

## 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

The Niagara Peninsula Conservation Authority

for

***Improving the Planning Function in Niagara***

***Draft changes are shown in "Red"***

***"Yellow" text refers to earlier changes approved in***

**2010**

## **Part 1**

### **Preamble**

#### **Introduction**

This Memorandum of Understanding (hereinafter referred to as MOU) has been developed in response to expected improvements to the planning function in Niagara. More specifically, this MOU is the first step in implementing the directions approved by Regional Council under Report CAO 15-2006 on July 27, 2006.

This MOU was collaboratively developed by a representative group of staff persons from the signatory agencies. The MOU 'Team' was created following a call for volunteers representing the Technical Review Committee made up of Niagara Area Planners – the MOU itself was subject to review and refinement by area Planning Directors, area CAOs, the Planning Review Committee (comprised of elected representatives from all signatory organizations), and the respective Councils and Authority Board of the signatory organizations.

This MOU is primarily an instrument of improved (and continuously improving) relationship management among the signatories. The alternative approach would have been to create a more regulatory 'how to' document. The consensus of the MOU Team was that a regulatory approach would be too limiting and not encourage the strong emphasis on continuous improvement that is reflected through the relationship management approach that has guided this document.

#### **Objectives**

The Objectives that have informed and guided the development of this MOU are those expressed and approved under Recommendation 1 of Report CAO 15-2006, as follows:

- to identify respective roles and reduce duplication with regard to planning functions;
- to develop effective, efficient collaborative processes for policy development and development review;
- to develop a communication protocol for Regional and Local Planners to work together more effectively and efficiently; and
- to hear and understand what the community wants; to ensure that community aspirations are considered and communicated in the planning process; to develop a transparent, easily understood process of community engagement.

As further enhancements to those key objectives, the MOU Team identified some specific action-oriented objectives that will guide the immediate MOU and subsequent efforts at continuous improvement.

These objectives flow from the Planning Function Review process and are predicated on staging implementation in a reasonable yet aggressive timeframe. To explain, there are some current challenges related to the capacity of some partners to take on additional responsibilities without progressive support, while at the same time, the inconsistencies in planning processes create impediments to meeting the objectives endorsed under CAO 15-2006 (as expressed above).

Therefore, the ultimate goal is stated as:

*To have an integrated and seamless planning system that is embraced and easily understood by Councils, the public, ~~and the applicants~~ and staff that encourages participation in policy development and application processing.*

An integrated and seamless planning system includes:

- The collaborative development of policy to ensure that the planning system is speaking with one voice;
- ~~Delegation of responsibility is predicated on regular and current compliance of area municipal comprehensive Official Plans, Secondary Plans and Zoning By-laws with the Regional Policy Plan;~~
- That the Regional Policy Plan be kept current and up-to-date to guide local municipal plan conformity
- Ensuring that activities are value added;
- Streamlined processes – operate on a ‘one window’ functionality;
- Appropriate and relevant information for decisions is in the right place at the right time;
- Placing authority and responsibility as close to each other as possible; and
- ~~Consistency of policy interpretation, implementation and applications processing approaches by all signatories is necessary.~~

The Parties believe that an integrated and seamless planning system for Niagara will be a keystone in the achievement of a single, integrated and seamless planning system as a contribution to a ‘One Voice’ agenda. To that end, the Parties believe that the Niagara Planning System will evolve in the direction of common policies for Niagara. This will come about over time as the Parties to this MOU collaborate in policy development. The result of this collaborative process will be a set of policies to which all parties will agree. The focus of the process will be on those matters of interest for which common ground is evident. When consolidated, these policies will effectively constitute an integrated planning system speaking with one voice. At the same time, each planning jurisdiction within Niagara will continue to develop and implement

planning policies of a distinctly local nature to address matters of local importance, primarily through Secondary Plans, comprehensive zoning, and development control.

### **Authority**

There are a number of 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. Indeed, the Regional Municipality already considers application for exemptions of local Official Plan Amendments (LOPAs) – this MOU will remove the requirement of requesting an exemption for certain types of LOPAs and provide final approval directly to the area municipality.

