

Planning Services and Functions in Niagara Memorandum of Understanding (MOU)

Tuesday, May 21, 2019

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Executive Summary:

The purpose of this report is to provide information to Council with regards to the proposed updated Memorandum of Understanding (MOU) on the Planning Services and Functions in Niagara. The MOU is between the Region of Niagara and the Local Area Municipalities. The MOU is a relationship document that lays out the responsibilities of the delivery of planning services and functions across Niagara.

Background:

The first MOU on the planning services and functions in Niagara was introduced in 2007 and has been updated and amended twice since then (2011 and 2014). The updates have focused on process improvements. The primary function of the MOU is to be a relationship management tool with a focus on roles and responsibilities of the signing parties for policy planning and the development review function. The goal of the MOU is to streamline planning services and functions across Niagara and reduce duplication of efforts between the Region and Local Area Municipalities.

The initial 2007 and subsequent MOU's included the Niagara Peninsula Conservation Authority (NPCA) as a party. However, in the past year, the NPCA has undertaken a review of its functions and responsibilities and they no longer undertake environmental planning review function outside of their core mandate, i.e. their regulated areas, and as such are no longer a party to the MOU. The Region and the NPCA however, do have a protocol for plan review and technical clearance which was updated in 2018.

Project Description and Purpose:

In September 2017 the Regional Council was informed that the MOU and NPCA Protocol needed to be updated. A working group of area planners was established to undertake this work. The work related to updating the MOU was to:

Planning Services and Functions in Niagara Memorandum of Understanding (MOU)

Tuesday, May 21, 2019

- Confirm the roles and responsibilities of the Region and the Local Area Municipalities related to the provision of the planning services function;
- Integrate the recommendations of the updated protocol with the NPCA regarding the new Regional staff responsibilities;
- Include directions on new matters such as pre-consultation meetings, exemption approval requirements, complete applications, commenting timelines, and urban design;
- Recognize new legislation, process changes, relationship, resources and growth; and
- Be a tool to provide for continuously improve service and relationship management

Key Changes to the MOU:

The following is a summary of the key changes and actions in the MOU:

1. The NPCA is no longer a party to the MOU and the MOU focuses on the relationship and responsibilities between the Region and the Local Area Municipalities.
2. The goal of the MOU is to a planning system across the region that is integrated, efficient, collaborative, proactive, solution focused, consistent, predictable, easily understood, transparent, and responsive. The objectives of the new goal include such matters as:
 - Develop a model that demonstrates how planning services are appropriately resourced and structured;
 - Deliver timely, accurate, effective and customer-focused planning services;
 - Pursue improvements that achieve good planning, streamlining, predictability and consistency;
 - Eliminate unnecessary duplication to maximize existing resources and technical expertise and coordinate efforts; and
 - Monitor performance of the MOU and service delivery.
3. The MOU now identifies specific Regional responsibilities from the provincial transfer of responsibilities with respect to growth management, water and wastewater services and urban design.
4. Roles and responsibilities are provided in table format for ease of reference and clarity.
5. To address comments regarding consistency, fairness and timing from the development industry stakeholders as well as from the MOU working group, a new section, Part 3 – Development Application Review Process was added.

Planning Services and Functions in Niagara Memorandum of Understanding (MOU)

Tuesday, May 21, 2019

6. The MOU now permits applications that have been deemed to have no regional interest during the pre-consultation stage to be exempt from further regional review.
7. The MOU provides for the establishment of working teams to determine, as feasible, best practices in policy planning and development application review and Appendix I identifies new actions to address many of the improvements suggested by the development industry roundtable meeting and MOU working group discussions

Consultation:

In October 2018 a working session was held with the development industry stakeholders to discuss the MOU and opportunities to improve the development approval process which has been incorporated into the MOU. In addition, the updated MOU was presented to Area Planners for comment and feedback, as well as to Area CAO's, Building Officials and Public Works Officials during their meetings in January and February 2019.

Staff Comments:

The Director of Community Planning and Development was a member of the working group that was established to update the MOU. Several meetings were held to improve the MOU. In addition, feedback was obtained from the development industry stakeholder session as well. The updated MOU clarifies roles and responsibilities for the delivery of the planning services function across the Region, reflects changes to legislative authority, and provides for an integrated, efficient, predictable, transparent, consistent, solution oriented and responsive system.

Having support from the Region and all 12 Local Area Municipalities on this MOU through the endorsement of Councils and signing by the CAO's will improve the delivery of the planning services function across Niagara and aid in ensuring that the delivery of planning services is appropriately resourced.

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Alternatives:

Council could choose to not support the MOU and not have the Interim CAO sign the MOU.

Planning Services and Functions in Niagara Memorandum of Understanding (MOU)

Tuesday, May 21, 2019

Recommendation:

BE IT RESOLVED THAT Council receive and endorse this report of the Planning Services and Functions in Niagara Memorandum of Understanding; and

THAT Council directs the Interim CAO to sign the MOU and return a copy back to the Region of Niagara.