issue is not resolved, the Township, as the approval authority, shall make a final determination in respect of the conflict.

Appendix B outlines the fees for application review currently charged for the various applications and other general planning services that the Niagara Region has historically undertaken. The fees for development application review are based on the application fees in accordance with the Region's Fees and Charges By-law. Currently, Niagara Region operates on a fee-for-service approach to cover the staff time to undertake the review function. This same approach is used in the SLA.

Appendix C of the Agreement allows the Township to purchase additional planning resources/ expertise from Niagara Region hourly (\$85.00/hour) on a project basis for larger studies. This service is offered as a cost-saving measure for specific project management or an alternative to hiring consulting services.

The Agreement also provides guidance on:

- Monthly invoicing for the services provided to the Township;
- Annual fee adjustment per the Consumer Price Index (CPI) or adjustments identified in the Region's Fees and Charges By-law;
- Opportunity to review fees at the end of the first year of the term of the Agreement to determine if any adjustment is required;
- Insurance and indemnity;
- Conflict and dispute resolution; and,
- Amendments via mutual Agreement, including the opportunity to change or add services.

The terms of the Agreement will take effect 90 days following the proclamation of the Region becoming an upper-tier municipality without planning authority. It is set to expire 90 days following the next municipal election. The timing has been set to allow for an effective transition of responsibilities at the onset and to allow time to bring a new agreement to a new Council following the next election. Discussions between the Niagara Region and the Township would commence to either extend or amend the Agreement, as needed, 12 months before the expiry of the Agreement. The Agreement may also be terminated, without cause, with eighteen (18) months written notice.

Currently the Region has certain planning responsibilities and the Region's Niagara Official Plan is in full force and effect. Currently planning services are coordinated by a Memorandum of Understanding (MOU) between the Niagara Region, area municipalities and the Niagara Peninsula Conservation Authority (NPCA). The SLA will replace the MOU for participating municipalities once the Region's planning responsibilities are removed upon proclamation of Bill 23.

**FINANCIAL IMPLICATIONS:**

For services related to the development review function, costs will be covered by the application review. For services outlined in Appendix C, generally pertaining to broader planning projects/studies, the hourly rate would apply (\$85.00/hour). This rate is anticipated to be less expensive than hiring additional staff or procuring consulting services.

**INTER-DEPARTMENTAL COMMENTS:**

Discussions have taken place between the CAO, Director of Planning and Building, Manager of Planning Services and Director of Public Works and Director of Finance. Discussions took place relative to services and costs.

**CONCLUSION:**

The Township and Region desire to deliver an efficient and effective planning service to the public based on an understanding of each other's roles and responsibilities. This SLA will assist the Township in providing expertise and is flexible to offer planning assistance when and where needed. Staff support the SLA and recommend its endorsement by Township Council and future execution by the CAO.

**ATTACHMENTS:**

1. Service Level Agreement with Appendices

**Prepared & Submitted by:**

**Approved by:**



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**Brian Treble**  
Director of Planning & Building

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**Bev Hendry**  
CAO

## Macro Planning Services

Service	Municipality										
	Fort Erie	Grimsby	Lincoln	Niagara Falls	Niagara-on-the-Lake	Pelham	Port Colborne	St. Catharines	Thorold	Wainfleet	Welland
<b>Growth Management</b>											
-Population and employment forecasts and distribution											
-Planning/Infrastructure/Finance integration											
-Infrastructure Staging											
-Adequate and sustainable financing	No for employment land										
<b>Cross-boundary Matters</b>											
-Natural Environment											
-Servicing											
-Growth (incl. District Plans )											
<b>Natural Environment Planning</b>											
-Watershed planning											
-Hydrology/Hydrogeology											
-Natural features and systems ( e.g. hazard lands, wetlands, karst features)											
<b>Duty to Consult Indigenous Peoples</b>											
<b>Other Requests of the Area Municipalities ( e.g. assist with local plan development)?</b>	Yes for Glendale, maybe for others										
<b>NPCA roles (to be confirmed)</b>											
<b>Big Data &amp; Analytics</b>											
Natural Environment (includes floodplain and wetland mapping and inventories)											
Archaeology											
Growth Monitoring											
Housing Affordability ( e.g. ownership, rental, BAMR thresholds)											
Supply and absorption ( e.g. housing and employment lands)	Would like to break this out										
Shared data portal											
Development Review Time Tracking											
GIS and IT Support	No for Archeology										
	Already have an Archeology Master Plan										