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, Ministry of Natural Resources, Ministry of Culture and Ministry of Agriculture, Food and Rural Affairs.

The NPCA is an autonomous corporate body established under the Conservation Authorities Act to work in partnership with our member municipalities and the Province to further the conservation, restoration, development and management of the renewable natural resources and hazard lands within the jurisdiction. The NPCA has been actively involved in the municipal planning process since 1979. The NPCA's planning program started out focusing on ensuring that new development is not adversely affected by flood and erosion problems associated with riverine systems as well as the Great Lakes Shoreline. Over time, the Ministry of Natural Resources (MNR) has delegated certain provincial responsibilities to Conservation Authorities. The delegation of floodplain management began in the late 1970's; hazard land management (which includes valleyland management and the management of local areas susceptible to flood and erosion risks) was delegated in 1983; Great Lakes shoreline management was delegated to the NPCA in 1988. In the past, the Conservation Authority implemented regulations governing filling activities in fill-regulated areas, construction activities in floodplains and alterations to waterways. In 1998, the Province amended Section 28 of the Conservation Authorities Act to more clearly specify lands, which could be subject to regulation (including development in and adjacent to valleylands, Great Lakes shoreline flood, erosion and dynamic beach hazards, wetlands and alterations to watercourses). In May 2006, Ontario Regulation 155/06 Niagara Peninsula Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses came into effect.

The NPCA has a Level II agreement with Fisheries and Oceans Canada (DFO) to administer the review of projects under section 35(1) of the Fisheries Act which states

“No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of Fish Habitat” (HADD). Under this agreement, NPCA will assess all proposals within its jurisdiction, regardless of other permitting requirements unless agreed to by DFO under a separate agreement (e.g., Union Gar, some Provincial projects). NPCA screens and processes applications for DFO under the Level II agreement to determine if a HADD will occur as a result of the proposed works. A HADD may occur as a result of any direct or indirect manipulation which changes, alters, disrupts or destroys habitat in or adjacent to the water or which induces probable changes to the conditions of habitat (including, but not limited to, temperature, light, dissolved gasses, water clarity, sediment load and other factors).

It is noted that a portion of Grimsby is under the Hamilton Conservation Authority's jurisdiction.

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## Part 2

### Roles and Responsibilities of Signatories for Policy Planning and Implementation Planning

#### 2.0 General

##### Preamble

The Parties agree that successfully meeting the objectives for this MOU will require a collaborative approach to Policy and to Implementation Planning. **The signatories are committed to developing Niagara and building good communities.**

Policy Planning is understood to mean generally those activities of a community planning nature that are conducted pursuant to Parts III and IV of The Planning Act, The Niagara Escarpment Planning and Development Act, and The Environmental Assessment Act and are therefore addressed in this MOU. The Policy Planning function also includes collaborative activities identified as Special Studies which the Parties may undertake from time to time. It is further understood that Regional Planning comments on Policy Planning matters will be restricted to matters of Provincial and/or Regional interest and that local planning comments will be restricted to local interests and NPCA comments restricted to environmental interests as set out in legislation, regulation and/or delegated authority.

Implementation Planning is understood to mean generally those activities that are conducted pursuant to Parts V and VI of The Planning Act. Similar activities may be conducted pursuant to the development permit provisions of The Niagara Escarpment Planning and Development Act. It is further understood that Regional Planning comments on Implementation Planning matters will be restricted to matters of Provincial and/or Regional interest- and that local planning comments will be restricted to local interests and NPCA comments restricted to environmental interests as set out in legislation, regulation and/or delegated authority.

##### 2.0.1

The Parties agree that collaboration in Policy Planning will include the following measures for each Policy Planning project:

- pre-consultation with relevant partners prior to project start-up to identify areas of common interest; placement of appropriate representatives on project steering committees;
- agreed-to milestone meetings, consultations, and document review;

- mutually satisfactory review protocols with shared commitment to timeliness; and
- a fully integrated Geographic Information System.

