

MEETING NO: # 06 19
DATE: May 23, 2019
TIME: 3:00 p.m.
PLACE: Kelso Conservation Area, 5234 Kelso Rd., Milton, ON

AGENDA

	<u>PAGE #</u>
1. Acceptance of AMENDED Agenda as distributed.	
2. Disclosure of Pecuniary Interest for Board of Directors	
3. Presentations:	
Milton Crossing Bridge Janelle Wepler, Associate Director, Engineering	
Technical Review of planning applications Kellie McCormack, Senior Manager, Planning & Regulations	
4. Consent Items	
Roll Call & Mileage	
Approval of Source Protection Authority Meeting minutes dated April 25, 2019	4-6
Approval of Conservation Halton Board Meeting minutes dated April 25, 2019	7-12
Meeting Provincial Priorities for Reducing Regulatory Burdens Report #: CHBD 05 19 10 (AMENDED-April 25, 2019)	13-22
Proposed Amendments to the Conservation Authorities Act and Regulations for Development Permits Report #: CHBD 05 19 11 (AMENDED-April 25, 2019)	23-28
Provincial Cutbacks to Conservation Authorities for Flood Forecasting and Control Report #: CHBD 05 19 12 (AMENDED-April 25, 2019 , included letter to Ministry of Natural Resources)	29-33
Briefing Memos: Kelso Dam Update Report: # CHBD 06 19 01	34-35
Technical Review of planning applications Report: # CHBD 06 19 02	36-39

PAGE #

- | | | |
|-----------------------------|--|-------|
| 4.1 | Bill 108, More Homes, More Choices Act, 2019
CH File No.: PPO 056
Report: # CHBD 06 19 05 | 3-7 |
| 4.2 | Bill 108, More Homes, More Choices Act, 2019
Schedule 2 Conservation Authorities Act
CH File No.: PPO 056
Report: # CHBD 06 19 06 | 8-10 |
| 4.3 | Modernizing Ontario's Environmental Assessment Program
Report: # CHBD 06 19 07 | 11-13 |
| 5. Action Items | | |
| 5.1 | Proposed construction of a new dwelling within 7.5 metres of the floodplain associated with Lower Morrison Creek, 200 Morrison Road, Town of Oakville, Regional Municipality of Halton.
Report #: CHBD 06 19 03 | 40-44 |
| 5.2 | Milton Flood Conveyance Channel – Carriage Square Pedestrian Bridge
Report #: CHBD 06 19 04 | 45-48 |
| 5.3 | Proposed Excess Soil Regulatory Proposal and amendments to Record of Site Conditions Regulation, ERO #013-5000;
and,
Holding polluters accountable by enhancing Ministry of Environment, Conservation and Parks' enforcement, ERO #019-0023
Report: # CHBD 06 19 08 | 14-23 |
| 5.4 | Bill 108 (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the Planning Act
ERO # 019-0016; CH File No.: PPO 056
Report =: # CHBD 06 19 09 | 24-33 |
| 6. CAO Verbal Update | | |
| 7. Other Business | | |
| 7.1 | Conservation Halton Foundation Update | |
| 8. Adjournment | | |

REPORT TO: Board of Directors

REPORT NO: # CHBD 06 19 05

FROM: Barbara J. Veale, Director, Planning and Watershed Management

DATE: May 23, 2019

SUBJECT: **Bill 108, *More Homes, More Choices Act, 2019***
CH File No.: PPO 056

Recommendation

THAT the Conservation Halton Board of Directors **receive for information the report entitled “Bill 108, *More Homes, More Choices Act, 2019*”**;

Executive Summary

On May 2, 2019, Bill 108, the *More Homes, More Choices Act, 2019* received First Reading. The Bill is expected to be approved in early June. Bill 108 proposes sweeping changes to the land use planning regime in Ontario by repealing many of the amendments introduced in Bill 139 (the *Building Better Communities and Conserving Watersheds Act, 2017*) and adding new modifications to 13 different statutes, including the *Conservation Authorities Act*.

The provincial government is seeking consultation on proposed changes to the *Planning Act*, *Development Charges Act, 1997*, and *Ontario Heritage Act* through the Environmental Registry of Ontario by June 1, 2019. However, input is not being sought for any other legislative changes proposed under the new Act.

This report provides a very high-level summary of the proposed changes contained in Bill 108. The content of Bill 108 is subject to change, depending on the outcome of the debates which are in progress with the second reading, which began on May 8, 2019. In addition, the implementation of many aspects of the legislation will be contingent on the contents of regulations which are not yet available for review.

Comments regarding the changes proposed for the *Environmental Assessment Act*, *Conservation Authorities Act*, and *Planning Act* have been prepared by Conservation Halton (CH) staff and are outlined in separate reports to the Board of Directors.

Report

On May 2, 2019, Bill 108, the *More Homes, More Choices Act, 2019* received First Reading. It is currently in the midst of Second Reading before going to Committee. Bill 108 proposes sweeping changes to the land use planning regime in Ontario by repealing many of the amendments introduced in Bill 139 (the *Building Better Communities and Conserving Watersheds Act, 2017*) and adding new modifications to 13 different statutes, including the *Conservation Authorities Act*. The changes have

been proposed ostensibly to encourage a mix of housing to address affordability concerns as well as to provide quicker approvals and more certainty around the costs associated with development.

The provincial government is seeking consultation on proposed changes to the *Planning Act*, *Development Charges Act, 1997*, and *Ontario Heritage Act* through the Environmental Registry of Ontario by June 1, 2019. However, input is not being sought for any other legislative changes proposed under the new Act.

The following provides a summary of the most significant changes being proposed to the Planning Act, Local Planning Appeals Tribunal, Development Charges Act, Endangered Species Act, Environmental Assessment Act, and the Conservation Authorities Act. The implications of changes proposed for the *Environmental Assessment Act*, *Conservation Authorities Act*, and *Planning Act* in Bill 108 on Conservation Halton programs and services are outlined in separate reports to the Board of Directors.

Planning Act

The key changes to the *Planning Act* include:

- Permitting two residential units in detached, semi-detached or rowhouses, as well as one residential unit in an ancillary building structure;
- Applying inclusionary zoning policies (policies which allow lower- and moderate- income households to buy or rent property in middle- and upper-income neighbourhoods) to areas such as major transit station areas, where a community planning permit system is required by the Minister of Municipal Affairs and Housing;
- Reducing decision timelines for:
 - Official Plans from 210 to 120 days
 - Zoning By-laws from 150 to 90 days
 - Plans of Subdivision from 180 to 120 days;
- Expanding grounds for appeal and reverting back to a single appeal process through the Local Planning Appeal Tribunal (LPAT), giving the Tribunal the authority to render a final decision;
- Restricting third party appeal rights for subdivision and non-decisions of official plans or amendments thereto; and
- Introducing a new Community Benefits Charge system to replace density bonusing provisions, capping the amount of the charge based on land values (prescribed by regulation) and giving the Province the authority to exempt certain types of development from the charge.

