

**TOWNSHIP OF WEST LINCOLN
PUBLIC WORKS & RECREATION COMMITTEE
AGENDA**

MEETING NO. EIGHT

Monday, November 18, 2024, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

NOTE TO MEMBERS OF THE PUBLIC: All Cell Phones, Pagers and/or PDAs to be turned off. Members of the public who are attending and participating virtually are reminded to keep their microphones muted until they are acknowledged to speak. Additionally, for your information, please be advised that this meeting will be livestreamed as well as recorded and will be available on the Township's website.

Pages

1. CHAIR - Councillor Mike Rehner

Prior to commencing with the Public Works & Recreation Committee meeting agenda, Chair Rehner noted the following:

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written comments for matters that are on the agenda to jpaylove@westlincoln.ca before 4:30 p.m. on the day of the meeting for consideration by the Committee. Comments received after 4:30 p.m. on the day of the Committee meeting will be considered at the following Council meeting. Comments submitted are included in the record.
3. This meeting will be livestreamed as well as recorded and available on the Township's website.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara,

stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

3. CHANGE IN ORDER OF ITEMS ON AGENDA

4. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

5. APPOINTMENTS

There are no appointments/presentations.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

NOTE: Procedural By-law Section 10.13(5) – General Rules

One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with **five (5) minutes** to address their issue (some exceptions apply). A response may not be provided and the matter may be referred to staff.

Chair to inquire if there are any members of the public present who wish to address any items on the Public Works/Recreation/Arena Committee agenda.

7. CONSENT AGENDA ITEMS

7.1 ITEM PW40-24

CONSENT AGENDA ITEMS

There are no Consent Agenda Items

8. COMMUNICATIONS

There are no communications.

9. STAFF REPORTS

9.1 ITEM PW41-24

4

Coordinator of Engineering Services (Jennifer Bernard) and Director of Public Works & Recreation (Mike DiPaola)

Re: Recommendation Report PW-28-2024 - 2024 Memorandum of Understanding for Engineering Function and Review in Niagara

RECOMMENDATION:

1. That, Recommendation Report PW-28-2024, titled “2024 Memorandum of Understanding for Engineering Function and Review in Niagara”, dated November 18, 2024, be received; and,
2. That, Council endorse the 2024 Memorandum of Understanding, attached as Schedule “A”; and
3. That, Administration be directed to sign the 2024 Memorandum of Understanding, attached as Schedule “A”.

9.2 ITEM PW42-24

28

Manager of Operations (Tray Benish) and Director of Public Works and

Recreation (Mike DiPaola)

Re: Recommendation Report PW-27-2024 - Designate Canada Fleabane (Conyza Canadensis) as a Local Noxious Weed

RECOMMENDATION:

1. That, Recommendation Report PW-27-2024, titled "Designate Canada Fleabane (Conyza Canadensis) as a Local Noxious Weed", dated November 18th, 2024 be received; and,
2. That, Administration be directed to conduct public engagement in regards to designating "Fleabane" as a Noxious weed in West Lincoln; and,
3. That, Administration be directed to bring a recommendation report back to Committee once Public Engagement has concluded.

9.3 ITEM PW-43-24

32

Manager of Operations (Tray Benish) and Director of Public Works & Engineering (Mike DiPaola)

Re: Recommendation Report PW-26-2024 - Supply and Delivery of Fuel Products - Tender Authorization

RECOMMENDATION:

1. That, Recommendation Report PW-26-2024, titled "Supply and Delivery of Fuel Products – Tender Authorization", dated November 18, 2024 be received; and,
2. That, Council accepts the tender submission from Canada Clean Fuels Inc. for a three (3) year term, ending in September 2027.

10. OTHER BUSINESS

10.1 ITEM PW44-24

Members of Council

Re: Other Business Items of an Informative Nature

11. NEW BUSINESS

NOTE: Only for items that require immediate attention/direction and must first approve a motion to introduce a new item of business. (Motion Required)

12. CONFIDENTIAL MATTERS

There are no confidential matters.

13. ADJOURNMENT

The Chair to declare the meeting adjourned at the hour of [time]

DATE: November 18, 2024

REPORT NO: PW-28-2024

SUBJECT: **2024 Memorandum of Understanding for Engineering Function and Review in Niagara**

CONTACT: Jennifer Bernard, C.E.T., Coordinator of Engineering Services
Mike DiPaola, P.Eng., Director of Public Works & Recreation

OVERVIEW:

- Bill 23, More Homes Built Faster Act, made changes to the Planning Act that will remove the land use planning review function of the Niagara Region on March 31, 2025. This required the 2019 Memorandum of Understanding for Planning Function and Services in Niagara to be revised.
- The 2024 Memorandum of Understanding for Engineering Function and Review in Niagara is now finalized for endorsement by area municipalities.