## 2.0.2

The Parties agree that the Area Planning Directors and the representative from the NPCA establish a coordinating body, upon approval of this MOU, to identify common Policy Planning interests and projects with a view to formulating a collaborative multi-year Policy Planning program for Niagara.

### **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 Regional Policy Plan and Amendments (RPPAs)**

- 2.1.1.1 Approval of the Regional Policy Plan rests with the Province of Ontario.
- 2.1.1.2 Adoption of RPPAs rests with Regional Council.
- 2.1.1.3 Area Municipalities provide comments based on circulation by the Region.
- 2.1.1.4 The Niagara Peninsula Conservation Authority (NPCA) comments to Region based on provisions of Part 3.

#### **2.2 Area Municipal Comprehensive Official Plans and Non Site-Specific LOPAs**

- 2.2.1 Approval rests with Regional Council. [\(Exemption policy to be reviewed in 2013\)](#)
- 2.2.2 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.
- 2.2.3 NPCA provides comments during circulation.

#### **2.3 Area Municipal Site 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 Policy Plan Amendment or Secondary Plan.

- 2.3.1 Area Municipality approves.
- 2.3.2 Region provides comments during circulation stage **and reviews draft Official Plan Amendment prior to adoption.**

2.3.3 NPCA provides comments during circulation stage, based on provisions of Part 3.

## **2.4 Secondary Plans**

2.4.1 Approval rests with Regional Council.

2.4.2 Area Municipality prepares the Secondary Plan, collaboratively with direct involvement of Regional Planning and NPCA *prior* to releasing a draft Secondary Plan for public comment.

2.4.3 NPCA provides comments during circulation, based on provisions of Part 3.

## **2.5 Community Improvement Plans**

2.5.1 Proponent, either Region or Area Municipality, approves.

2.5.2 Proponent municipality prepares the Community Improvement Plan, collaboratively with direct involvement of Regional Planning, area municipality and NPCA *prior* to releasing a draft Community Improvement Plan for public comment.

2.5.3 Non-proponent, Region or Area Municipality comments during circulation.

2.5.4 NPCA provides comments during circulation as appropriate based on provisions of Part 3.

~~2.5.5 Notification of decision and approved Community Improvement Plan sent to non-proponent, either Region or Area Municipality.~~

## **2.6 Niagara Escarpment Plan Amendments**

2.6.1 Approval rests with Province.

2.6.2 Region comments during circulation.

2.6.3 Area Municipality comments during circulation.

2.6.4 NPCA comments during circulation.

## **2.7 Regional Class Environmental Assessments**

~~2.7.1 Approval rests with Province.~~

2.7.12 Region ~~adopts~~ approves.

2.7.23 Area Municipality comments during circulation.

2.7.34 NPCA comments during circulation, based on provisions of Part 3.

## **2.8 Local Environmental Assessments**

~~2.8.1 Approval rests with Province.~~

2.8.12 Area Municipality ~~adopts~~ approves.

2.8.23 Region comments during circulation.

2.8.34 NPCA comments based on provisions of Part 3.

## **2.9 Special Studies**

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

## 2.10 Provincial Plans and Policies

- 2.10.1 Approval rests with Province
- 2.10.2 Working group of the Area Planners is established for collaborative review
- 2.10.3 Region provides report on joint response and position with endorsement by area municipalities and the NPCA, as deemed necessary.

## **Implementation Planning**

### **Preamble**

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.

Improvements in Implementation Planning include streamlining of commenting methods and related work processes, as well as engaging in pre-consultation as a means of early identification of important issues; and, minimizing the volume of applications requiring full circulation. Information shall be shared before a pre-consultation meeting to ensure that the parties are prepared for a discussion.

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

## **2.10 Comprehensive Zoning By-laws**

- 2.10.1 Area Municipality approves.
- 2.10.2 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.
- 2.10.3 NPCA comments during circulation.