No to forecasts

Would like to break this out

No for Archeology

Already have an Archeology Master Plan

**Development Planning**

Service	Municipality												
	Fort Erie	Grim sby	Lincoln	Niagara Falls	Niagara-on-the-Lake	Pelham	Port Colborne	St. Catharines	Thorold	Wainfleet	Wellan d	West Lincoln	
Land use compatibility (e.g. noise, dust, odour, D6 guidelines - peer review)													
Archaeological assessment													
Environmental Impact Statement review													
Employment land protection/conversion													
Records of site condition (principle of development)													
Former Landfill sites													
Gas and petroleum resources													
Screening to address source water protection													
Stormwater management review					As needed								is there an ability in the future to use if need be?
Servicing (Water, waste water, roads, transit waste collection)					As needed								
Traffic Impact reviews													
Hydrogeological studies (includes flood plain mapping)													
Aggregate application review (involves JART, peer review)													
Niagara Escarpment Plan applications													
Urban Design ( on request of the Area Municipalities)			Specific to prominent locations			Along regional roads/site plan	Future: regional roads/secondary plans						As needed
Clearing conditions and registrations?								Conditions respecting environmental systems		Site specific			how do we deal with older files, transfer of files/conditions
Other requests of the Area Municipalities?													cultural heritage?



building permits for EIS  
timing

SWM review (Mou) Timing?

clearance of conditions?



**APPENDIX “A” Township of West Lincoln  
 Planning Services and Timeframes Provided by the Region  
 at Same Rate for All Local Municipalities**

Development Planning Service Review to be provided for planning applications include:

- Land Use Compatibility
- Archeological Assessment
- Environmental Review
- Employment land protection/conversion
- Record of Site Condition
- Former Landfill sites
- Gas and Petroleum Resources
- Screening to address Water Protection
- Urban Design
- Duty to Consult

<b>Process Type</b>	<b>Pre-Consultation Timeframes</b>	<b>Complete Application Timeframes</b>
<b>Site specific Regional Official Plan Amendment</b>	Region to receive required information/plans a min. of <b>10 calendar days</b> prior to pre-consultation.  Region to provide comments <b>12 calendar days</b> After Pre-Consultation meeting.  Any peer reviews to be identified at pre-consultation meeting.  Recommend meetings in advance of pre-con for complex applications	Region to provide comments within 20 calendar days

Process Type	Pre-Consultation Timeframes	Complete Application Timeframes
	Area Municipality provide Pre-Consultation notes to applicant within 14 calendar days	
<b>Secondary Plan (Local Official Plan Amendment)</b>	<i>Same as above</i>	As determined in consultation with the area municipality
<b>Complete Application Review</b>	N/A	Region to provide comments within 20 calendar days
<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	Region to provide comments within 20 calendar days
<b>Combined OPA/Zoning Amendment</b>	Same as above	Region comments within 20calendar days
<b>Comprehensive zoning by-law (initiated by area municipality)</b>	Same as above	As determined in consultation with the area municipality
<b>Site specific zoning by-law amendment (including Holding Provision)</b>	Same as above	Region to provide comments within 20 calendar days
<b>Draft plans of subdivision or condominium</b>	Same as above	Region to provide comments within 35 calendar days

<b>Process Type</b>	<b>Pre-Consultation Timeframes</b>	<b>Complete Application Timeframes</b>
<b>Modifications to Draft Approved Subdivision and Condominium</b>	Same as above	Region to provide comments within 35 calendar days
<b>Consent</b>	Same as above	Region to provide comments within 10 calendar days in urban areas and within 14 calendar days in rural areas (on private services).
<b>Minor Variance</b>	Same as above	Region to provide comments within 10 calendar days.
<b>Site Plan</b>	Same as above	Region to provide comments within 14 calendar days
<b>Extension of draft Approval</b>	Same as above	Region to provide comments within 10 calendar days
<b>Clearance of Conditions</b>	Same as above	Region to provide comments within 15 calendar days
<b>Niagara Escarpment Development Permit</b>	Same as above	Region to provide comments within 30 calendar days
<b>Niagara Escarpment Plan Amendment</b>	Same as above	Region to provide comments within 60 calendar days

**APPENDIX “B”**

**Planning Services Provided by the Region Upon Request  
Fee for Service Funded by Development Applications**

Appendix B- Niagara Region Planning Fee for Service

<b>Development Planning Review Service:</b>	
Includes Provincial Policy and Regional review for the below listed applications. Depending on then nature of the application the review will include <i>Land Use Compatibility</i> <sup>1</sup> , <i>Archaeological assessment, Employment Land Conversion, Former Landfill Sites, Gas and Petroleum Resources, Screening to address Source Water Protection</i>	
<i>*development planning fee only includes planning review</i>	
<b>Service</b>	<b>Fee</b>
<b>Official Plan Amendments</b>	
Regional Official Plan Amendment Review	\$11,205
Regional Official Plan Amendment Application Fee - Urban Boundary Expansion	\$11,205
ROPA to establish or expand and a pit or quarry	\$114,100
Major Official Plan Amendment Review ( <i>3 or more types of Provincial/Regional policy review</i> )	\$4,775
Minor Official Plan Review ( <i>2 or less types of Provincial/Regional policy review</i> )	\$2,450
<b>Subdivision, Vacant Land or Common Element Condominium Base Fee:</b>	
Draft Plan Review Base Fee (Fee is based on the entire area of the subdivision and consists of a base fee and per hectare fee)	\$1,790
Draft Plan Per Hectare Fee (Fee is based on the entire area of the subdivision and consists of a base fee and per hectare fee)	\$790
Revision to Submission by Applicant (Prior to Draft Approval)	\$1,925

<sup>1</sup> Peer Reviews will not be a fee for service but will be required to be paid for by the applicant when required for a development application. Peer Reviews will be identified during pre-con including cost estimate.