RECOMMENDATION:

1. That, Recommendation Report PW-28-2024 titled, titled “2024 Memorandum of Understanding for Engineering Function and Review in Niagara”, dated November 18, 2024, be received; and,
2. That, Council endorse the 2024 Memorandum of Understanding, attached as Schedule “A”; and
3. That, Administration be directed to sign the 2024 Memorandum of Understanding, attached as Schedule “A”.

ALIGNMENT TO STRATEGIC PLAN:

Theme #1

- **BUILD** a safe, connected, caring and active community

Theme #2

- **CHAMPION** strategic and responsible growth

BACKGROUND:

The 2019 Memorandum of Understanding (MOU) for Planning Function and Engineering Review Services in Niagara, outlined the roles and responsibilities of the Niagara Region and area municipalities related to development application reviews under the Planning Act. Bill 23, More Homes Built Faster Act, received Royal Assent on November 28, 2022 and made significant changes to the Planning Act. One such change was to remove the land use planning review function of the Niagara Region as of March 31, 2025. This required revisions to the MOU to reflect that change.

CURRENT SITUATION:

The 2019 MOU was updated to remove the land use planning review function of the Niagara Region and will now only pertain to engineering review of development applications. The purpose of the 2024 MOU is to update and clarify the respective engineering roles and responsibilities of the Niagara Region and area municipalities. The 2024 MOU was developed by the MOU Working Group in consultation with the Public Works Officials and Niagara Area Planners. Administration provided comments on the draft that are reflected in the final version of the 2024 MOU.

The 2024 MOU was endorsed by Regional Council on October 9, 2024, it is now with the area municipalities for endorsement.

FINANCIAL IMPLICATIONS:

There are no financial implications for the Township related to this MOU. As outlined in the 2024 MOU, where the Niagara Region will have a responsibility to provide engineering review of development applications or technical studies, their review fees will be the responsibility of the applicant. The fees will be collected by the Township and remitted to the Niagara Region.

INTER-DEPARTMENTAL COMMENTS:

This report has been reviewed by the Planning Department, CAO, and Clerk’s office.

CONCLUSION:

In summary, it is recommended that Council endorse the 2024 MOU and Administration be directed to sign the document.

SCHEDULE(S):

Schedule “A” – 2024 Memorandum of Understanding for Engineering Function and Review in Niagara

Prepared & Submitted by:

**Jennifer Bernard, C.E.T.,
Coordinator of Engineering Services**

**Mike DiPaola, P.Eng.,
Director of Public Works and Recreation**

**Approved by:
Truper McBride, CAO**

/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

Engineering Function and Review in Niagara

September, 2024

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Part 1 – Preamble

1.1. Introduction

Bill 23, More Homes Built Faster Act, 2022, will result in changes to the Ontario Planning system. In keeping with our long-standing partnership, the Niagara Region Municipalities have an interest in ensuring that these changes are implemented in a seamless and integrated fashion. Upon proclamation of Bill 23, Niagara Region will no longer have certain responsibilities for planning under the *Planning Act*.

Consistent with our long-standing partnership, the Niagara Region Municipalities have an interest in ensuring that any changes to roles and responsibilities be examined and implemented in a coordinated and collaborative fashion. This document serves to document the planned changes and to ensure the best possible outcomes for the Niagara Region community.

The Memorandum of Understanding has been updated to remove the land use planning review function and will only pertain to engineering review. The 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 engineering 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 the future and confirms the framework within which the Parties will function and provide engineering services.

The MOU has been collaboratively developed by the MOU Working Group. The MOU has been reviewed, refined and endorsed by the Public Works Officials and Niagara Area Planners.

1.2. Jurisdiction

This MOU applies to those lands within the Regional Municipality of Niagara, where water and wastewater servicing and transportation networks are operated under a two-tier system. Niagara Region is responsible for:

- water treatment
- transmission mains
- major pumping stations
- wastewater treatment

- trunk sewers
- sewage pumping stations
- Regional roads
- Circulation to Niagara Regional Transit for large developments

The area municipalities are responsible for:

- local water distribution networks
- local sewer collection systems, storage facilities and local roads

Regional engineering reviews will be limited to the review of regional infrastructure and capacities available in regional infrastructure.