## **2.11 Zoning By-law Amendments**

- 2.11.1 Area Municipality approves.
- 2.11.2 Based on Schedule C, Region may comment during circulation.
- 2.11.3 NPCA provides comments upon request by Area Municipality, based on provisions of Part 3.

**2.12 Draft Plans of Subdivision**

- 2.12.1 Area Municipality approves.
- 2.12.2 Based on Schedule C, Region comments during circulation of new Draft Plans.
- 2.12.3 NPCA provides comments upon request by Area Municipality, based on provisions of Part 3.

**2.13 Plans of Condominium**

- 2.13.1 Area Municipality approves.
- 2.13.2 Region comments during circulation, for vacant land condominiums and for conversions of rental housing to condominiums, based on Schedule C.
- 2.13.3 NPCA provides comments upon request by Area Municipality, based on provisions of Part 3.

**2.14 Consents**

- 2.14.1 Area Municipality approves.
- 2.14.2 Based on Schedule C, Region may comment during circulation.
- 2.14.3 NPCA provides comments upon request by Area Municipality based on provisions of Part 3.

**2.15 Minor Variances**

- 2.15.1 Area Municipality approves.
- 2.15.2 Based on Schedule C, Region may comment during circulation.
- 2.15.3 NPCA provides comments upon request by Area Municipality based on provisions of Part 3.

**2.16 Site Plan Control**

- 2.16.1 Area Municipality approves.
- 2.16.2 Based on Schedule C, Region may comment during circulation.
- 2.16.3 NPCA provides comments upon request by Area Municipality based on provisions of Part 3.

**2.17 Niagara Escarpment Development**

- 2.17.1 Region provides comments, upon circulation.
- 2.17.2 Area Municipality provides comments, upon circulation.
- 2.17.3 NPCA provides comments, upon circulation.

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## Part 3

### Consolidation of the Review of Planning Applications as they Relate to the Natural Environment

#### 3.1

The Niagara Peninsula Conservation Authority shall be responsible for ensuring the proper review of all planning applications for impacts on the natural environment as required by:

- Municipal planning documents such as the Regional Policy Plan through which the Province implements its requirements under the Planning Act, the Provincial Policy Statement, the Provincial Greenbelt Plan and Places to Grow Plan as they relate to the Natural Heritage and Natural Hazards. In the event of a time lag between Provincial directions given and the incorporation of same into municipal planning documents, reference shall be had to the most recent Provincial direction.
- **Regulation 155/06 (as amended)** under Section 28 of the Conservation Authorities Act.

#### 3.2

The Niagara Peninsula Conservation Authority agrees to prepare and maintain, with the assistance of the Region and Area Municipalities, a Natural Environment Information Map for the Region of Niagara. This map shall define the Region, Area Municipalities and Conservation Authority geographic areas of interest in the Natural Environment as outlined in Schedule A – Criteria for Region of Niagara Natural Environment Information Map.

#### 3.3

In addition to providing comments regarding the Niagara Peninsula Conservation Authority statutory responsibilities, the Conservation Authority shall provide “**One Window**” comments including Provincial and **Regional** Plan Review and/or Technical Clearance for those matters outlined in Schedule B – Matters Subject to Conservation Authority Review and Technical Clearance Regarding Planning Applications Affecting the Natural Environment.

a) “Plan Review” means:

- (i) Reviewing development applications (including pre-consultation) under the Planning Act and the Niagara Escarpment Planning and Development Act in a timely manner;
- (ii) Identifying the need for and review of technical reports; and,
- (iii) Specifying conditions of approval

b) "Technical Clearance" means:

- (i) Assessing technical reports submitted by a proponent of development to determine if the reports satisfy the requirements specified; and
- (ii) Clearing the conditions.

### 3.4

The Region and the Area Municipalities agree to use the Niagara Peninsula Conservation Authority staff as Planning and Technical Review experts to support the Region and Area Municipalities environmental and resource management responsibilities in accordance with Schedules A and B.

