



Subject: Engineering & Planning Agreements with Niagara Region
To: Council
From: Development and Government Relations Department

Report Number: 2025-33

Meeting Date: May 13, 2025

Recommendation:

That Development and Government Relations Department – Planning Division Report 2025-33 be received; and

That the Chief Administrative Officer be authorized to sign the 2024 Memorandum of Understanding (Engineering Function and Services in Niagara) attached as Appendix A of Planning Division Report 2025-33.

That the Chief Administrative Officer be authorized to sign the 2024 Planning Services Agreement attached as Appendix B of Planning Division Report 2025-33.

Purpose:

The purpose of this report is to provide information to Council regarding changes in the Planning function in Port Colborne resulting from changes made by Provincial Bill 23. The report also seeks Council's approval to have the CAO sign a Memorandum of Understanding (MOU) and a Planning Service Agreement (PSA) with the Niagara Region.

Background:

Bill 23, the *More Homes Built Faster Act* received Royal Assent on November 28, 2024. The Bill made significant changes to the *Planning Act*. Specifically, it removed upper-tier planning responsibilities as of the proclamation date set by the province, being March 31, 2025.

The Bill contemplates the potential for an agreement between upper and lower tier municipalities in order to maintain assistance on planning matters to lower tier municipalities.

Until March 31, 2025, the City of Port Colborne and Niagara Region operated under the MOU for Planning Functions in Niagara, which had been continually in place for over 15 years (updated most recently in 2019). As of April 1st the 2019 MOU is no longer in effect due to the changes made through Bill 23.

Through discussions with Public Works Officials and Planning Directors throughout the Region, 2 new agreements have been created:

- A MOU, specifically covering Regional Engineering Review.
- A PSA, offering a suite of Planning functions.

It is important to note that although Regional Planning authority has been downloaded to local municipalities as of April 1, 2025, the Region will still have the authority to review Planning and Development applications when there is Regional Engineering interests. For example, if a proposed development is adjacent to Regional infrastructure, the Region will still have the ability to provide comments with respect to Engineering matters, to ensure Regional Engineering interests are upheld.

Discussion:

Previously, the Region provided comments on development applications from a provincial and regional perspective (i.e., land use compatibility, archaeology assessment, employment land conversion, records of site condition, regional infrastructure including roads and water and wastewater, waste management, storm water management, sewage system review etc.).

The Region is no longer responsible for commenting on matters of provincial interest but will continue to comment on matters of Regional interest (i.e. regional infrastructure, other engineering services and Region owned properties). Therefore, the Region continues to have a commenting role in the Planning approvals process. Additionally, the need for enhanced regional growth management and staging of development is necessary to ensure effective and financially sustainable input occurs to post proclamation discussions with the Area Municipalities on how and where they will grow.

With respect to matters of Provincial Interest, while the Region has offered to provide all of their previous functions on a go forward basis, the services weren't available for April 1st, and Port Colborne Planning staff assumed the functions associated with reviewing and commenting on these matters. However, staff still believe there is value in entering a Planning Services Agreement for a reduced scope of services.

2024 Memorandum of Understanding (Engineering Function and Services in Niagara)

The previous 2019 MOU has been updated to remove the land use planning review function and will only pertain to engineering review. The purpose of the 2024 MOU is to update and clarify the respective engineering roles and responsibilities of the Region and Area Municipalities, as well as to be an instrument of continuously improving service and relationship management. This revised 2024 MOU sets the foundation for the future and confirms the framework within which the Parties will function and provide engineering services.

The 2024 MOU has been collaboratively developed by the MOU Working Group. It has been reviewed, refined, and endorsed by the Public Works Officials and Niagara Area Planners. The 2024 MOU outlines the Region's relationship with Area Municipalities and outlines the Region's participation in planning approvals on matters related to regional infrastructure, other services, Region owned land, collaboration on growth related matters, etc. This will replace the current 2019 MOU between the Region and all area municipalities upon proclamation.

This MOU is attached as Appendix A to this report.

Planning Services Agreement

The Provincial and Regional review functions previously provided under the 2019 MOU have been migrated into a new 2025 Planning Services Agreement. These functions would be provided to the City based on applicants paying review fees directly to Niagara Region. Under this PSA, municipalities can select from a range of services offered by Niagara Region. These include:

- Land Use Compatibility
- Archaeological Assessment
- Environmental Review
- Employment Land Conversion
- Record of Site Condition
- Former Landfill sites
- Gas and Petroleum Resources
- Screening to address Water Protection
- Urban Design

In addition to the above services, Niagara Region is also offering additional fee for services upon request (based on staffing capacity). These include:

- Growth Management
- Special Projects such as GIS support
- Sustainability Initiatives
- Secondment requests to assist with staffing

After reviewing internal capacity across City departments, staff feel that the following 2 services could benefit the City:

- Former Landfill sites
- Urban Design

Further to this, staff recognize that the additional services offered under the PSA could benefit future projects, such as those that relate to the Housing Accelerator Funding.

A PSA with the 2 services (Former Landfill site and Urban Design) and additional service offerings is attached as Appendix B to this report.

Internal Consultations:

City Public Works and Planning staff have reviewed the Regional Engineering MOU. Staff are supportive of entering into this MOU to ensure there are no impacts to the review of Regional Engineering matters.

Development and Government Relations staff have reviewed the Regional Planning Services MOU. Staff are supportive of entering into this MOU for the scoped list of services.

Financial Implications:

The review of Regional Engineering matters will be covered by Regional development application fees collected through the application process.

Should the City choose to not enter into the MOU, the City would be required to seek alternatives to Engineering review for Regional Engineering interests. An alternative could include the City retaining qualified consultants to ensure all Engineering matters are addressed. This option could present costs to the City for work that could be completed by the Region and where costs would normally be recovered through the development application.

Public Engagement:

Public engagement is not required with respect to the Regional/lower-tier MOU. The Public will continue to be circulated and involved in development applications following the proclamation date.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Increased Housing Options
- Sustainable and Resilient Infrastructure

Conclusion:

Planning staff recommend that Council authorize the CAO to enter into both the MOU and PSA with the Niagara Region to maintain the Regional Engineering and Planning Services function. Signing these agreements will ensure there are no impacts to development applications when they are adjacent to, or have the potential to affect Regional infrastructure. They also allow the City to draw on specialized services Niagara Region offers as needed.

Appendices:

- a. 2024 Memorandum of Understanding (Engineering Function and Services in Niagara)
- b. 2025 Planning Services Agreement

Prepared and submitted by,

Erik Acs, MCIP, RPP
Chief Planner
(905) 228-8117
erik.acs@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.