Local Planning Appeal Tribunal Act

While the LPAT will retain its name, many of the proposed changes will result in the tribunal functioning like the former Ontario Municipal Board. Changes proposed include:

- Expanding a party's ability to introduce evidence or call or examine witnesses;
- Providing for mandatory mediation or other dispute resolution processes in specified circumstances;
- Allowing the LPAT to limit any examination or cross-examination of a witness in specific circumstances; and
- Limiting the submissions by non-parties to a proceeding to written submissions only, but providing the Tribunal with the authority to examine such parties.

To deal with the backlog of cases that are currently before LPAT, the provincial government has increased funding to LPAT by \$1.4 million for hiring more adjudicators.

Development Charges Act, 1997

Changes to the *Development Charges Act, 1997* are intended to provide the development community with more certainty about the amounts that are to be paid to the municipality and to promote a broader mix of housing types. Key changes include:

- Providing exemptions for second dwelling units in new residential buildings, and the ability to exempt other classes of dwelling units as may be prescribed;
- Providing for additional services to be included in a development charge by-law as may be prescribed;
- Establishing the date for calculation of the charge as the day when the site plan application or zoning by-law amendment is filed; and
- Prescribing a different payment regime for industrial, commercial, institutional, rental and non-profit housing based on the date of first occupancy over six installments.

Environmental Assessment Act

To streamline infrastructure approvals, the provincial government has proposed changes to the Environmental Assessment Act, including:

- Adding several new sections relating to class environmental assessments, including exemptions for specific categories of “low risk” provincial or municipal undertakings and the process for governing amendments related undertakings;
- Giving the Minister the authority to amend an approved class environmental assessment with written reasons, but not before adequate public notice and opportunities for public comment has been provided; and
- Specifying when the Minister can issue orders to comply

Endangered Species Act

Significant changes are being proposed for the Endangered Species Act regarding how protected species are identified, and how species and their habitats are protected. Consideration of the condition of a species both inside and outside of Ontario will be considered in determining the level of protection that may be required. Changes include:

- Extending the time frame to create a regulation to add a species on the Species at Risk in Ontario List from 3 months to 12 months;
- Enabling the Minister to make a regulation to suspend a prohibition for up to three years for an endangered or threatened species listed for the first time;
- Enabling the Minister to enter into agreements which would authorize a person to engage in otherwise prohibited activities provided that certain criteria are met;
- Giving the Minister the power to make regulations limiting the application of the prohibitions with respect to a species;
- Giving the Minister the power to order a person not to engage in any activity or to stop engaging in an activity that might have a significant adverse effect on a species listed on the Species At Risk in Ontario list as an extirpated, endangered or threatened species;

- Recognizing that the Minister must be satisfied that certain regulations made are not likely to jeopardize the survival of a species listed as an endangered or threatened species or to have any significant adverse effect on the species; and
- Establishing a Species at Risk Conservation Fund and an agency to manage and administer the Fund

Agreement may include a payment of a “species conservation charge” which would be paid to The Species at Risk Conservation Fund, which would be used to protect or recover funded species.

Conservation Authorities Act

Proposed changes to the Conservation Authorities Act deal specifically with governance matters and the types of programs and services that conservation authorities can deliver on behalf of the Province or municipalities and how these programs and services would be funded. Key changes include:

- Clarifying that it is the duty of all conservation authority Board members to act in the best interest of the conservation authority;
- Establishing that the core mandate of conservation authorities is hazard management, conservation and management of conservation authority owned lands; drinking water source protection, and protection of the Lake Simcoe watershed and the administration of other legislation as prescribed;
- Establishing a process and timeline for conservation authorities and municipalities to enter into agreements for the delivery of municipal and non-mandatory programs and services;
- Increasing transparency in how programs and services on behalf of municipalities are paid for;
- Enabling the Province to hire an investigator to audit a conservation authority

This report provides a very high-level summary of the proposed changes contained in Bill 108. The content of Bill 108 is subject to change, depending on the outcome of the debates are in progress with the second reading, which began on May 8, 2019. In addition, the implementation of many aspects of the legislation will be contingent on the contents of regulations which are not yet available for review.

Comments regarding the changes proposed for the *Environmental Assessment Act*, *Conservation Authorities Act*, and *Planning Act* have been prepared and are outlined in separate reports to the Board of Directors.

Impact on Strategic Goals

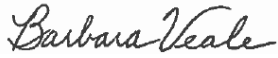
This report supports the Metamorphosis strategic themes of Taking care of our growing communities; Protecting our natural, cultural, and scenic assets; and Protecting our natural, cultural, and scenic assets. The theme is supported by the objective to remain dedicated to ecosystem-based watershed planning that contributes to the development of sustainable rural, urban and suburban communities.

Financial Impact

The proposed changes outlined in Bill 108 have significant implications for how Conservation Halton will deliver and fund certain programs and services on a watershed basis. The nature and extent of these impacts are currently unclear.

Signed & respectfully submitted:

Approved for circulation:



Barbara J. Veale, Ph.D., MCIP, RPP
Director, Planning and Watershed Management



Hassaan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT: Barbara J. Veale, 905.336.1158 x 2273; bveale@hrca.on.ca

REPORT TO: Board of Directors

REPORT NO: # CHBD 06 19 06

FROM: Barbara J. Veale, Director, Planning and Watershed Management

DATE: May 23, 2019

SUBJECT: **Bill 108, *More Homes, More Choices Act, 2019***
Schedule 2, Conservation Authorities Act
CH File No.: PPO 056

Recommendation

THAT the Conservation Halton Board of Directors **receive for information the report entitled “Bill 108, More Homes, More Choices Act, 2019 Schedule 2, Conservation Authorities Act”**.

Report

On May 2, 2019, Bill 108, the *More Homes, More Choices Act, 2019* received First Reading and is currently in the midst of Second Reading. The Bill is expected to be approved in early June. Bill 108 proposes sweeping changes to the land use planning regime in Ontario by repealing many of the amendments introduced in Bill 139 (the Building Better Communities and Conserving Watersheds Act, 2017) and adding new modifications to 13 different statutes, including the *Conservation Authorities Act*.

Proposed changes to the *Conservation Authorities Act* deal specifically with governance matters and the types of programs and services that conservation authorities can deliver on behalf of the Province or municipalities and how these programs and services would be funded. Key changes include:

- Clarifying that it is the duty of all conservation authority Board members to act in the best interest of the conservation authority;
- Establishing that the core mandate of conservation authorities is hazard management, conservation and management of conservation authority owned lands; drinking water source protection, and protection of the Lake Simcoe watershed and the administration of other legislation as prescribed;
- Establishing a process and timeline for conservation authorities and municipalities to enter into agreements for the delivery of municipal and non-mandatory programs and services;
- Increasing transparency in how programs and services on behalf of municipalities are paid for; and
- Enabling the Province to hire an investigator to audit a conservation authority.

Conservation Halton has already responded to the Ministries of Environment, Conservation and Parks and Natural Resources and Forestry with respect to proposed changes to the *Conservation Authorities Act* posted to the Environmental Registry in April 2019. Further solicitation of comments through Bill 108 is limited to the *Planning Act*, *Development Charges Act* and *Endangered Species Act*.