For the nine municipalities the Region reviews and approves private septic system for, the review for planning projects will remain with the Region (Fort Erie, Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold). Private septic system reviews and comments in Welland, West Lincoln and Wainfleet will be provided by the Local staff.

The stormwater system will be reviewed based on the chart contained in Table 1.

Regional staff will continue to provide waste/recycling collection comments for all sites with regard to the current Regional collection agreement/policies.

Part 2 - Roles and Responsibilities of the Parties

2.1. Engineering Reviews

The signatories are committed to developing Niagara, providing capacity within existing infrastructure and ensuring overall servicing plans are maintained. 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.

The Parties agree that a high degree of servicing alignment is important in advancing an integrated and consistent planning system for infrastructure. To achieve alignment, the Parties agree to collaborate and include the following measures for each project:

- Pre-consultation with relevant partners, prior to project start-up, identifying areas of common interest;
- Placement of appropriate representation on project steering committees for all Regional and Local capital projects;
- 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.

2.2. Planning for Infrastructure

This section addresses the full range of activities necessary for the Region to effectively plan for and deliver water, wastewater, and transportation infrastructure to support growth and development.

2.2.1. Planning for Water and Wastewater Infrastructure

- 2.2.1.1. Complete Master Plans and develop associated infrastructure staging plans and capital financing plans to respond to growth and development. At a minimum, assess the following in making a determination on the timing and delivery of water and wastewater infrastructure:
- 2.2.1.2. The number of housing units or employment areas being unlocked as a result
- 2.2.1.3. The fiscal capacity of the Region and local municipalities
- 2.2.1.4. The willingness of the development community to contribute
- 2.2.1.5. The degree of contribution from the Provincial government

- 2.2.1.6. Coordination with the timing and delivery of Regional Road projects
- 2.2.1.7. Comments from the local municipality and public agencies

The Parties will:

Collectively identify policies in the NOP that should be retained in future local Official Plans to ensure that growth and development is coordinated with the delivery of Regional water and wastewater infrastructure and services to the greatest degree possible. Planning for Regional Transportation Infrastructure

This section addresses the full range of activities necessary for the Region to effectively plan for and deliver operate Regional Transportation Systems.

The Region will:

- 2.2.2.1 Collaborate with the local municipalities in defining the timing and delivery of improvements to the Regional transportation network as defined through the Regional Transportation Master Plan using infrastructure staging plans and capital financing plans to support approved growth.
- 2.2.2.2 Support the local municipality by preparing and/or updating as required
- 2.2.2.3 Terms of Reference for the preparation of Transportation Studies for new growth areas
- 2.2.2.4 Traffic Impact Studies Guidelines
- 2.2.2.5 Road Access Management Requirements
- 2.2.2.6 Noise Abatement Guidelines addressing noise generated from Regional Roads
- 2.2.2.7 Highway Dedication Guidelines
- 2.2.2.8 Right-of-way and Urban Design Guidelines
- 2.2.2.9 Prepare and/or update Regional By-Laws, policies, standards and guidelines related to the Regional transportation network requirements as determined through the activities of this Transition Plan.

The Parties will:

Collectively identify policies in the NOP that should be retained in future local Official Plans to ensure the Regional transportation systems and infrastructure requirements are defined to support growth and development to the greatest degree possible. Together with the policies identified through 2.2 is to be endorsed by Niagara Region Area CAO's in implementing this memorandum and subject to the approval of local municipal Councils through future Official Plan updates.

2.3. Engineering Review Requirements for Planning Projects

The following are the aspects of the projects that Engineering Reviews will be conducted by the Parties for specific types of planning projects

2.3.1. Regional Official Plan and Amendments (ROPA's)

Engineering reviews will be completed once the application and relevant studies have been circulated by the lead agency in accordance with the current Planning requirements. Review of capacities in the infrastructure will be reviewed by the respective owners. Comments will be provided to the circulation agencies and if required, coordination of upgrades will be reviewed with all agencies.

2.3.2. Area Municipal Comprehensive Official Plans and Non Site-Specific Local Official Plan Amendments (LOPAs)

Engineering reviews will be completed once the application and relevant studies have been circulated by the lead agency in accordance with the current Planning requirements. Comments will be provided to the circulation agencies and if required coordination of upgrades will be reviewed with all agencies.

2.3.3. Area Municipal Site Specific and Policy Specific Official Plan Amendments

Engineering reviews will be completed once the application and relevant studies have been circulated by the lead agency in accordance with the current Planning requirements. Review of capacities in the infrastructure will be reviewed by the respective owners if applicable. Comments will be provided to the circulation agencies and if required coordination of upgrades will be reviewed with all agencies.

2.3.4. Secondary Plans

The respective planning group responsible for the Secondary plan will contact both Local and Regional engineering staff. Engineering staff will be involved in scoping, review and implementation of servicing/traffic studies completed for secondary plans and will participate in meetings regarding the secondary plan process. Engineering reviews will be completed once the application and relevant studies have been

circulated by the lead agency in accordance with the current Planning requirements. Review of capacities in the infrastructure will be reviewed by the respective owners if applicable. Comments will be provided to the circulation agencies and if required coordination of upgrades will be reviewed with all agencies.

2.3.5. Block Servicing Plans

The respective planning group responsible for the Block plan will contact both Local and Regional engineering staff. Engineering staff will be involved in scoping, and review and implementation of servicing/traffic studies completed for block servicing plans. Engineering reviews will be completed once the application and relevant studies have been circulated by the lead agency in accordance with the current Planning requirements. Review of capacities in the infrastructure will be reviewed by the respective owners if applicable. Comments will be provided to the circulation agencies and if required coordination of upgrades will be reviewed with all agencies.

2.3.6. Niagara Escarpment Plan Amendments

The lead agency will circulate the relevant agencies. Engineering review and comments for the respective interests will be provided on each application to the circulation agency.

2.3.7. Regional Environmental Assessments

The project manager will circulate both Local and Regional engineering staff. Engineering review and comments for the respective interests will be provided back to the project manager on each application.

2.3.8. Local Environmental Assessments

The project manager will circulate both Local and Regional engineering staff. Engineering review and comments for the respective interests will be provided back to the project manager on each application

2.4. Engineering Review Requirements for Implementation Planning

The following are the means by which Engineering reviews will be conducted by the parties for specific types of Implementation Planning activities

2.4.1. Comprehensive Zoning By-laws

The lead agency will circulate the complete application to Regional and Local engineering staff when required based on pre-consultation information.

Engineering reviews will be completed once the application and relevant studies have been circulated in accordance with the current Planning

requirements. Review of capacities in the infrastructure will be reviewed by the respective owners if applicable. Comments will be provided to the circulation agencies and if required coordination of upgrades will be reviewed with all agencies.

2.4.2. Zoning By-law Amendments

The lead agency will circulate the complete application to Regional and Local engineering staff when required based on pre-consultation information.

Engineering reviews will be completed once the application and relevant studies have been circulated in accordance with the current Planning requirements. Review of capacities in the infrastructure will be reviewed by the respective owners if applicable. Comments will be provided to the circulation agencies and if required coordination of upgrades will be reviewed with all agencies.

2.4.3. Draft Plans of Subdivision

The lead agency will circulate the complete application to Regional and Local engineering staff when required based on pre-consultation information.

Engineering reviews will be completed once the application and relevant studies have been circulated in accordance with the current Planning requirements. Review of capacities in the infrastructure will be reviewed by the respective owners if applicable. Comments and conditions will be provided to the circulation agencies and if required coordination of upgrades will be reviewed with all agencies.

2.4.4. Plans of Condominium

The lead agency will circulate the complete application to Regional and Local engineering staff when required based on pre-consultation information.

Engineering reviews will be completed once the application and relevant studies have been circulated in accordance with the current Planning requirements. Review of capacities in the infrastructure will be reviewed by the respective owners if applicable. Comments and conditions will be provided to the circulation agencies and if required coordination of upgrades will be reviewed with all agencies.

2.4.5. Consents

The lead agency will circulate the complete application to Regional and Local engineering staff when required based on pre-consultation information.

Engineering reviews will be completed once the application has been circulated in accordance with the current Planning requirements. Comments and conditions will be provided to the circulation agency staff.

2.4.6. Minor Variances

The lead agency will circulate the complete application to Regional and Local engineering staff when required based on pre-consultation information.

Engineering reviews will be completed once the application has been circulated in accordance with the current Planning requirements. Comments and conditions will be provided to the circulation agency staff.

2.4.7. Site Plan Control

The lead agency will circulate the complete application to Regional and Local engineering staff when required based on pre-consultation information.

Engineering reviews will be completed once the application and relevant studies have been circulated in accordance with the current Planning requirements. Review of capacities in the infrastructure will be reviewed by the respective owners if applicable. Comments and conditions will be provided to the circulation agencies and if required coordination of upgrades will be reviewed with all agencies.

2.4.8. Niagara Escarpment Development

The lead agency will circulate the complete application to Regional and Local engineering staff when required based on pre-consultation information.