### 3.5

The Niagara Peninsula Conservation Authority will make provisions for staff to attend Ontario Municipal Board Hearings or similar type hearings and judicial proceedings, upon the request of the Region or Area Municipality, with respect to plan review and technical clearance services provided pursuant to this Memorandum of Agreement. The NPCA will provide testimony on the Provincial Review of Natural Hazards, Regulation 155/06, NPCA policies and technical review completed in accordance with this MOU. The Region and/or Area Municipality will be responsible for testimony regarding the interpretation of their planning policies. The Conservation Authority Review and technical clearance work will be funded, for the most part, from Review processing fees paid by the applicant in accordance with the Fee Schedule adopted by the Niagara Peninsula Conservation Authority Board.

### 3.6

The Region and the Area Municipalities both agree to collect Conservation Authority Review Processing Fees up front, at the time of initial application, in accordance with Schedule B – Matters Subject to Conservation Authority Review and Technical Clearance Regarding Planning Applications Affecting the Natural Environment.

### 3.7

There will be no planning application Conservation Authority Review fees to provide plan input for those official plans, secondary plans, municipal studies, and watershed and sub-watershed studies, etc. of a policy nature prepared by (or for) the Region and/or Area Municipalities.

## Part 4

### Managing Relationships with Other Governments

#### 4.1

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

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

Where 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.

#### Continuous Improvement Efforts as Part of MOU Implementation: Organization and Topics

#### 4.4 Methodology for Continuous Improvement

~~4.4.1 The Planning Review Committee, or its successor, that has overseen the initial Planning Function Review process as well as the creation of this MOU shall continue to meet on an as-needed basis to monitor the MOU implementation, along with continuous improvement efforts resulting from MOU implementation.~~

4.4.21 Areas Planning Directors and the NPCA representative from the signatories to this MOU shall, upon approval of this MOU, establish a Working Group for the purpose of holding a workshop with the development industry and community stakeholders to further discuss the planning process, improved service delivery, better communication and methods to be informed and engaged in planning and development issues in an effort to help address ~~working on, at a minimum,~~ the continuous improvement initiatives as identified in Section 4.5 of this MOU.

#### 4.5 Topics for Continuous Improvement Efforts

A non-exclusive list of topics for continuous improvement attention, following the endorsement of this MOU, are, in no particular order of importance:

- Maintain ongoing education, training and guidance for planners in Regional and Provincial interests and improved service delivery;
- Consistency of municipal procedures;
- Exploration and establishment of common definitions, general provisions, and zone categories for zoning by-laws;
- Sharing common data and mapping;
- A commitment from the Niagara Parks Commissioner (NPC) to update a separate MOU from 1988 between the Province, NPC, Niagara Region, Niagare-on-the-Lake, Niagara Falls and Fort Erie GIS-based (Geographical Information System) monitoring system for development planning applications; and
- Collaborate with Area Administrators and Economic Development Officials to align collective interests for economic prosperity.
- Understanding provincial, regional, local and NPCA roles and interests;
- Collaboration between municipalities on best practices;
- Council, Board and community literacy on planning matters;
- Process improvement team of Area Planners to complete a protocol on common practices for development application review and approvals;
- Joint process for major applications to be prepared (i.e. aggregate proposals)
- Working group of Area Planners to be established when specific planning projects are identified
- Establish performance metrics
- Encourage updates to all municipal official plans and zoning by-laws
- Invite representatives from the development industry to Area Planners meetings (i.e. 2 – 4 times annually)

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## Part 5

### MOU: Duration and Formal Review

#### 5.1

This MOU shall remain in effect until such time as replaced by an updated MOU (if any) that may result from the mandatory Review that would take place no more than two years from the effective date of this MOU.. The MOU may be reviewed at any time before the mandatory review if there is an important issue that needs to be addressed.

#### 5.2

The mandatory Review authorized by Section 5.1, as conducted by Area Planning Directors and the NPCA representative (Technical Review Committee), shall be overseen by the Planning Review Committee (or its successor) with any final recommended changes being subject to full agreement by all signatories hereto.