As soon as Bill 108 was posted, Conservation Ontario requested that conservation authorities review the proposed changes to the *Conservation Authorities Act* immediately, with the goal of consolidating comments and submitting them to the Province through the ERO posting and presenting them on behalf of conservation authorities to the Standing Committee, if possible. Conservation Halton submitted comments to Conservation Ontario on May 7, 2019. Conservation Ontario submitted the attached comments to the Province through the ERO on May 10, 2019. The submission highlighted 6 key recommendations:

1. THAT Schedule 2 *Conservation Authorities Act* (CAA) of Bill 108 be deferred from enactment to provide CAs with an adequate opportunity to consult with their member municipalities
2. THAT the mandatory programs and services [proposed Section 21.1 (1)], to be prescribed in regulation, be supported and include the addition of: Conserving natural resources
3. THAT the scope of standards and requirements to be prescribed in regulations capture all key elements of the mandatory program and service area, as well as, foundational watershed management and climate change adaptation activities required to support a CA's ability to deliver on the mandatory program and service while respecting the fact that all eligible activities may not be relevant for every watershed

AND THAT these be developed in consultation with conservation authorities, municipalities, and other stakeholders.

4. THAT the government remove the requirements for individual Municipal Council budget agreement for watershed-based programs called "other programs and services"/ non-mandatory AND THAT updates to the municipal levy regulation and training be developed in collaboration with conservation authorities and municipalities
5. THAT the Province continue to invest in the core mandatory programs and services to be delivered by conservation authorities and support CA eligibility for other provincial funding programs
6. THAT core mandatory programs may be applied to municipal levy or could utilize other sources of revenue.

Impact on Strategic Goals

This report supports the Metamorphosis strategic themes of Taking care of our growing communities; Protecting our natural, cultural, and scenic assets; and Protecting our natural, cultural, and scenic assets. The theme is supported by the objective to remain dedicated to ecosystem-based watershed planning that contributes to the development of sustainable rural, urban and suburban communities.

Financial Impact

The proposed changes outlined in Bill 108 have significant implications for how Conservation Halton will deliver and fund certain programs and services on a watershed basis. The nature and extent of these implications are unclear until more specific information is available regarding which programs and services are considered core v. non-mandated and how much financial support will be available from the Province for administering and delivering mandated programs and services.

Signed & respectfully submitted:

Approved for circulation:

Barbara Veale

Barbara J. Veale, Ph.D., MCIP, RPP
Director, Planning and Watershed Management

Hassan Basit

Hassan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT: Barbara J. Veale, 905.336.1158 x 2273; bveale@hrca.on.ca

REPORT TO: Board of Directors

REPORT NO: # CHBD 06 19 07

FROM: Barbara J. Veale, Director, Planning and Watershed Management

DATE: May 23, 2019

SUBJECT: **Modernizing Ontario's Environmental Assessment Program**

Recommendation

THAT the Conservation Halton Board of Directors **receive for information the report entitled "Modernizing Ontario's Environmental Assessment Program."**

Report

On April 25, 2019, the Ministry of Environment, Conservation and Parks (MECP) posted two notices on the Environmental Bill of Rights Registry (ERO) regarding environmental assessments in Ontario: A discussion paper on a "modern vision" for Ontario's environmental assessment program (ERO number 013-5101), and a notice of proposed changes to the *Environmental Assessment Act* (ERO 013-5102).

On May 2, 2019, the Minister of Municipal Affairs and Housing introduced into the Ontario Legislature *Bill 108 - More Homes, More Choice Act, 2019*, which includes specific amendments to the *Environmental Assessment Act*.

The Ontario government is proceeding with amendments to the *Environmental Assessment Act* that will:

- Exempt certain activities deemed low risk from Class Environmental Assessments, including construction of new culverts, and construction of multi-use paths and cycling facilities within existing right of ways. Previously, these projects were considered "pre-approved" under the Municipal Class Environmental Assessment process, and did not require consultation, only basic public notification. Other projects, including new roads and bridges, will continue to be subject to the Municipal Class Environmental Assessment process.
- Make changes to the "bump-up" process for environmental assessments, in which a request can be made to the Minister for a proposed project to be subject to a higher level of assessment. A bump-up request will only be considered regarding matters of "provincial importance", including Aboriginal/treaty rights, and significant wetlands. Bump-up requests will only be considered from those who are resident in Ontario.

In addition, the Ontario government may implement further legislative and non-legislative policy changes in the future related to environmental assessments. The discussion paper proposes to:

- Ensure better alignment between the level of assessment and level of environmental risk associated with a project;
- Not require projects to complete provincial environmental assessments when a federal environmental assessment is required;

- Eliminate environmental assessment requirements for project types in which similar requirements exist in other legislation, regulation, or approvals processes;
- Add timelines to reviews from all government agencies involved;
- Allow applicants to initiate other approval processes during the environmental assessment process; and,
- Go digital by permitting online submissions.

To streamline infrastructure approvals, the provincial government has proposed changes to the *Environmental Assessment Act* as part of Bill 108, including:

- Adding several new sections relating to class environmental assessments, including exemptions for specific categories of “low risk” provincial or municipal undertakings and the process for governing amendments related undertakings;
- Giving the Minister the authority to amend an approved class environmental assessment with written reasons, but not before adequate public notice and opportunities for public comment has been provided; and
- Specifying when the Minister can issue orders to comply

Exemptions proposed as part of the changes relate to low risk schedules, groups or categories which are associated with several class environmental assessments. These low risk activities are typically associated with operation of facilities, maintenance and administration. A class environmental assessment is a document that sets out a standardized planning process for classes or groups of activities. It applies to projects that are carried out routinely and have predictable environmental effects that can be readily managed. It is proposed that the following undertakings be exempt from the *Environmental Assessment Act*:

- Group A of the GO Transit Class Environmental Assessment Document approved by the Lieutenant Governor in Council on December 13, 1995 under Order in Council 2316/1995;
- Group D of the Class Environmental Assessment for Provincial Transportation Facilities approved by the Lieutenant Governor in Council on October 6, 1999 under Order in Council 1653/1999;
- Schedules A and A+ of the Municipal Class Environmental Assessment approved by the Lieutenant Governor in Council on October 4, 2000 under Order in Council 1923/2000;
- Category A of the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on June 26, 2002 under Order in Council 1381/2002;
- Category A of the Class Environmental Assessment Process for Management Board Secretariat and Ontario Realty Corporation approved by the Lieutenant Governor in Council on April 28, 2004 under Order in Council 913/2004;
- Category A of the Class Environmental Assessment for Provincial Parks and Conservation Reserves approved by the Lieutenant Governor in Council on September 23, 2004 under Order in Council 1900/2004; and
- Category A of the Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act approved by the Lieutenant Governor in Council on December 12, 2012 under Order in Council.