Engineering reviews will be completed once the application has been circulated in accordance with the current Planning requirements. Comments and conditions will be provided to the circulation agency staff.

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 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 local municipality

3.3.1. Required Information

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;
 - 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 3 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**

The Terms of Reference, or the minimum requirements for each of the required studies will be discussed during the pre-consultation process, and the objectives and parameters of the studies will be agreed to prior to them being undertaken.

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. For example, if the Region requests a Transportation Study, it may be scoped to request only Pedestrian Safety be addressed. 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.
- 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.

3.3.4. **Exemption from Application Review by the Region**

All development applications are circulated to the Region for engineering review, except where the Region has determined through pre-consultation that the development proposal is exempt from further circulation and review.

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.

3.4. Complete Applications

3.4.1. Submission Requirements

The requirements of a Complete Application are determined during pre-consultation and provided in writing to the applicant by the Lead Agency and if required 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 shall use best efforts to complete the review of all applications in accordance with the timelines identified in Table 3 – Non-statutory Development Application Review Timelines.

All due dates are from date of circulation by the Lead Agency for applications deemed complete.

3.5. Application Review and Commenting

The Parties agree, where possible, to streamline commenting methods by using standardized wording in emails, forms, letters, conditions of approval etc.

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.

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.

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 submission shall include the following:

- The required review fee
- a letter which outlines how each condition has been met, accompanied by the necessary supporting documents
- a copy of the relevant draft agreement, prepared by the Area Municipality

Part 4 – MOU Terms and Implementation

4.1. 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.

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.

4.2. 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.

4.3. Conflict

Where there is conflict between new (changing) legislation and this MOU, new legislation will take precedence.

4.4. 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 upon circulation of a complete application, except for Regional Official Plan amendment applications.

4.5. Effective Date

This MOU will take effect on the last date signed by the Parties to this MOU.

Part 5 – Tables

5.1. Table 1 - Roles for Review of SWM Applications

| Storm Water Receiver | Review Agency and Responsibility - Water Quality | Review Agency and Responsibility – Water Quantity ⁸ | Review Agency and Responsibility - Stream Erosion Control | Review Agency and Responsibility – LID Requirement | Review Agency and Responsibility – Construction Erosion and Sediment Control | Review Agency and Responsibility - Subdivision SWM Facility Operation and Maintenance | Review Agency and Responsibility - NPCA ³ | Review Agency and Responsibility - MECP ⁴ |
|---|--|--|---|--|--|---|--|--|
| Regional Road (roadside ditch/crossing culvert) | Region | Region | Region | Region | Region | Region/ Local Municipality | | CLI ECA approval ⁴ |
| Regional Storm Sewer (overland flow on Regional Road) | Region | Region | Region | Region | Region | Region/ Local Municipality | | CLI ECA approval ⁴ |
| Municipal Road (roadside ditch/crossing culvert) | Region/ Local Municipality ¹ | Local Municipality | Local Municipality | Local Municipality | Local Municipality | Local Municipality | | CLI ECA approval ⁴ |
| Municipal Storm Sewer Drain or Easement | Region/ Local Municipality ¹ | Local Municipality | Local Municipality | Local Municipality | Local Municipality | Local Municipality | | CLI ECA approval ⁴ |
| Unregulated Feature ⁶ | Region/ Local Municipality ¹ | Local Municipality/ Region | Local Municipality/ Region | Local Municipality/ Region | Local Municipality/ Region | Local Municipality | | CLI ECA approval ⁴ |
| Regulated Feature ^{2,3, 5,7} | Region/ Local Municipality | Region/ Local Municipality | Region/ Local Municipality | Region/ Local Municipality | NPCA | Local Municipality | Review of outlet and may require Work Permit | CLI ECA approval ⁴ |

¹ Coordination of review to be discussed at pre-consultation if Regional peer review is requested by Local Municipality

² Outlet to a Provincially Significant Wetland (PSW), water balance may be required and would be a coordinated review by NPCA and Region;

³ The NPCA will review any outlets to regulated feature and may require review of stormwater management report as part of the development application;

⁴ CLI ECA approval ⁴ needed for Municipal Storm Sewer and SWM Facilities. ECA MECP approval needed for SWM facilities on Industrial Lands. MECP will supply final certificate outlining the maintenance requirements for the owner.

⁵ Refer to Niagara Region Stormwater Guidelines for area of interest

⁶ An unregulated feature is one not regulated by the NPCA. Region/Municipality comment on impacts offsite e.g. downstream on adjacent properties.