#### 5.3

Disputes arising from the implementation of this MOU by two or more signatories will be subject to the following stages:

Step 1: a meeting between the Chief Administrative personnel of the signatories in dispute will be convened, with the expected outcome being a mediated solution.

Step 2: in the event that Step 1 fails to result in a resolution to the dispute, the heads of the councils and/or the NPCA Board Chair (as the case may be) of the respective signatory agencies will be convened for the purpose of affecting a mediated resolution to the dispute.

## Part 6

### Schedules

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#### Schedule A

##### Criteria for Region of Niagara Natural Environment Information Map

The Niagara Peninsula Conservation Authority shall prepare and maintain, with the assistance of the Region of Niagara and Area Municipalities, a Natural Environment Information Map for the Region of Niagara. This map will define most of the Region, Area Municipality and Conservation Authority geographic interests in the Natural Environment and shall include the following features with buffers required in accordance with approved policies and regulations:

- a) all streams and watercourses in the Region of Niagara ~~plus a 15-metre buffer on either side;~~
- b) the Regional Policy Plan – Environmental Protection designation ~~plus a 30-metre buffer;~~
- c) the Regional Policy Plan – Environmental Conservation designation;
- d) Lake Ontario and Lake Erie shoreline ~~plus a 50-metre buffer;~~
- e) regulated Areas under Section 28 of the Conservation Authorities Act; and
- f) mapping of Natural Heritage Features and Areas as defined by the Provincial Policy Statement, Greenbelt Plan, and any other Provincial Policy Document as they become available.

## Schedule B

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

<u>FEATURE</u>	<u>PROVINCIAL REVIEW NATURAL HAZARDS  (PPS SECTION 3.1)</u>	<u>Ontario REGULATION 155/06</u>	<u>NPCA Planning and Regulation Policies</u>	<u>PROVINCIAL REVIEW NATURAL HERITAGE  (PPS SECTION 2.1)</u>	<u>ROPA 187 ENVIRONMENTAL POLICIES</u>	<u>PROVINCIAL REVIEW WATER (PPS SECTION 2.2)</u>
<u>Watercourse or Municipal Drain</u>	<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>	<u>X</u>
<u>Niagara River</u>	<u>X</u>		<u>X</u>		<u>X</u>	<u>X</u>
<u>Lake Ontario and Lake Erie</u>	<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>	<u>X</u>
<u>Fish Habitat **</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Valley, Erosion hazards</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Wetland (PSW &amp; Non- PSW greater than 2 ha)</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Woodlands **</u>				<u>X</u>	<u>X</u>	
<u>Wildlife Habitat **</u>				<u>X</u>	<u>X</u>	
<u>Endangered &amp; Threatened</u>				<u>X</u>	<u>X</u>	

<u>Species *</u>						
<u>Vulnerable Groundwater Areas</u>						X
<u>Niagara Escarpment Plan (Escarpment Natural &amp; Protection)**</u>	X	X	X	X	X	X
<u>Greenbelt Plan Natural Heritage System**</u>			X	X	X	X
<u>ANSI (life Science)**</u>				X	X	
<u>ANSI (earth science)</u>				X	X	

\*MNR responsible for technical review and clearance

\*\*Features that may require the preparation of an EIS in accordance with Region's EIS Guidelines