Exemptions to the *Environmental Assessment Act* are also proposed for Class Environmental Assessments based on evaluation of screening criteria for MNRF Resource Stewardship and Facility

Development Projects, Management Board Secretariat and Ontario Realty Corporation, Provincial Parks and Conservation Reserves, Ministry of Northern Development and Mines under the *Mining Act*, and Minor Transmission Facilities of Hydro One.

Conservation Halton is supportive of the proposed changes to streamline requirements for low risk undertakings under a revised *Environmental Assessment Act*. Low risk activities which are proposed within areas regulated by conservation authorities will still require approval. Undertakings carried out by provincial agencies or crown corporations within regulated areas are not required to obtain approval from conservation authorities now. In some cases, CH staff works with provincial staff to voluntarily participate in the regulatory review process.

The province is accepting comments on these proposed changes from the public until May 25, 2019. Conservation Ontario will be submitting comments on behalf of all conservation authorities through the ERO postings. Conservation Halton staff provided input to Conservation Ontario in this regard and will not be submitting a separate submission.


Impact on Strategic Goals

This report supports the Metamorphosis strategic themes of Taking care of our growing communities; Protecting our natural, cultural, and scenic assets; and Protecting our natural, cultural, and scenic assets. The theme is supported by the objective to remain dedicated to ecosystem-based watershed planning that contributes to the development of sustainable rural, urban and suburban communities.

Financial Impact

There is no financial impact to this report.

Signed & respectfully submitted:



Barbara J. Veale, Ph.D, MCIP, RPP
Director, Planning and Watershed Management

Approved for circulation:



Hassaan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT: Barbara J. Veale, 905.336.1158 x 2273; bveale@hrca.on.ca

REPORT TO: Board of Directors

REPORT NO: CHBD 06 19 08

FROM: Barbara J. Veale, Director, Planning & Watershed Management

DATE: May 23, 2019

SUBJECT: **Proposed Excess Soil Regulatory Proposal and amendments to Record of Site Conditions Regulation, ERO #013-5000;**

and,

Holding polluters accountable by enhancing Ministry of Environment, Conservation and Parks' enforcement, ERO #019-0023

Recommendation

THAT the Conservation Halton Board of Directors **receive for information the report entitled “Excess Soil Registry Proposal and amendments to Record of Site Conditions Regulation; and, Holding polluters accountable by enhancing Ministry of Environment, Conservation and Parks’ enforcement”;**

And

THAT the Conservation Halton Board of Directors **direct Conservation Halton staff to provide the attached letter as formal response to the Province on the proposed Excess Soil Regulatory Proposal and Amendments to Record of Site Condition (ERO #013-5000);**

And

THAT the Conservation Halton Board of Directors **direct Conservation Halton staff to circulate the above mentioned letter to Conservation Halton’s area municipalities, neighbouring conservation authorities and Conservation Ontario for information purposes.**

Executive Summary

The Ministry of the Environment, Conservation and Parks (MECP) posted the *Excess soil regulatory proposal and amendments to Record of Site Condition (Brownfields) Regulation (ERO #013-5000)* to the Environmental Registry on May 1, 2019 for public review and comment by May 31, 2019. The posting includes:

- A proposed new excess soil regulation to clarify the requirements for the reuse of excess soil, providing clear, risk-based options for safe reuse (On-Site and Excess Soil Management Regulation);
- Amendments to O. Reg 153/04 (Record of Site Condition Regulation)

- Amendments to O. Reg 347 (General – Waste Management)
- A proposed document to be adopted by reference in the On-Site and Excess Soil Management Regulation titled “Rules for On-Site and Excess Soil Management”
- A Beneficial Reuse Assessment Tool (BRAT) to allow a qualified person to generate site specific standards using a spreadsheet model.

In addition to this posting, the MECP is also consulting on the proposal *Holding polluters accountable by enhancing Ministry of the Environment, Conservation and Parks’ enforcement tools (ERO #019-023)*. The posting contains proposed amendments to the *Environmental Protection Act* that would enable administrative penalties for a broad range of environmental violations under the act, and permit and modernize the process to seize vehicle plates when serious environmental violations occur.

Conservation Halton (CH) staff has reviewed each of the postings and has drafted a response to the provincial government for ERO Posting #013-5000. Given that the commenting period closes before the next CH Board of Directors’ meeting, staff is seeking Board endorsement of the draft letter. While staff supports the intent of many of the proposed changes, the current proposals appear to take a narrow approach to natural hazard management and fails to recognize the important role that CAs play in regulating excess fill.

Report

On May 1, 2019, the Province posted two notices on the Environmental Registry:

1. ERO Posting #013-5000 – Excess Soil regulatory proposal and amendments to Record of Site Conditions (Brownfield) Regulation
2. ERO Posting #019-0023 – Holding polluters accountable by enhancing Ministry of the Environment, Conservation and Parks’ enforcement

The above notices were posted by the MECP for 30 days with the commenting period closing on May 31, 2019.

The following report provides an overview of the information that has been presented within the Environmental Registry postings. CH staff has reviewed each of the postings and has drafted a response to the Province related to ERO Posting #013–5000 (Attachment 1) and ERO Posting #013-0023 (Attachment 2). Given that the commenting period closes before the next CH Board of Directors’ meeting, staff is seeking Board endorsement of the draft letter before submitting it to the MECP.

ERO Posting #013-5000 - Excess Soil regulatory proposal and amendments to Record of Site Conditions (Brownfield) Regulation

This new regulation, to be enacted by MECP under the existing provisions of the *Environmental Protection Act* (EPA), is the largest action the province is taking under the framework. In summary, the regulation would contain the following six key aspects:

1. Define Excess soil as a “Waste”

A waste designation has specific meaning under the EPA, allowing for legal obligations related to tracking and hauling to apply. Excess soil would be designated as a waste from the time it leaves the property from which it is excavated. The waste designation on excess soil would cease where it is deposited in accordance with a site specific instrument (i.e. local permit) that authorizes the deposition of soil at a receiving site (referred to as a reuse site in the draft regulation).

2. Require “Project Leaders” to be responsible for managing and relocating excess soil generated by their projects

Project leaders of certain developments generating excess soil would be required to conduct ‘excess soil management actions’ before any excess soil leaves the project area. These actions would be required if the project area has never been used for an industrial use or other specified commercial uses, the primary purpose of the project is to remediate contaminated land, or the project is located inside a settlement area and involves more than 2,000m³ of excess soil leaving the project area. Undertaking excess soil management actions would involve certain requirements including, in some cases, characterizing the soil to determine the concentrations of contaminants in the soil. It would also include identifying appropriate receiving sites and tracking excess soil movements. Key actions would be required to be registered on a public registry. Excess soil characterization must be prepared or supervised by a Qualified Person (QP) and implemented by the project leader.