Modification of Draft Plan Approval	\$1,925
Extension of Draft Plan Approval	\$1,395
Extension of Draft Plan Approval (Approved prior to 2006)	\$2,775
Clearance of Draft Plan Conditions (per phase)	\$1,925
<b>Standard Condominium Base Fee</b>	
Standard Condominium – Draft Plan Review	\$1,775
Revisions to Submission by Applicant (Prior to Approval)	\$1,245
Modification of Standard Draft Plan of Condominium Approval	\$1,245
Extension of Standard Draft Plan of Condominium Approval	\$890
Extension of Standard Draft Plan of Condominium Approval (Approved prior to 2006)	\$890
Clearance of Conditions (Standard Plan of Condominium)	\$1,600
<b>Zoning By-law Fees</b>	
Major Zoning By-law Amendment Review	\$2,500
Minor Zoning By-law Amendment Review	\$1,395
Agricultural Purposes Only (APO) zoning amendment	\$1,090
Revision to Submission by Applicant (Major) (Prior to Approval)	\$1,075
Removal of holding symbol	\$895
<b>Consent Fees</b>	
Consent Review- Urban	\$510
Consent Review – Rural/ Outside Urban	\$835

Final certification fee (active consent files still remaining under the authority of the Region will be subject to Final Certification Fee, payable upon request for final certification, prior to registration.)	\$740
<b>Site Plan Fees</b>	
Major Site Plan	\$1,345
Revision to Submission by Applicant (Prior to approval)	\$780
Clearance of Site Plan Conditions	\$995
<b>Minor Variance</b>	
Minor Variance	\$760
<b>Niagara Escarpment Plan Applications</b>	
Development Permit Review	\$2,225
Minor Development Permit Review (no provincial/regional interests- pools sheds, etc)	\$830
<b>Environmental Site Assessments (brownfields) Request to Use Non-potable Water Site Condition Standards</b>	
Response to request	\$410
Response to Request- Update Letterer	\$150
<b>Secondary Plans</b>	
Secondary Plans (privately initiated)	\$6,935
<b>Pre-Consultations</b>	
Pre-Consultation Review	\$500
<b>Special Studies</b>	
<b>1. Environmental Review</b>	
Major EIS Review (2 or more features)	\$3,000
Minor EIS Review (1 feature)	\$1,500
EIS TOR Review	\$535
EIS Second Submission and greater (Addendum) Review	Half of Original Fee
EIS Draft Review	\$535
Review of Restoration Plan	\$760
Review of Tree Preservation Plan	\$380

Review of Monitoring Plan	\$975
<b>2. Urban Design</b>	
Major Urban Design Review	\$1,000
Minor Urban Design Review	\$300
<b>3. General Planning Services</b>	
Growth Management <sup>2</sup> <ul style="list-style-type: none"> <li>- Localized review of infrastructure capacity</li> <li>- Detailed evaluation of urban boundary expansion areas, review of population and employment forecasts and distribution, staging of development, cross boundary matters</li> </ul>	Fee for service based on agreed upon terms
District Plans/ Secondary Plans/ Master Plans	Fee for service based on agreed upon terms (\$85.00 per hour)
Duty to Consult with Indigenous Nations <ul style="list-style-type: none"> <li>- Manage relationships, provide consultation</li> </ul>	Fee for service based on agreed upon terms (\$85.00)
Natural Heritage System Mapping Maintenance <sup>3</sup>	Fee for service based on agreed upon terms (\$85.00)
GIS support an other mapping	Fee for service based on agreed upon terms (\$85.00)
Ontario Land Tribunal Support	Fee for service based on agreed upon terms (\$85.00)

<sup>2</sup> The Region will continue to provide Growth Management at a regional infrastructure, housing supply activity, employment activity

<sup>3</sup> The EIS review fee captures maintenance of the Regional Natural Heritage System Map, for those municipalities not utilizing environmental planning review function and will require maintenance, it will be a fee for service

**APPENDIX “C”**

**Planning Services Provided by the Region Upon Request  
Fee for Service Funded as Budgeted for by the Town**

Special Projects to be based on a rate per hour. (\$ 85.00)

Special Project Service List Include the following, based on available staffing capacity:

- **Growth Management**
  - Population and employment forecasts and distribution
  - Planning/Infrastructure/Finance integration
  - Infrastructure Staging
  - Adequate and sustainable financing
  
- **Special Projects**
  - Secondary Plans
  - Watershed planning
  - Archaeology
  - GIS support
  
- **Sustainability Initiatives**
  
- **Secondment Requests**



**APPENDIX "D"**

**MOU- Engineering Services (to be developed and updated)**