⁷ Municipal Drains are regulated by the Drainage Act and Conservation Authorities Act – consent given by landowners as part of establishing Municipal Drains

⁸ Select sites within MTO corridor control will be required to be reviewed by the MTO for quantity control in addition to the other agencies/ parties

5.2. Table 2 - Non-Statutory Development Application Review Timelines

| Application Type | Pre-Consultation | Target for Comments After Circulation of a Complete Application |
|--|--|---|
| Site specific Regional Official Plan Amendment | <p>Region to receive required information/plans a min. of 10 calendar days prior to pre-consultation.</p> <p>Region to provide comments 12 calendar days After Pre-Consultation meeting.</p> <p>Any peer reviews to be identified at pre-consultation meeting.</p> <p>Recommend meetings in advance of pre-con for complex applications</p> <p>Area Municipality provide Pre-Consultation notes to applicant within 14 calendar days</p> | Parties to provide comments within 20 calendar days |
| Secondary Plan / Block Plan (Local Official Plan Amendment) | Same as above | a) As determined in consultation with the area municipality |
| Complete Application Review | N/A | Region to provide comments within 20 calendar days |
| Other Comprehensive Local Official Plan Amendment | Same as above | As determined in consultation with the area municipality |
| Site specific Local Official Plan Amendment | Same as above | Region to provide comments within 20 calendar days |
| Combined OPA/Zoning Amendment | Same as above | Region comments within 20 calendar days |
| Comprehensive zoning by-law (initiated by area municipality) | Same as above | As determined in consultation with the area municipality |
| Site specific zoning by-law amendment (including Holding Provision) | Same as above | Parties to provide comments within 20 calendar days. |

| Application Type | Pre-Consultation | Target for Comments After Circulation of a Complete Application |
|--|-------------------------|--|
| Draft plans of subdivision or condominium | Same as above | Region to provide comments within 35 calendar days |
| Modifications to Draft Approved Subdivision and Condominium | Same as above | Region to provide comments within 35 calendar days |
| Consent | 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) |
| Minor Variance | Same as above | Region to provide comments within 10 calendar days. |
| Site Plan | Same as above | Parties to provide comments within 14 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 30 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 date of circulation 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. 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 6 - 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: _____

City of Thorold

Date of City Council endorsement: _____

CAO Signature: _____

Township of Wainfleet

Date of Township Council endorsement: _____

CAO Signature: _____

City of Welland

Date of City Council endorsement: _____

CAO Signature: _____

Township of West Lincoln

Date of Township Council endorsement: _____

CAO Signature: _____

DATE: November 18, 2024

REPORT NO: PW-27-2024

SUBJECT: **Designate Canada Fleabane (Conyza Canadensis) as a Local Noxious Weed**

CONTACT: Tray Benish, CRS-S, Manager of Operations
Mike DiPaola, P.Eng., Director of Public Works and Recreation

OVERVIEW:

- Township Administration has received correspondence from local farmers in regards to concerns with the Canada Fleabane (Conyza Canadensis) weed and the impacts it's having on crops throughout West Lincoln.
- Canada Fleabane is not currently listed as part of the Ontario Ministry of Agriculture, Food and Agribusiness' (OMAFRA) noxious weed list under the Weed Control Act.
- Administration has received a recommendation from OMAFRA to designate Canada Fleabane as a Local Noxious Weed under the Weed Control Act, and instruction on how regulation should proceed.
- The Township has appointed weed inspectors, giving Council the ability to designate Canada Fleabane as a Local Noxious Weed.
- Administration is recommending that Council direct Administration to conduct public engagement in regards to the potential regulation of Fleabane, and return with a recommendation report to a future Committee meeting.

RECOMMENDATION:

1. That, Recommendation Report PW-27-2024, titled "Designate Canada Fleabane (Conyza Canadensis) as a Local Noxious Weed", dated November 18th, 2024 be received; and,
2. That, Administration be directed to conduct public engagement in regards to designating "Fleabane" as a Noxious weed in West Lincoln; and,
3. That, Administration be directed to bring a recommendation report back to Committee once Public Engagement has concluded.

ALIGNMENT TO STRATEGIC PLAN:

Theme #

- **Enrich** our strong agricultural legacy

BACKGROUND:

The intent of the Weed Control Act, R.S.O 1990, is to reduce the infestation of noxious weeds that negatively impact agriculture and horticulture lands, reduce plant diseases by eliminating plant disease hosts, and reduce health hazards to livestock and agricultural workers caused by poisonous plants.

Noxious weeds are plants that have been listed in the Schedule of Noxious Weeds found in Regulation 1096 under the Weed Control Act. In general, a species designated as a noxious weed under the Weed Control Act is one that is difficult to manage on agricultural land once established and will reduce the yield and quality of the crop being grown, negatively affects the health and well-being of livestock, and poses a risk to the health and well-being of agricultural workers. There are currently 25 weeds designated as noxious under the Weed Control Act.

Council has appointed Weed Inspectors to enforce the control of noxious weeds under the Weed Control Act. The Act gives Council the ability to designate additional plants as Local Noxious Weeds, under Section 10 (1), (2), (3) of the Act. The intention of Section 10 (1), (2), (3) is to provide the control of potentially damaging weeds in local areas, before they become widespread, by using the Weed Control Act's mechanisms of enforcement.

CURRENT SITUATION:

Administration has received correspondence from local farmers in regards to concerns they have with a plant that is negatively affecting crops. The plant is Canada Fleabane (*Conyza Canadensis*) and is not currently part of the noxious weed list.

Canada Fleabane, also known as "Horseweed, Mare's-tail, Bitterweed, Fleabane", is an annual plant native throughout most of North America and Central America. The herbaceous plant typically grows to a height of 1.5 metres, and has sparsely hairy stems. The leaves are unstalked with a coarsely toothed margin. The flower heads are 1cm in diameter and each flower has a ring of white or pale purple florets, with a centre of yellow disc florets.



Photo 1: A bolted Canada Fleabane plant just prior to flowering (M. Cowbrough – OMAFA)

Photo 2: The fluffy mature seeds that are ready for wind dispersal (M. Cowbrough - OMAFA)

Most seedlings of this plant sprout from late August through November, and form rosettes that overwinter. Some seeds will germinate in spring, from March through early May. As with all annuals, this plant reproduces by seed. Seeds ripen from early August and continue into September, after which the plant dies. The seeds of this plant have an attached pappus, or parachute, which carries the seed for long distances much like a dandelion seed.

Canada Fleabane infestations have been shown to reduce soybean yields as much as 90%. In 2001 it was the first weed to develop glyphosate resistance, making it difficult to remove chemically.

There are two control methods for Canada Fleabane. They are:

Non-Chemical

- Rosettes are easily controlled by either fall or spring tilling.
- Mowing infested areas when the plants are in the bud stage will prevent seed production.
- A fall cover crop can reduce seedling germination.

Chemical

- Herbicides should be applied before the plant flowers. This plant has shown resistance to some herbicides (Group 2 and Group 9).

Administration have been in communication with OMAFA's Chief Weed Inspector about the raised concern from farmers. The Inspector explained that "Noxious Weeds are listed under Regulation 1096, and can only be added and removed on that list by the Lieutenant

Governor in Council. This usually requires considerable persuasion by constituents. As an example, the list has only been changed once in the last 34 years and that was because of significant public pressure to remove milkweed from the list for the protection of the Monarch Butterfly.”

The proposed direction received is to have Council pass a By-law designating Canada Fleabane as a Local Weed under section 10 (1), (2), (3) of the Weed Control Act. This will give Township appointed Weed Inspectors the ability to enforce the removal of the weed under the Act.

Once a By-law is passed by Council it will need to be approved by the Minister, as per the Weed Control Act section 10 (3), before it can come into effect.

The regulation of a Noxious Weed has various legal, enforcement, and policy implications that require further research before Administration recommends the designation of “Fleabane” as a Noxious weed. Administration is proposing a limited public consultation period for very early 2025 regarding the addition of fleabane to the local weed by-law and enforcing its removal. Engagement ought to be undertaken whenever a change is being made to a regulatory by-law or a new regulatory by-law is introduced.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

INTER-DEPARTMENTAL COMMENTS:

This report has been reviewed by the CAO, the Director of Finance and the Clerk’s office.

CONCLUSION:

In summary, Administration recommends that Council direct staff to conduct a limited public consultation period regarding regulating “Fleabane”. Administration will then review public feedback return to Council with a report to consider revisions to the Bylaw.

Prepared & Submitted by:

Tray Benish, CRS-S
Manager of Operations

Mike DiPaola, P.Eng.
Director of Public Works and Recreation

Approved by:

Truper McBride
Chief Administrative Officer

DATE: November 18, 2024

REPORT NO: PW-26-2024

SUBJECT: **Supply and Delivery of Fuel Products - Tender Authorization**

CONTACT: Tray Benish, CRS-S, Manager of Operations
Mike Dipaola, P. Eng., Director of Public Works & Engineering

OVERVIEW:

- As part of regular operations; the Township uses approximately \$178,000 worth of fuel products annually.
- In order to benefit from economies of scale, a joint tender was completed with fifteen (15) municipalities/agencies in Niagara Region through the Niagara Public Purchasing Committee (NPPC) working group.
- The joint tender closed on August 7, 2024 with two bid submissions.
- Administration recommends acceptance of the tender submitted by Canada Clean Fuels Inc. for a three (3) year term, ending in September 2027

RECOMMENDATION:

1. That, Recommendation Report PW-26-2024, titled “Supply and Delivery of Fuel Products – Tender Authorization”, dated November 18, 2024 be received; and,
2. That, Council accepts the tender submission from Canada Clean Fuels Inc. for a three (3) year term, ending in September 2027.

ALIGNMENT TO STRATEGIC PLAN:

Theme #1

- Build a safe, connected, caring and active community

Theme #4

- Foundational: Advance organizational capacity and effectiveness

BACKGROUND:

As part of the regular operations for the Township, fuel products are required for vehicles, equipment and tools. Annually the total costs for fuel products are approximately \$178,000. The fuel types include unleaded gasoline, clear diesel, and dyed diesel.

In order to benefit from ‘economies of scale’ pricing; the Township has historically entered into a joint procurement opportunity through the Niagara Public Purchasing Committee (NPPC), which includes other municipalities and agencies in the Niagara Region. This process was used again for this tender, and included the following municipalities and agencies; Brock University, Town of Grimsby, Niagara Region, Niagara Transit Commission, Niagara Parks Commission, City of Niagara Falls, City of Port Colborne, City of St. Catharines, City of Welland, Welland Hydro, Town of Fort Erie, Town of Lincoln, City of Thorold, Township of West Lincoln, and Niagara Peninsula Conservation Authority.

CURRENT SITUATION:

The Township receives fuel deliveries to the Public Works yard (6218 London Road) and is stored in above ground fuel tanks. The fuel products include unleaded gasoline, clear diesel, and dyed diesel. The fuel is used by many departments throughout the Township including Public Works, Parks and Recreation, Building and By-Law, and the Fire Department. Fuel consumption varies from year to year depending on the Township maintenance activities, emergency calls, and operations.

A joint tender was circulated for the Supply and Delivery of Fuel Products, which was led by the City of Welland on behalf of participating agencies in the NPPC. The tender closed on August 7, 2024. The term of the contract is two (2) years, with an optional third year, extending to September 2027. Two (2) tender submissions were received by the tender closing date of August 7, 2024. The City of Welland will enter into an agreement with the vendor on behalf of the participating agencies included in the tender.

Fuel rates fluctuate daily depending on the cost of crude oil. Since this is a factor in submitting a bid, it was outlined in the tender document that every bid submission had to provide their fuel rates, including their discounts, on a specified date so the discounts that each company offered could be compared using the same date.

The annual estimated quantities for each fuel type are based off of the previous five year average. The estimated annual costs were calculated by; taking the estimated fuel quantities and multiplying them by the submitted fuel rates including the Provincial, Federal and Carbon Taxes. The table below outlines the results:

| Company | Fuel Type | Estimated Quantities per year | Estimated Annual Cost |
|----------------|------------------|--------------------------------------|------------------------------|
| 1. Canada | Unleaded Gas | 40,000 Litres | |

| | | | |
|---------------------------|---|---|-----------|
| Clean Fuels Inc. | Clear Diesel Dyed Diesel | 40,000 Litres 59,000 Litres | \$177,200 |
| 2. Suncor Energy Products | Unleaded Gas Clear Diesel Dyed Diesel | 40,000 Litres 40,000 Litres 59,000 Litres | \$189,060 |

Based on the submitted pricing in the above table, Administration is recommending awarding the Supply and Delivery of Fuel Products to Canada Clean Fuels Inc. for the three (3) year term.

FINANCIAL IMPLICATIONS:

Fuel purchases are funded through the Operational Budget and costs are estimated to be approximately \$178,000 annually. There are sufficient funds in the Township’s approved Operations Budget to award this Tender.

INTER-DEPARTMENTAL COMMENTS:

This report was reviewed by the CAO, Director of Finance, and the Clerk.

CONCLUSION:

In summary, Administration recommends that the bid submission received from Canada Clean Fuels Inc. for the Supply and Delivery of Fuel Products for a three (3) year term, ending in September 2027 be accepted.

Prepared & Submitted by:

**Tray Benish, CRS-S
Manager of Operations**

**Mike DiPaola, P.Eng.
Director of Public Works & Recreation**

**Approved by:
Truper McBride, CAO**