3. Require “Project Leaders” to prepare notices to a public registry

A Project leader would be required to prepare and file a notice on a public registry. The notice would include:

- A description of the project;
- A description of the project area including the municipal address of each property within the project area including the geographic coordinates
- Contact information of each project leader for a project, authorized agents and Qualified Persons;
- An estimate of how much soil will be removed from the project area by soil quality category;
- The name and contact information for the person ultimately responsible for the transportation of excess soil from the project area; and,
- An identification, including the municipal address, of each reuse site at which the excess soil is intended to be deposited for the purpose of final placement of soil including the type of property use at the reuse site and the undertaking for which the excess soil is intended to be used.

4. Establish an Excess Registry and associated rules

The regulation would require an excess soil tracking system to be developed by a QP on behalf of the proponent. Amongst other information, the tracking system would be able to produce a record of the source(s) of excess soil, excess soil quality details and intended reuse site(s). In order to help ensure that excess soil is tracked from a project area to a receiving site, a driver transporting a load of excess soil would be required to produce an excess soil hauling record upon request. A cumulative record of excess soil movement would be required to record the total amount of excess soil and the quality of the soil that has been moved to each reuse site at any point in time.

5. Provisions for Operators of Reuse Sites

Section 13 of the proposed regulation contains specific rules for operators of reuse sites, which is defined as sites where at least 10,000m³ (i.e. 1000 dump trucks) of excess soil is expected to be delivered for final placement in respect of an undertaking. In these instances, reuse site operators would be required to file a notice on the Registry, procedures must be established and implemented to account for every load of excess soil for final placement and to ensure that storage for final placement 'does not cause an adverse effect.'

6. Transitional Phase-in Proposed

It is proposed that the regulatory proposal be phased in over time.

- Excess soil provisions related to more flexible reuse rules and waste designation and approvals would come into effect in January 2020.
- Aspects of the excess soil regulation related to soil management planning (e.g. sampling, tracking and registration) would come into effect no later than January 2021.
- Restrictions on using excess soil in landfills would come into effect in January 2022 allowing time to ensure alternate reuse approaches are available as needed.

ERO Posting #019-0023 – Holding polluters accountable by enhancing Ministry of the Environment, Conservation and Parks' enforcement

Also posted to the Environment Registry for comment are proposed amendments to the *Environmental Protection Act*, which would enable 'administrative penalties' for a broad range of environmental violations under that act, which would require further regulations to take effect. If passed, the regulations could provide for:

- A \$200,000 maximum administrative penalty per contravention, or higher if the economic benefit achieved via the violation was higher;
- Provisions for review and/or appeal and for reduction in amounts if violators take action to prevent or mitigate the contravention;
- Annual reporting.

A second initiative would permit and update the process the province uses to seize vehicle plates when serious environmental violations occur. Both of these initiatives would be limited to MECP enforcement officers.

Summary

CH appreciates that the provincial government recognizes the need to address excess fill within the province and is taking steps to manage excess soils in a responsible and transparent manner. However, based on the information presented in the Environmental Registry postings, there is no recognition of the regulatory and enforcement role that CAs play in areas regulated under the *Conservation Authorities Act* and very little direction regarding how the various agencies, including the Ministry, municipalities and the Province, should work together in dealing with compliance and enforcement issues.


Impact on Strategic Goals

This report supports the Metamorphosis strategic theme of taking care of our growing communities. The theme is supported by the objective to remain dedicated to ecosystem-based watershed planning that contributes to the development of sustainable rural, urban and suburban communities.

Financial Impact

There is no financial impact to this report.

Signed & respectfully submitted by:



Barbara J. Veale, Director, Planning and
Watershed Management

Approved for circulation by:



Hassaan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT: Barbara Veale, 905.336.1158 x 2273; bveale@hrca.on.ca

May 24, 2019

Sanjay Coelho
Environmental Policy Branch
Ministry of the Environment, Conservation and Parks
40 St. Clair Avenue West
Floor 10
Toronto, Ontario, M4V 1M2

BY EMAIL

**Re: ERO # 013-5000
Proposed On-Site and Excess Soil Management Regulation (to be made under
the Environmental Protection Act)**

Thank you for the opportunity to comment on ERO # 013-5000 related the above reference regulations proposal. Conservation Halton (CH) staff have reviewed the application and offer the following comments. Please note that comments are provided under the title of the section of which it is found in the proposed Regulation:

1. Designation as waste

This section (3.(1) 4. vi) mentions that excess soil will not be considered waste if it is approved under any other site-specific instrument under an Act of Ontario or Canada that may regulate the quality or quantity of soil that may be deposited for final placement at a reuse site. Consideration should be given to specifically mentioning the *Conservation Authorities Act* as the *Municipal Act*, *Aggregate Resources Act* and *Planning Act* are all mentioned. In areas where conservation authorities exist, they have permitting responsibilities regarding the placement or removal of fill, including excess soil.

2. Exemption from designation, if reuse governed by instrument

Section 28 of the *Conservation Authorities Act* is not referenced within the Regulation as a site specific instrument, even though the definition of development within that Act includes site grading and the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere. Without including Section 28 of the *Conservation Authorities Act*, the focus appears to be on quantity and quality of fill, without consideration given to impacts related to natural hazards. Inclusion of Section 28 of the *Conservation Authorities Act* should be considered.

Within this section it is also not clear how the Ministry of Environment, Conservation and Parks (MECP) will facilitate local regulatory capacity to ensure existing legislation (local) will be consistent with provincial rules.

3. Exemption from designation, if reuse site not governed by instrument

While it may be ideal to suggest that the quantity of excess soil to be deposited at the reuse site not exceed the quantity necessary for the beneficial purpose identified (5. 4), it may not be reasonable. There are times when 'extra' soil is proposed beyond 'the quantity necessary' for a site but, if undertaken appropriately, may not pose adverse impacts.

4. Before removing soil from project area

Some aspects of this section could cause an enforcement concern for other agencies as there are times that not all information listed is required by other agencies. For example, conservation authorities have requested confirmation that fill is 'clean' and meets applicable quality standards, but do not require the extent of details included here. The coordination of relevant agencies/legislation should be mentioned in all sections where it is applicable.

5. Operation of reuse site

Only reuse sites where at least 10,000 cubic metres of excess soil is expected to be delivered for final placement in respect of an undertaking. This should be considered a high threshold as it does not speak to reuse sites that work with undertakings of less than 10,000 cubic metres. Impacts to the environment and natural hazards can occur with far less than 10,000 cubic metres and large fill policies at conservation authorities speak to much smaller thresholds. A smaller threshold, such as 1000 cubic metres or less, should be considered.

It is noted that this section speaks to ensuring that storage of excess soil does not cause an adverse effect (13 (2) 3). However, mention of impacts to natural hazards such as erosion and flooding is not discussed (e.g., loss of storage or filling of features such as valleys). The impacts to natural hazards can be significant and should be considered in the proposed Regulation.

6. Registry, additional purposes

This proposal (i.e., "registry") is a positive step. However, it appears that consideration is yet to be given about how the Registry is administered, by whom, and how it is financed.

Amendments to O. Reg. 153/04 (Record of Site Condition)

Part II: Excess Soil Planning and Management Requirements

1. Excess Soil Destination Assessment Reports

Similar to the proposed Regulation, there is no mention of Section 28 of the *Conservation Authorities Act* in the discussion of applicable legal instruments (1. 5 vi). The assumption appears to be that the municipalities will take the lead on fill reuse sites. This does not take into consideration the amount of area regulated by conservation authorities which are not covered by Municipal Site Alteration By-laws.

2. Temporary Soil Storage Sites

Statement 3) in this section speaks to issues which must be managed. Consideration should be given to adding sedimentation (rather than just run off and erosion), as well as wildlife protection/exclusion.

Statement 3) is silent on floodplain hazards. Excess soils in the floodplain, even temporary, can cause significant conveyance issues during storm events, causing upstream and downstream flooding impacts.

Statement 6) states that excess soil should not come into direct contact with vegetation at the temporary soil storage facility. Some clarity or threshold for what is considered 'vegetation' is needed.

3. Soil Characterization Reports

The soil characterization report section recognizes the need for information related to the depth of water table and extraction below the water table. However, there is no mention of the sensitivity of the ground water and whether or not it is an important consideration linked to source water protection. Integration among the requirements of other plans, such as the Source Water Protection Plan, should be incorporated into the characterization report.

4. Part IV: Reuse of Excess Soil and Application of the Standards for Reuse of Excess Soil at Reuse Sites

This entire section is silent on natural hazards. There is an implication that an applicant could meet the requirements of this legislation, without considering other regulatory approvals. For example, the placement of excess soils in the floodplain is regulated by conservation authorities because a flood hazard could be created or aggravated by any placement. There should be better recognition and integration of the other regulatory approvals that need to be obtained.

Appendix 1: Generic Excess Soil Standards

The tables do not consider natural hazards such as flooding and erosion. The focus is on environmentally sensitive features. Natural hazards should be acknowledged and discussed.

The release of the draft excess soil Regulation under the *Environmental Protection Act* for public review and comment is welcome. Staff is pleased that the Province intends to take action in relation to excess soil. CH staff supports the proposed emphasis on source site regulation. However, there is still a need to ensure that all regulatory and approval agencies involved in addressing excess soils are coordinated.

We trust the above is of assistance. If you require additional information, please contact the undersigned at extension 2273.

Yours truly,

Barbara J. Veale
Director, Planning and Watershed Management

May 24, 2019

Andr  Martin
Compliance, Planning and Spills Action Centre
135 Clair Ave. West
8th Floor
Toronto, Ontario, M4V 1P5

BY EMAIL

Re: ERO number 019-0023
Holding polluters accountable by enhancing Ministry of the Environment, Conservation and Parks' enforcement

Thank you for the opportunity to comment on ERO number 019-0023 related to Holding polluters accountable by enhancing Ministry of Environment, Conservation and Parks' enforcement. Conservation Halton (CH) has reviewed the posting and offers the following.

The proposed amendments under the *Environmental Protection Act* would allow for additional administrative tools for a broad range of environmental violations including:

- A \$200,000 maximum administrative penalty per contravention, or higher if the economic benefit achieved via the violation was higher;
- Provisions for review and/or appeal and for reduction in amounts if violators take action to prevent or mitigate the contravention;
- Annual reporting.

Also proposed are additional enforcement tools including the ability for officers to seize vehicles when serious environmental violations occur. CH is supportive of these administrative and enforcement actions; however, notes that such powers are limited to MECP officers.

Conservation Authorities also have Provincial Offences Officers to deal with violations of regulations under the *Conservation Authorities Act*, including the placement or removal of fill, including excess soils, in regulated areas. To better coordinate and provide tools for enforcement, staff recommends that the unproclaimed enforcement provisions of the *Conservation Authorities Act* be proclaimed as soon as possible. These enforcement provisions would provide Conservation Authorities with enhanced abilities to address concerns regarding excess fill when it is illegally placed within hazardous lands and/or contrary to Section 28 of the *Conservation Authorities Act*.

Joint training among MECP Officers, conservation authority Officers, and municipal staff could be undertaken to encourage a coordinated approach to dealing with violations across the province.

We trust the above is of assistance. If you require additional information, please contact the undersigned at extension 2273.

Yours truly,

Barbara J. Veale, PhD, MCIP, RPP
Director, Planning and Watershed Management

DRAFT

REPORT TO: Board of Directors

REPORT NO: # CHBD 06 19 09

FROM: Barbara J. Veale, Director, Planning and Watershed Management

DATE: May 23, 2019

SUBJECT: **Bill 108 (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the Planning Act**
ERO # 019-0016
CH File No.: PPO 056

Recommendation

THAT the Conservation Halton Board of Directors **receive for information the report entitled Bill 108 (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the Planning Act;**

And

THAT the Conservation Halton Board of Directors **direct Conservation Halton staff to submit the attached draft letter to the Ministry of Municipal Affairs and Housing, as Conservation Halton’s formal response to the Province on the proposed changes to the Planning Act (ERO # 019-0016 Bill 108 (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the Planning Act);**

And

THAT the Conservation Halton Board of Directors **direct Conservation Halton staff to circulate Conservation Halton’s final submission to the Province to Conservation Halton’s area municipalities, neighbouring conservation authorities and Conservation Ontario for information purposes.**

Executive Summary

On May 2, 2019, Bill 108, the proposed *More Homes, More Choices Act, 2019* received First Reading. The Bill is expected to be approved in early June. Bill 108 proposes changes to 13 different statutes, including the *Planning Act*. The proposed changes to the *Planning Act* are intended to streamline development approvals processes and facilitate faster decisions, increase the certainty and predictability of the planning system, provide for a range and mix of housing options, boost housing supply, and address concerns about the land use planning appeal system, among other things.

The provincial government is seeking consultation on proposed changes to the *Planning Act*, through the Environmental Registry of Ontario, by June 1, 2019. Conservation Halton (CH) staff reviewed the posting and has drafted a response, focusing on the changes that will have the most significant implications for the programs and services of conservation authorities.

Problematic changes include a reduction in the timelines for decisions related to plans of subdivision and amendments to zoning by-laws or official plans and the requirement for municipalities to extend permissions for an additional residential unit in both the primary dwelling and an ancillary building or structure, without qualification.

Report

On May 2, 2019, Bill 108, the proposed *More Homes, More Choices Act, 2019* received First Reading. Bill 108 is currently in Second Reading and is anticipated to be approved in early June. Bill 108 proposes changes to 13 different statutes, including the *Planning Act*. The proposed changes are intended to streamline development approvals processes and facilitate faster decisions, increase the certainty and predictability of the planning system, provide for a range and mix of housing options, boost housing supply, and address concerns about the land use planning appeal system, among other things.

The provincial government is seeking consultation on proposed changes to the *Planning Act*, through the Environmental Registry of Ontario, by June 1, 2019. Given that the commenting period closes before the next CH Board of Directors' meeting, staff is seeking Board endorsement of the draft response before submitting it to the Province. CH staff reviewed the posting and has drafted response which can be found in Attachment 1. Staff's review has focused on the changes that will have the most significant implications for the programs and services of conservation authorities.

If passed, the proposed amendments to the *Planning Act*, would among other matters:

- Streamline development approvals processes by reducing decision timelines for municipalities and the province for:
 - Official Plans from 210 to 120 days
 - Zoning By-laws from 150 to 90 days
 - Plans of Subdivision from 180 to 120 days.
- Enable the Minister to mandate the use of the community planning permit system in areas specified by the Minister (e.g., specified major transit station areas and provincially significant employment zones);
- Focus the use of inclusionary zoning policies to protected major transit station areas and areas where the community planning permit system has been required by the Minister, rather than to the entire municipality;
- Limit third party appeals of plans of subdivision and approval authority non-decisions on official plans and official plan amendments;
- Require municipalities to extend permissions for an additional residential unit in both the primary dwelling and an ancillary building or structure;
- Establish a new authority that would enable municipalities to collect funds / contributions for community benefit purposes (e.g., libraries, daycare facilities and parks). A new Community Benefits Charge system would replace the existing density bonusing provisions known as section 37, development charges for discounted (soft) services under the *Development Charges Act, 1997* and, in some cases, parkland dedication. The new community benefit charges would be capped based on a portion of the appraised value of the land. The details of this cap would be set in regulation. There would also be regulation-making authority to exempt some types of developments from the new community benefits charge; and
- Allow the Local Planning Appeal Tribunal to make decisions based on the best planning outcome as part of a return to de novo hearings in all cases. This change would broaden the Tribunal's

jurisdiction over major land use planning matters (i.e., official plans and zoning by-laws and amendments) and would give the Tribunal the authority to make a final determination on appeals of such matters.

CH staff will continue monitor future postings and will report back to the Board of Directors if additional information is provided or if more changes are proposed by the provincial government.

Separate staff reports to the Board of Directors were prepared to summarize the key changes proposed in Bill 108, as well as the changes proposed for the *Environmental Assessment Act*, *Conservation Authorities Act*, and *Endangered Species Act* and the implication of these changes on Conservation Halton programs and services.

Implications of Proposed Changes to the *Planning Act* for Conservation Halton

CH participates in the municipal planning process through its role as a public commenting body under the *Planning Act* and in an advisory capacity as specified in the various Memoranda of Agreement between CH and its member municipalities. While many of the proposed changes to the *Planning Act* have limited direct impacts on CH, there are two proposed changes which may pose challenges.

First, the reduction in the timelines for the review of official plans, zoning by-laws and plans of subdivision may be problematic. To achieve shorter timelines, a multifaceted approach is needed to address some of the current challenges within the planning and development approval system. All parties, including the Province, municipalities, CAs and the development community, will need to evaluate and change their internal processes, practices and operations to realize improvements. Regardless, it will still be a challenge to meet the proposed timelines. Furthermore, some landowners may prefer to bring their application before LPAT instead of participating in front end planning or engaging in collaborative decision making or other forms of dispute resolution. Reducing timelines for planning decisions and allowing LPAT to make decisions based on the best planning outcome and the return to de novo hearings may result in more delays, rather than less.

Second, the proposal to allow an additional residential unit in both the primary dwelling and an ancillary building or structure should be qualified. It is inappropriate to promote new dwelling units within hazard areas such as floodplains and steep slopes, where the risk to life and property would be increased. It is also contrary to the Ontario Regulation 162/06 and the CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document*.

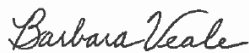
Impact on Strategic Goals

This report supports the Metamorphosis strategic themes of Taking care of our growing communities; Protecting our natural, cultural, and scenic assets; and Protecting our natural, cultural, and scenic assets. The theme is supported by the objective to remain dedicated to ecosystem-based watershed planning that contributes to the development of sustainable rural, urban and suburban communities.

Financial Impact

There are no financial implications resulting from this report. However, the proposed changes outlined in Bill 108 have significant implications for how Conservation Halton will deliver and fund certain programs and services on a watershed basis. The nature and extent of these impacts are currently unclear.

Signed & respectfully submitted:



Barbara J. Veale, Ph.D., MCIP, RPP
Director, Planning and Watershed Management

Approved for circulation:



Hassaan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT: Barbara Veale, 905.336.1158 x 2228; bveale@hrca.on.ca
Kellie McCormack, 905.336.1158 x 2228; kmccormack@hrca.on.ca

May 24, 2019

BY EMAIL AND MAIL

Planning Act Review
Provincial Planning Policy Branch
777 Bay Street, 13th floor
Toronto, ON M5G 2E5

Re: **Bill 108 (Schedule 12) – the proposed “More Homes, More Choice Act”:
Amendments to the Planning Act
ERO number 019-0016
CH File No.: PPO 056**

Conservation Halton (CH) has reviewed the above-referenced Environmental Registry posting and offers general comments below and more detailed comments in the attached table.

Conservation Authorities (CAs) participate in the municipal planning process through their role as public commenting bodies under the *Planning Act* and in an advisory capacity as specified in the various Memoranda of Agreement between CAs and their member municipalities. CAs have an important role to play in planning and development review and approval process and, through collaborative planning, CAs can assist the Province and local municipalities to make the process faster, more predictable and less costly.

Bill 108 (Schedule 12) proposes some sweeping changes to the *Planning Act*. From Conservation Halton’s perspective, there are two proposed amendments which pose real challenges to the planning process.

First, the reduction in the timelines for the review of official plans, zoning by-laws and plans of subdivision may be problematic. To achieve shorter timelines, a multifaceted approach is needed to address some of the current challenges within the planning and development approval system. All parties, including the Province, municipalities, CAs and the development community, will need to evaluate and change their internal processes, practices and operations to realize

improvements. For example, Conservation Halton (CH) has identified opportunities and implemented actions to streamline internal planning and permit review processes over the past few years, which aligns well with the Provincial government's objectives. Staff is working with its partner municipalities to clarify roles and responsibilities and to reduce duplication through updating Memoranda of Understanding. In addition, a BILD/CH Liaison Working Group was formed to explore opportunities for improving technical submissions and accelerating the permit review process.

CH is actively pursuing the identification and implementation of additional actions with partners and clients in order to deliver the best possible customer service. These include actions to:

- take a comprehensive, creative and collaborative approach early in the planning process to provide greater clarity and certainty around approvals, promote opportunities for innovation, enable complete applications and timely development and infrastructure approvals, and help to avoid costly and lengthy appeals to the Local Planning Appeal Tribunal (LPAT) or Mining and Lands Tribunal;
- promote more certainty through clear CH policies and guidelines; and
- co-ordinate with municipalities to further streamline approval processes under the *Planning Act*.

However, it will still be a challenge to meet the timelines proposed in Schedule 12. Furthermore, some landowners may prefer to bring their application before LPAT instead of participating in front end planning or engaging in collaborative decision making or other forms of dispute resolution. Reducing timelines for planning decisions and allowing LPAT to make decisions based on the best planning outcome and the return to de novo hearings may result in more delays, rather than less.

Second, the proposal to allow an additional residential unit in both the primary dwelling and an ancillary building or structure should be qualified. It is inappropriate to promote new dwelling units within hazard areas such as floodplains and steep slopes, where the risk to life and property would be increased.

We would be pleased to meet with the Province and other stakeholders to provide additional input to the content of the legislation or any future regulations or related policy proposals. Should you have any questions, please feel free to contact the undersigned.

Yours truly,

Barbara Veale, PhD, MCIP, RPP
Director, Planning and Watershed Management

Encl. 1 (comment table)

Bill 108 (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the Planning Act

Table 1: Proposed Amendments to the Planning Act

	Proposed Change	Conservation Halton Comments
A.	General Comments	The existing grounds for the appeal of zoning by-laws and OPAs in the existing Planning Act should be retained. These grounds include testing for consistency with PPS and conformity with Provincial Plans and OPs (for zoning by-laws). This approach enables municipal decision-makers to uphold the Provincial interest and eliminate frivolous, time consuming, and costly appeals to the LPAT.
B.	Streamline development approvals processes and facilitate faster decisions by reducing decision timelines for municipalities and the province to 120 days for official plans and amendments, 90 days for zoning by-laws and amendments (except where there is a concurrent official plan amendment) and 120 days for plans of subdivision	<p>To achieve shorter timelines, a multifaceted approach is needed to address some of the current challenges within the planning and development approval system. Changes will be needed to various aspects of the planning process and all parties, including the Province, municipalities, CAs and the development community, will need to evaluate and change their internal processes, practices and operations to realize improvements and to achieve the intended results.</p> <p>Unless the proposed changes to timelines are made hand-in-hand with changes to streamline the planning process, it is unlikely that the proposed legislative change will achieve its intended effect, as more applications are likely to be appealed to the LPAT for non-decision. Waiting for and participating in costly and time consuming hearings will result in further delays for a development approval.</p> <p>Some ideas for improving the planning process are:</p> <ul style="list-style-type: none"> • Front loading the planning process – In general, more effort expended upfront in the planning process leads to more certainty, opportunities for innovation, and timely planning approvals. Pre-consultation with the landowner, consultants and agencies prior to submission of an application is a useful way to ensure that all parties understand technical and policy requirements and timelines at the onset. The use of a design charrette prior to the submission of an application is one method to achieve this understanding. This approach leads to cooperation and coordination among parties, better quality technical submissions and quicker reviews. It also helps to avoid appeals to the Local Planning Appeal Tribunal (LPAT), thus avoiding further delays.

	Proposed Change	Conservation Halton Comments
		<ul style="list-style-type: none"> • Complete, good quality submissions – Many planning applications require technical studies to demonstrate how the proposed development can proceed in accordance with the regulations, policies, and regulatory requirements of the review agencies. It is not unusual for agencies to receive and review three (or more) technical submissions before concerns are appropriately addressed. Multiple or poor quality submissions increase the amount of staff time needed to review, prepare comments and attend meetings to sort out problems associated with applications. Good quality submissions, where agency requirements have been met, result in shorter review times, more timely approvals, and cost reductions in the short and long term for all stakeholders. • Clear policies and guidelines – Clear Provincial, municipal and conservation authority policies and guidelines helps to avoid ambiguity, conflict and unnecessary delay or duplication in the process. A set of modernized and updated Provincial technical guidelines, which provide guidance for the administration and implementation of Provincial policies, plans or regulations are necessary for municipal and conservation authority decision makers. Provincial guidelines, such as the natural heritage reference manual or natural hazard technical guides, are long overdue. • Greater communication and collaboration – As with any relationship, good communication and collaboration is the key to success. Providing forums to collaborate and openly share information and ideas leads to innovative design and good community planning. • High quality data, mapping and electronic tools – CAs, municipalities, the Province and landowners would all benefit from having access to better data and mapping. The provision of high quality data and mapping is critical for agencies to undertake efficient reviews and support timely municipal decision-making.
C.	<p>Increase the certainty and predictability of the planning system by:</p> <ul style="list-style-type: none"> • Enabling the Minister to mandate the use of the community planning permit system in areas specified by the Minister (e.g., specified 	<p>The community planning permit system is not a widespread practice in Ontario. Although there may be benefit to this type of system, it will take considerable time for municipalities to develop and implement such a system. This system would not yield immediate benefits for reduced planning approval timelines.</p>

	Proposed Change	Conservation Halton Comments
	<p>major transit station areas and provincially significant employment zones), and removing appeals of the implementing official plan amendment and, subject to regulation, the related by-law;</p> <ul style="list-style-type: none"> • Focusing the discretionary use of inclusionary zoning to protected major transit station areas and areas where the community planning permit system has been required by the Minister, which would facilitate the supply of affordable housing in areas that are generally subject to growth pressures, higher housing demand, and in proximity to higher order transit; and • Limiting third party appeals of plans of subdivision and approval authority non-decisions on official plans and official plan amendments. 	
D.	<p>Support a range and mix of housing options and boost housing supply by requiring municipalities to authorize an additional residential unit in both the primary dwelling and an ancillary building or structure.</p>	<p>An additional residential dwelling in a primary dwelling or an ancillary building or structure located within a natural hazard (flood plain, steep slope, hazardous land, wetland) is not appropriate. These areas pose a high risk to life and property. Allowing additional residential units in these areas would put more people and property at risk. The proposed legislation should be amended to specify that additional residential units are supported <u>only</u> in areas that are not subject to natural hazards.</p>
E.	<p>Make charges for community benefits more predictable by establishing a new authority that would enable municipalities to collect funds / contributions for community benefit purposes (e.g. libraries, daycare facilities and parks). This tool would replace the existing density</p>	<p>This change will affect a municipality’s ability to create complete communities, which includes the provision of parks, greenspaces and green infrastructure. The proposed change does not recognize that parks and greenspaces are important components of green infrastructure which helps the Province achieve many of its objectives related to natural hazard management and the protection of natural heritage and water resources.</p>

	Proposed Change	Conservation Halton Comments
	<p>bonusing provisions known as section 37, development charges for discounted (soft) services under the <i>Development Charges Act, 1997</i> and, in some cases, parkland dedication.</p> <ul style="list-style-type: none"> • A cornerstone of the new authority is that community benefit charges would be capped based on a portion of the appraised value of the land. The details of this cap would be set in regulation. • There would also be regulation-making authority to exempt some types of developments from the new community benefits charge. 	
<p>F.</p>	<p>Allow the Local Planning Appeal Tribunal to make decisions based on the best planning outcome as part of a return to de novo hearings in all cases. This change would broaden the Tribunal’s jurisdiction over major land use planning matters (i.e., official plans and zoning by-laws and amendments) and would give the Tribunal the authority to make a final determination on appeals of such matters.</p>	<p>The proposed change may result in an increase in the number of appeals of planning applications to the LPAT. Many landowners prefer to bring their application before the Tribunal rather than participate in front end planning or to engage in collaborative decision making or other forms of dispute resolution. This approach takes decision making about what constitutes good planning out of the hands of the municipality and may, in fact, result in more cases being heard by LPAT and further delays.</p>