## Schedule B

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

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FEATURE	PROVINCIAL REVIEW NATURAL HAZARDS (PPS SECTION 3.1) (responsibility delegated by MNR to NPCA began in 1970's)	Ontario REGULATION 155/06 (NPCA responsibility as of May 2006)	NPCA Planning and Regulation Policies (NPCA responsibility, NPCA Board approved 2006, amended in 2009)	PROVINCIAL REVIEW NATURAL HERITAGE (PPS SECTION 2.1) (responsibility delegated from Province to Region (1996) to NPCA (2008))	ROPA 187 ENVIRONMENTAL POLICIES (responsibility of the Region (2005))	PROVINCIAL REVIEW WATER (PPS SECTION 2.2) (responsibility delegated from Province to Region (2005 PPS) to NPCA (2008))
Watercourse or Municipal Drain	X	X	X		X	X
Niagara River	X	X	X		X	X
Lake Ontario and Lake Erie	X	X	X		X	X
Fish Habitat **		X	X	X	X	
Valley, Erosion hazards	X	X	X	X	X	
Wetland (PSW & Non-PSW greater than 2 ha)		X	X	X	X	X
Woodlands **				X	X	
Wildlife Habitat **				X	X	
Federal and Provincial Endangered & Threatened Species *				X	X	
Species and Communities of Concern				X	X	
Vulnerable Groundwater Areas						X
Niagara Escarpment Plan (Escarpment Natural & Natural Protection)	X	X	X	X	X	X
Greenbelt Plan Natural Heritage System**	X	X	X	X	X	X
ANSI (Life Science)**				X	X	
ANSI (Earth science)**				X	X	

\*MNR responsible for technical review and clearance \*\*Features that may require the preparation of an Environmental Impact Study (EIS).

## Schedule C

### Niagara Region's Role in Implementation Planning Applications

#### Official Plan Amendments

All official plan amendments are circulated to the Region.

#### Zoning By-law Amendment Applications

All zoning by-law amendments are circulated to the Region for review, except for an application intended for "Agricultural Purposes Only" that has been included as a condition for an approved consent application on lands located outside of a settlement area.

(Note: The Region will review the need to formally circulate other applications and local municipalities will consider a more streamlined approach for processing minor applications.. This review will be completed before the end of 2013)

#### Draft Plans of Subdivision

- a) New Plans – the Area Municipality shall circulate all applications for new draft plans of subdivision to the Regional **Public Works** Department, **Development Services Division** for review and comment.
- b) Modifications to Approved Plans or Requests to Extend Draft Approval –, the Area Municipality shall circulate requests to modify existing draft plans of subdivision or requests to extend draft plan approval to the Regional **Public Works** Department, **Development Services Division** and the NPCA.

#### Draft Plans of Condominium

- a) Vacant Land Condominium Plans – the Area Municipality shall circulate all applications for draft plans of vacant land condominium to the Regional **Public Works** Department, **Development Services Division** for review and comment.
- b) Other types of Condominium Applications – subject to pre-consultation, the Area Municipality may circulate all applications to the Regional **Public Works** Department, **Development Services Division** for review and comment.

## Consents

Subject to pre-consultation, the Area Municipality may circulate consent applications to the Regional **Public Works** Department, **Development Services Division** under the following circumstances:

- lands are located outside of an Urban Area; or
- property is situated on a Regional Road, contains an easement in favour of Niagara Region or is adjacent to a facility operated by Niagara Region.

## Minor Variances

For all Minor Variance applications, the Area Municipality shall not circulate the application to the Regional **Public Works** Department, **Development Services Division** unless the Area Municipality determines that a Provincial or Regional interest may be affected or where the property is situated on a Regional road, contains an easement in favour of Niagara Region or is adjacent to a facility operated by Niagara Region.

## Site Plan Control

For all Site Plan applications, the Area Municipality shall not circulate the application to the Regional **Public Works** Department, **Development Services Division** unless the Area Municipality determines that a Provincial or Regional interest may be affected or where the property is situated on a Regional road, contains an easement in favour of Niagara Region or is adjacent to a facility operated by Niagara Region.

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## Signatures

The following signatures represent the endorsement of this Memorandum of Understanding by the respective parties:

### Town of Fort Erie

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

### Town of Grimsby

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

### Town of Lincoln

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

### City of Niagara Falls

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Town of Niagara-on-the-Lake**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Town of Pelham**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**City of Port Colborne**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**City of St. Catharines**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**City of Thorold**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Township of Wainfleet**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**City of Welland**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Township of West Lincoln**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Niagara Peninsula Conservation Authority**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Regional Municipality of Niagara**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk