

Initial Regional Comments on More Homes Built Faster:

Ontario's Housing Supply Action Plan 2022-2023 & Bill 23, More Homes Built Faster, 2022

This document provides additional comments and recommendations from Regional staff based on a review of the changes proposed as part of the More Homes Built Faster Action Plan and Bill 23. In addition to the overarching comments and concerns identified in Report No. LPS77-22 / FN-34-22, the more detailed comments presented in this chart are organized according to the subject areas identified in the table of contents below. The Environmental Registry of Ontario (ERO) postings relevant to each set of comments and recommendations are also identified. At the end of the document, a consolidated list of Regional staff's recommendations related to the Action Plan and Bill 23 is also provided.

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<p>A. Planning Responsibilities for Upper-Tier Municipalities</p>	<p>Removal of Upper-Tier Planning Responsibilities</p> <p>One of the most significant changes proposed in Bill 23 is the identification of Halton Region as an “upper-tier municipality without planning responsibilities” under the <i>Planning Act</i>. This change would have significant repercussions for how planning happens in Halton. It would eliminate the Regional Official Plan, reposition the Region as a commenting agency as opposed to an approval authority, and remove its ability to defend Regional interests as an appellant or party at the Ontario Land Tribunal. Perhaps most importantly, it would impact the Region’s longstanding role coordinating and integrating land use, infrastructure, and financial planning.</p> <p>A two-tier land use planning system has supported significant growth and development across Halton Region for decades. Successive Regional Councils have recognized the importance of integrated planning and the importance of implementing a regional planning vision. This has found expression in many innovative Regional approaches that have ultimately been taken up as best practices across the Province.</p> <p>Through Regional Council’s leadership, Halton Region has a strong legacy of coordinated, integrated, broad-based land use planning that has occurred through strong partnerships and collaboration with the local municipalities. In addition to coordinated and integrated growth management, this approach has also had strong positive impact on other issues that transcend local municipal boundaries – the Agricultural System, the Regional Natural Heritage System, the water resource system and source water planning, and sustainable growth and climate response, to name a few.</p>	<p>Regional staff have the following recommendations related to this aspect of Bill 23:</p> <ol style="list-style-type: none"> 1. The Province should not advance any changes through Bill 23 that would introduce unnecessary instability, uncertainty and disruption to the land use planning system, as this will result in the diversion of scarce resources towards to administrative considerations when they should be focussed on identifying ways to increase the supply of housing faster. 2. The Province should not advance any changes through Bill 23 that would impede or diminish the value of coordinated, integrated planning that ensures land use, infrastructure, and financial considerations are aligned in order to support growth. 3. It is recommended that a forum be established to discuss and explore options and implications collaboratively that will help achieve our shared goal in advancing housing supply. 	<p>019-6163</p>

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	<p>As part of the Action Plan and Bill 23, there would be significant changes to these responsibilities and the longstanding two-tier governance structure. Broadly speaking, if enacted, Bill 23 would:</p> <ul style="list-style-type: none"> • remove existing statutory responsibilities from Durham Region, Halton Region, Niagara Region, Peel Region, Waterloo Region, York Region and Simcoe County, and define them each as an “upper-tier municipality without planning responsibilities”; • where an upper-tier municipality’s planning responsibilities are removed: <ul style="list-style-type: none"> ○ deem existing upper-tier official plans to form part of the applicable lower-tier municipality’s official plan, until the lower-tier official plan has been updated; ○ transfer approval authority for lower-tier official plans and amendments to the Minister of Municipal Affairs and Housing; ○ remove upper-tier municipality’s ability to appeal land use planning decisions or to seek party status and therefore shift their role to a commenting agency only; and, • make numerous operational changes related to the reduced role for an “upper-tier municipality without planning responsibilities”. <p>There are many ways to support changes to the current planning system to advance the shared goal of addressing housing supply and affordability. However, there are significant concerns, risks, and uncertainties</p>		

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	<p>with the system proposed by Bill 23, including the following:</p> <ul style="list-style-type: none"> • there is a clear benefit to larger macro-scale coordination of numerous planning matters (e.g. the infrastructure delivery, growth management, transportation, and protecting agricultural, natural heritage, and water resource systems) that is provided by the Region which will be lost. Halton Region can continue to have a strong role as it has the necessary staff expertise to efficiently support local municipalities in the implementation of agriculture, natural heritage and water resource systems, growth management and coordinated infrastructure planning and continues to be successful in streamlining the planning process to advance housing supply; • Halton has a history of demonstrating how land use, infrastructure, and financial planning can be integrated and coordinated across the Region – the absence of this coordinating role – both in terms of Regional planning and Regional development review – has the potential to result in negative long-term impacts; • long-term planning and delivery of critical infrastructure (water, wastewater and transportation) requires extensive coordination between Regional and local municipalities, the absence of which risks infrastructure being implemented in a reactive rather than proactive way, and risks imposing delays to housing, rather than the intended expedited delivery. Current processes allow this coordination with all local municipalities in a consistent manner, and removal of this well-understood process risks long-term 		

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	<p>negative impacts such as the ability to plan and protect for infrastructure improvements (e.g. right-of-way requirements);</p> <ul style="list-style-type: none"> • Regional coordination ensures that an interconnected approach to the impacts of housing intensification, can mitigate rising greenhouse gas emissions in the community, as such Regional planning ensures sustainable growth that aligns with our climate response; and • significant planning responsibilities are already delegated to the local municipalities in Halton – the shifting of additional responsibilities as proposed by Bill 23, is likely to significantly increase resourcing demands and costs on local municipalities required to undertake these new responsibilities. <p>The issues outlined could result in a slower, less coordinated planning system that could detract from the overall goal of increasing housing supply and affordability.</p>		
<p>B. Paying for Growth & Municipal Finances</p>	<p>Bill 23 has proposed considerable changes to the <i>Development Charges Act</i> (DCA) that will have drastic impacts to municipal finances, particularly in growing municipalities such as Halton Region.</p> <p>Development charges (DCs) are an essential cost recovery tool, which are used to pay for the cost of infrastructure required to service new growth. The Region's \$5.7 billion 10-year capital infrastructure budget is 58% growth related and ultimately funded by DCs. Municipalities have very limited alternative sources of revenue to fund growth related infrastructure. Restrictions in DC collections in the existing DC Act already result in a significant burden to</p>	<p>Given that the proposed changes to the DC Act could significantly impact the timing of delivery of infrastructure required to deliver the Province's 1.5 million new homes target and will have a significant negative impact on existing taxpayers, the following is recommended:</p> <ol style="list-style-type: none"> 1. DC legislation is not the appropriate mechanism to ensure quick delivery of supply, a reduction of DCs will impact the certainty of municipal financing and will delay the timing of delivery of infrastructure. Therefore, the following changes, which are directly related to growth, will impact 	<p>019-6172</p>

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	<p>existing taxpayers estimated at \$15 million per year. The proposed changes to the DC Act would further significantly restrict DC collections and would be unaffordable for existing taxpayers to fund. These further restrictions on DC collections could likely therefore result in the timing of key infrastructure will be delayed and the delivery of new housing thereby delayed as well.</p> <p>The following itemizes changes proposed under Bill 23 and their potential impacts based on calculations from the current Regional 2022 DC Bylaw in 2022 dollars. Impacts will only increase as capital costs inflate.</p> <p>Services Chargeable under the DCA</p> <ul style="list-style-type: none"> Studies, including the DC background study have been removed as specific items listed for items chargeable for capital. This cost will be removed upon the approval of a future DC by-law (loss of approximately \$9 million over 10 years). <p>The purpose of DC background studies and other related studies are to support the capital program that is directly attributable to growth and should remain part of the DCA.</p> <ul style="list-style-type: none"> Cost to acquire land for specific services can be exempted as an eligible expense although is still unknown as this exemption will be prescribed (magnitude unknown as this has not been prescribed. For example, if the Province was to prescribe land for roads services to be exempt, the loss of DC would be approximately \$400 million over 10 years based on the 2022 DC Background Study). 	<p>timing of infrastructure and will negatively effect taxpayers, should not be considered:</p> <ol style="list-style-type: none"> Exemptions/reductions of DCs Removal of Growth studies as a capital expense. Removal of land as a prescribed service. The removal of land could potentially have significant impacts on timing of infrastructure. Phasing of DC increases. Phasing of DCs should remain a municipal decision. However, if phasing is mandated it should only be applicable to the incremental increase in the DC that is above the non-residential construction price index. The historical average 15-year service level being proposed. The DCA should provide a forward looking average service level instead. <ol style="list-style-type: none"> Provide grants/incentive/rebate programs as amore effective way to support affordable housing and increased supply is through grant/incentives/rebate programs. These grants could be provided to developers or homeowners as opposed to a reduction to DCs. Otherwise there should be a guarantee on repayment from the Province to municipalities for the full shortfall in DCs the new legislation would generate. If recommendations are implemented as proposed, the following transition time is requested: 	

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	<p>Removing DC chargeable items will reduce DC collection ability and the ability to fund capital works. Without alternate sources of funding, these costs would fall to the existing taxpayers. Given the potential significant impacts, it is likely delivery of infrastructure would be delayed.</p> <p>Adjustments to the DC Collection Amount</p> <ul style="list-style-type: none"> • Bill 23 proposes reductions applicable to DC bylaws passed after June 1, 2022. These reductions are based on the newly calculated rate not just the increase from the previous rate. By phasing on the entire DC rate, passing a new DC bylaw could have the effect of lowering the DC rate from bylaw to bylaw. (There is no current impact as the Region’s bylaw was passed prior to June 1, 2022. For illustrative purposes under future DC by-laws the funding gap would be approximately \$131 million over 5 years based on the current DC rate). <ul style="list-style-type: none"> ○ Mandatory 5-year phase in of DC rates in by-laws, retroactive to June 1, 2022. <ul style="list-style-type: none"> ▪ Year 1 (80%), Year 2 (85%), Year 3 (90%), Year 4 (95%), Year 5 (100%) ○ Rental housing development are reduced by a percentage based on the number of bedrooms: <ul style="list-style-type: none"> ▪ 3+ bedrooms have a 25% reduction in DCs, 2 bedrooms has a 20% reduction, and everything else (1 bedroom and bachelor) has a 15% reduction <p>Reductions in DC collections will create a funding gap between DC collection and timing of capital works. A delay/reduction in the collection of DCs will translate</p>	<ul style="list-style-type: none"> i. Implement administrative changes; ii. consult with municipalities on impacts to finances; and iii. receive commitments from the Province that ensure there are mechanisms to offset the lost funding so that the timing of infrastructure is not delayed. <p>Further to the recommendations, it is important that before any legislation is enacted, the prescribed/additional information and areas for clarity is provided and addressed before any changes are made. It is difficult to comment without knowing the intent or impact.</p>	

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	<p>into a delay in timing of capital works as the required financing will take longer to materialize. These reductions do not meet the goal of increasing supply as the timing of key infrastructure to proceed with developments will be delayed.</p> <ul style="list-style-type: none"> • Bill 23 proposes exemptions from DC charges upon enactment (however there is some material required to enact the changes (i.e. affordable housing bulletins and definition of attainable housing)). <ul style="list-style-type: none"> ○ Exemption of DCs for affordable housing, attainable residential units, for non-profit housing developments and for inclusionary zoning residential units. (Impact unknown as data is limited. For illustrative purposes, if 20% of residential development was affordable it would translate to approximately \$480 million over 10 years based on the 2022 budget) <p>The Exemption of DC's for affordable housing, attainable residential units, non-profit housing developments and for inclusionary zoning residential units are of great concern for the following reasons:</p> <ul style="list-style-type: none"> i. Affordable housing consists of a rental and an ownership stream. <ul style="list-style-type: none"> ○ The rental stream exemption is to be applied where rent is no more than 80% of the average market rent, for a 25-year period. These thresholds are to be defined by a new Bulletin (which appears to be adjusted annually) published by the Ministry of Municipal Affairs and Housing 		

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	<p>which will be amended from time to time. The legislation does not indicate how often these bulletins will be updated. It is unknown what geographical locations would be used to determine the thresholds (i.e. municipal vs Regional) and the average market rents can vary greatly.</p> <ul style="list-style-type: none"> o The ownership stream applies where the price of the units is no greater than 80% of the average purchase price. These thresholds will also be defined by a new Bulletin as noted above. Ownership is much more complex as this will impact not only the developer but the subsequent owner(s) who may not understand the financial impact. It is unknown what geographical locations would be used to determine the thresholds and average purchase prices can vary greatly between neighbourhoods within a municipality. There are also other factors that would affect price within specific geographies within a municipality, such as proximity to hydro corridors, industrial areas etc. which are not taken into account. Additionally, it is unknown how the average purchase prices will be defined by building type (e.g. will it be specific to housing size, housing type etc..?) all which have a variation on housing prices. Further the current instability of the market could cause great fluctuations in prices from month to month. <p>ii. Attainable residential units</p> <ul style="list-style-type: none"> o An attainable unit excludes affordable and rental units however it has not been 		

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	<p>defined in the DCA. Given that the intent of this exemption is unknown there is no way to quantify the impact however it could be significant.</p> <ul style="list-style-type: none"> iii. Non-Profit Housing residential units <ul style="list-style-type: none"> o The legislation defines non-profit housing however does not provide any requirements to maintain ownership as non-profit once the exemption is granted. iv. Inclusionary zoning residential units <ul style="list-style-type: none"> o Exemptions for Inclusionary zoning is itemized in its own section of the DCA. It appears to provide a similar exemption as affordable residential units and therefore the same concerns apply. <hr/> <p><i>Changes to the DC Calculation</i></p> <ul style="list-style-type: none"> • Requirement for the DC bylaw to be updated every 5 years has been extended to 10 years <p>DC bylaws can still be updated earlier than 10 years however the phase in policy would then apply in the first 5 years. This change essentially limits the capacity to update rates for changes in capital infrastructure and plans without impacts to short term collections.</p> <ul style="list-style-type: none"> • Average service level calculation for the purposes of services level capital caps has been extended from 10 to 15 years <p>The current 10-year service level calculation restricts a municipality to effectively deliver services in a growing community. As a municipality grows and reaches a</p>		

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	<p>certain threshold the need for new and expanded services are required to support the growth plan. Extending the average service level to 15 years will potentially cap services at an even lower service level or increase costs to taxpayers. As has been previously advocated, the service level should be forward looking so that growing municipalities can properly plan for new services.</p> <p><i>Changes to DC Interest on Collection and Reserve Spending</i></p> <ul style="list-style-type: none"> • A Maximum interest rate has been set for times that interest can be applied to DCs (rental and institutional development annual installment and earlier DC determination date) • Municipalities must spend or allocate 60% of reserve fund balances for water, wastewater, and road DCs (and other DC services as prescribed) <p>This currently has little impact to the Region as the interest rate being used under Regional policy is in line with the proposed legislation.</p> <p>DCs comprise a relatively small percentage of the cost to build a home, which is approximately 5-10% of new single family home prices in the GTA. This has been somewhat constant since the inception of the DCA.</p> <p>Reductions to DCs would shift the burden of costs from developers (i.e. “growth pays for growth”) to property taxpayers. Higher property taxes in turn would affect housing and business affordability which would be counter-productive to the goal of creating more affordable housing options. In the current inflationary and interest rate climate an increase in</p>		

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	<p>property taxes could have significant impacts to those already struggling to make ends meet. Business affordability through increased property taxes could also impact economic competitiveness in Ontario. Additionally, as noted earlier, any reductions in DCs or delays in the timing of collection jeopardizes the Region’s ability to deliver the required infrastructure in a growth municipality.</p> <p>In addition, there are many other factors that have a greater impact on home prices including demand, development interests, mortgage rules, interest rates, immigration levels, foreign buyers, economic growth, raw land value, inter-generational wealth transfer, location and labour and material costs which need to be considered.</p> <p>Although, not administered at the Regional level, Bill 23 also proposes changes to the <i>Planning Act</i> regarding the Community Benefits Charges that bring exemptions and reductions in line with changes under the DCA. Parkland dedication in the <i>Planning Act</i> has also been revised. In addition, the alternative parkland dedication requirement has been reduced substantially which will greatly impact local municipalities’ ability to finance parkland at current service levels.</p>		
	<p>Housing Services Chargeable under the DCA</p> <p>Bill 23 has also proposed considerable changes to the <i>Development Charges Act</i> (DCA) that have significant impacts to the Region’s ability to provide housing services.</p> <ul style="list-style-type: none"> • Housing Services are removed from the list of eligible DC services. This service will be removed 	<p>Given that the proposed changes to housing services in the DC Act could significantly impact the most vulnerable population the following is recommended:</p> <ol style="list-style-type: none"> 1. Housing Services should not be removed as an eligible DC service as this service supports the most vulnerable population and will have an impact on existing taxpayers. The most effective way to provide affordable housing relief for providers that ensures timely delivery of 	<p>019-6172</p>

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	<p>upon passing of legislation (loss of approximately \$50 million over 10 years).</p> <p>The DC's collected for housing services are a key funding component for new assisted and affordable housing initiatives in Halton to support vulnerable populations. The Regional DC for housing services (\$985.82 per single detached unit) is negligible within the overall housing price and will not make housing more affordable. However, since Halton is a fast growing Region, this DC generates substantial capital revenue (\$50 million over 10 years) that supports the housing capital program. These DC's together with contributions from the Region, the Province and Federal Governments fund critical housing opportunities for the most vulnerable residents. As the Region grows, DCs are an important contribution to the capital required to address housing needs in the Region.</p>	<p>infrastructure and does not impact municipal financing, is to offer Provincial/Federal grants that can be used to offset the developments financial impacts. Therefore, the following is recommended:</p> <ol style="list-style-type: none"> i. Maintain Housing Services as an eligible DC service ii. A working group is formed with municipalities, the Federal and Provincial governments to discuss the expansion of existing grant programs available to assisted housing providers 	
<p>C. Planning for Growth</p>	<p>Additional Residential Units</p> <p>The Regional Official Plan currently requires local municipalities to permit additional residential units, including two residential units in a house or an additional residential unit in an accessory building or structure. Proposed amendments to the <i>Planning Act</i> would build on this existing approach by permitting up to three residential units on most residential lots "as-of-right". Municipalities would be prohibited from setting minimum unit sizes or requiring more than one parking space per unit. This change supports what the Province refers to as a 'gentle density' approach – "increasing the number of units in urban areas with minimal impact on existing neighbourhoods".</p>	<p>Regional staff have the following comments related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> • Accommodating more growth through 'gentle density' and enabling certain types of 'missing middle' development will be an important part of creating more homes – while this change is supported overall, it does not acknowledge the potential impact on infrastructure and local services that may already be at capacity and provisions are required to include this assessment prior to construction 	<p>019-6163 019-6197</p>

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	<p>As noted elsewhere, to promote this type of growth and development across Ontario, this additional residential unit development would be exempt from development charges, parkland dedication requirements, and community benefit charges.</p>		
	<p>Higher Density Around Transit</p> <p>Locating higher density growth around existing and planned transit station areas is a sound planning approach and an objective shared by the Province and municipalities. Recent updates to the Regional Official Plan that identified a Regional Urban Structure – including a series of Strategic Growth Areas near existing or planned transit – will help to facilitate this goal.</p> <p>Proposed changes through Bill 23 would require local municipalities to update their zoning by-laws with ‘as-of-right’ zoning to meet planned minimum density targets within one year of the official plan policies for these areas coming into effect. This change is being proposed in order to speed up development in these key areas in recognition of the significant role they will play in accommodating new housing growth</p>	<p>Regional staff have the following comments related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> Directing growth to areas around existing and planned transit is good planning and is consistent with Halton’s growth strategy – while this change is supported overall, implications for local municipal resources, other planning tools and supports, as well as the required investments in infrastructure to enable significant growth and development in these areas also needs to be prioritized. 	<p>019-6163</p>
	<p>Municipal Housing Targets</p> <p>As part of the Action Plan, the Province has identified Municipal Housing Targets to 2031 for 29 municipalities across Ontario. The targets were established for municipalities projected to have a population of 100,000 by 2031 and are based on population growth trends observed between 2011 and 2021. In total, these 29 municipalities are expected to accommodate about 1.2 of the 1.5 million homes target in Ontario.</p>	<p>Regional staff have the following comments related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> provide more information on the methodology used to establish these targets; how will infrastructure be planned and funded in the absence of upper tier plans, the inability to secure land and infrastructure through upper tier approvals, and reduced funding by reduction in development charges; 	<p>019-6163 019-6167</p>

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	<p>The targets shown below have been identified for three of the local municipalities in Halton. As the Town of Halton Hills is not projected to have a population of 100,000 by 2031, it was not assigned a target based on the Provincial approach.</p> <ul style="list-style-type: none"> • Oakville: 33,000 units • Burlington: 29,000 units • Milton: 21,000 units <p>These housing targets are significantly higher than the results of the Region’s most recent growth management exercise – the Integrated Growth Management Strategy (IGMS) implemented through Regional Official Plan Amendment (ROPA) No. 49 in June 2022 to advance conformity with the Provincial Growth Plan. Compared to the number of housing units identified to 2031 under ROPA 49, the new Municipal Housing Targets would see three of Halton’s local municipalities accommodating approximately 32,600 more units over the next ten years than currently planned. That is 83,000 units under the Municipal Housing Targets versus 50,400 units under ROPA 49 and equates to 17,900 more units in Burlington, 10,400 more units in Oakville, and 4,300 more units in Milton.</p> <p>For additional context, over the past 20 years, Halton Region has seen an average of about 4,000 housing unit completions each year. In order to meet the Municipal Housing Targets identified for Oakville, Burlington and Milton, this would need to increase to more than 8,000 units per year, not including growth within Halton Hills.</p> <p>These are ambitious targets – while there are many opportunities to improve municipal processes to</p>	<ul style="list-style-type: none"> • provide more clarity on the purpose of these targets and the approach to their implementation, given that they are not part of a land use planning process; • changes to municipal growth targets should occur as part of a comprehensive planning process to ensure integrated planning and infrastructure development is in place to support growth and the development of complete communities. 	

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	<p>increase housing completions, it should be recognized that there are many factors outside of the control of municipalities that will continue to impact the delivery of housing, including labour shortages, rising construction costs, supply chain issues, landowner decisions, and provincial and federal economic policy. In addition, these targets differ substantially from those Halton Region is currently assigned through the Provincial Growth Plan and which were recently implemented through the IGMS process and on which existing and future updates to infrastructure master plans and local official plans are based.</p>		
	<p>Inclusionary Zoning</p> <p>Inclusionary Zoning (IZ) is an existing tool under the <i>Planning Act</i> that enables municipalities to require affordable housing units in residential developments with ten or more units that are located within Protected Major Transit Station Areas or in Community Planning Permit System areas ordered by the Minister.</p> <p>Through ROPA 48, new policies were added to the Regional Official Plan that identify Strategic Growth Areas that are part of the Regional Urban Structure. This includes a number of Protected Major Transit Station Areas in Burlington, Milton and Oakville which were approved by the Province in November 2021. Within these Protected Major Transit Station Areas, the Regional Official Plan requires local municipalities to establish inclusionary zoning policies that would authorize a minimum number of affordable housing units and provide for their maintenance as affordable housing units over a period of time. These policies are to be based on the completion of an assessment report.</p>	<p>Regional staff have the following comments related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> while providing additional guidance and a consistent approach has its benefits, there should continue to be a role for municipal flexibility in determining how IZ units are implemented in a specific local context to increase the supply of housing that is affordable for lower-income households; consider allowing or even requiring municipalities to implement IZ across the municipality to increase the supply of affordable housing. 	<p>019-6163 019-6173</p>

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	<p>The proposed changes would update IZ regulatory requirements so that they are consistent across the Province, as follows:</p> <ul style="list-style-type: none"> • setting the maximum number of affordable housing units required at 5%; • affordable housing unit is no greater than 80 per cent of the average purchase price or average market rent for affordable residential units intended as ownership or rented, respectively; • the required period of time units must remain as affordable is 25 years <p>As discussed in a subsequent section of this report, IZ units would also be exempt from development charges, parkland dedication requirements, and community benefit charges.</p>		
<p>D. Planning for Natural Environment</p>	<p>Ontario Wetland Evaluation System (OWES)</p> <p>As part of the More Homes Built Faster initiatives, revisions are being proposed on the Ontario Wetland Evaluation System (OWES). The Province identifies the proposed changes are necessary to provide greater certainty and clarity related to how significant wetlands are assessed and streamline development approvals.</p> <p>The Ontario Wetland Evaluation System (OWES) is standardized provincial approach is used for evaluating the significance of wetlands and to determine the boundaries of wetlands following a science-based evaluation framework. Under the current framework, when a wetland evaluation has been reviewed and approved by the Ministry of Natural Resources and Forestry, the wetland will be</p>	<p>Regional staff have the following recommendations related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> • remove revisions to eliminate wetland complexing and habitat of Species at Risk from the Ontario Wetland Evaluation System (OWES); • allow for municipalities the ability to review evaluations and confirm determinations of significance; and • continue to work with municipalities and conservation authorities on identifying improvements to the evaluation framework necessary to provide greater certainty and clarity related to how significant wetlands are identified. 	<p>019-6160</p>

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	<p>designated as a provincially significant wetland (PSW) and it then receives protection pursuant to the Provincial Policy Statement, as administered under municipal Official Plans.</p> <p>There are many opportunities to support the Province’s existing goals and objectives related to protection of natural heritage and water resources and efforts to streamline the planning process to advance housing supply. However, there are concerns and uncertainties with proposed revisions to the Ontario Wetland Evaluation System (OWES):</p> <ul style="list-style-type: none"> • removing special scoring provisions for habitat of Species at Risk is expected to result in less wetlands meeting the scoring thresholds to be considered provincially significant; • where wetlands were once considered part of a ‘complex’, a wetland will be evaluated as an individual unit, removing consideration of the interactions and connections with surface, ground water, natural heritage features and areas to determine provincial significance; • with the proposed changes above, 99% (approximately 6500 hectares) of provincially significant wetlands in Halton Region that are part of ‘wetland complexes’ could be re-evaluated on a standalone basis and determined not to be provincially significant. Re-designation of these wetlands as non-provincially significant could result in ongoing loss of land that is part of the Regional Natural Heritage System; and • removing the Ministry of Natural Resources and Forestry oversight of wetland evaluations will result in a loss of expertise and a lack of 		

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	<p>consistency between wetland evaluations and determinations of wetland significance. The wetland evaluator decision is final and there is no right to appeal. This will lead to uncertainty on property constraints and inconsistency in outcomes that could impede application review timelines and also result in loss of wetlands.</p> <p>In addition to the proposed changes to the Ontario Wetland Evaluation System (OWES), the Province has put forward proposals that are linked this initiative for review of Natural Heritage Systems and Ecological Offsetting.</p>		
	<p>Conserving Ontario’s Natural Heritage</p> <p>Natural heritage provides essential ecosystem services including biodiversity, social and cultural benefits including recreation and traditional resource uses, health benefits, climate change mitigation, flood reduction and improving water quality.</p> <p>The Province is seeking feedback on a <i>Conserving Ontario’s Natural Heritage</i> Discussion Paper that considers developing an ecological offset policy that would allow for removal of some natural heritage features by requiring a net positive impact on these features. The proposal is intended to help alleviate pressures on wetlands, woodlands, and other natural wildlife habitat resulting from development.</p> <p>Ecological offsetting is an approach in which negative impacts of land use decisions on natural heritage are primarily avoided or mitigated. If avoidance or mitigation is not possible, ecological offsetting may be considered by restoring or creating new natural heritage features like wetlands in order to provide</p>	<p>Regional staff have the following comments related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> • Consultation, transparency and accountability: development of an ecological offsetting policy and review of other guidance documents related to natural heritage (i.e. natural heritage reference manual) should include consultation with municipal governments and conservation authorities, including engagement with Indigenous communities, development industry and with opportunity for stakeholders and the public. 	<p>019-6161</p>

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	<p>even greater positive environmental impacts. Revisions would be required to Provincial land use planning policies and guidance documents protections of natural heritage features and areas to implement an offsetting policy.</p> <p>For four decades, the permanent protection of Halton’s natural landscape has been identified as a principle of Halton’s planning vision. Ecological offsetting has not been accepted by the Region as an approach to demonstrate no negative impact as this is not consistent with the principle of “landscape permanence” and has the potential to prevent Halton Region from realizing the goal for the long-term protection and enhancement of the Region’s Natural Heritage System.</p> <p>Any proposed changes to natural heritage policies must result in practical approach for identifying and protecting natural heritage and that would streamline reviews of development applications. The following key comments on the Discussion Paper have been identified:</p> <ul style="list-style-type: none"> • Offsetting may be applied to all Key Features and components in the Regional Natural Heritage System. This could result in sufficient losses of natural heritage features in the Region’s Natural Heritage System, specifically with the potential changes to the Ontario Wetland Evaluation System; • Should offsetting be considered, it should only be permitted under specific conditions with limited application. This should be informed by science with the precautionary approach embedded within 		

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	<p>all stages of the mitigation hierarchy (i.e., avoid, minimize, mitigate);</p> <ul style="list-style-type: none"> • If the approach to ecological offsetting is implemented, strong governance and policies are required to achieve the goals and objectives for ecological offsetting. Halton Region has the expertise to support local municipalities on the review and approval offsetting proposals, oversee implementation and monitoring, and enforce completion of offsetting projects to a high standard; • Where ecological offsetting is being proposed during planning review process, it may introduce additional complexity to reviews, potential delays that may hinder house supply and add time and costs to the landowner and municipalities; and • A fund to pool financial compensation has been proposed to support large, strategic projects rather than re-creating small, isolated offsets in Ontario. This would mean that financial compensation from offsets in Halton Region may be used to support projects in other municipalities/watersheds and would result in a net loss the Region's Natural Heritage System. It is also not clear how the fund would implemented and managed. Halton Region is well positioned to manage and coordinate offsetting proposals that would support the Natural Heritage System in Halton. 		
	<p>Reduction of Conservation Authorities' Mandate</p>	<p>Regional staff have the following comments related to this aspect of Bill 23:</p>	<p>019-6141 019-2927</p>

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	<p>A series of changes are proposed to the <i>Conservation Authorities Act</i> through Bill 23 and to the Regulation to focus development approvals under the <i>Conservation Authorities Act</i> on the risk of natural hazards, including flooding, more streamlined approvals for housing supply and addressing Conservation Authorities' relationship to municipal land use planning. Some key amendments include:</p> <ul style="list-style-type: none"> • limiting Conservation Authorities from commenting beyond natural hazards risks on applications that require approval under certain Provincial Acts including but not limited to the <i>Planning Act</i> and <i>Environmental Assessment Act</i>; • exempting development authorized under the <i>Planning Act</i> from requiring a permit under the <i>Conservation Authorities Act</i> in municipalities where certain conditions are met as set out in regulation; • reducing regulated areas around watercourses and wetlands to areas that are most at risk of flooding; • prohibiting Conservation Authorities from entering into service agreements with municipalities for other services (e.g. ecological technical review services); • freezing fees for Conservation Authorities permitting and proposals associated with development to current levels; and • requiring Conservation Authority land inventories to identify lands that could support housing development. 	<ul style="list-style-type: none"> • consult with municipalities and Conservation Authorities on the proposed changes to support more consistent, streamlined approvals for housing supply while ensuring public safety and costs are not compromised by natural hazards; • natural hazards responsibilities including permitting and proposals should be delegated to Conservation Authorities as they have technical expertise that municipalities do not have nor the capacity to take on this responsibility; • freezing fees for Conservation Authorities permitting and proposals should only be considered if the program or service exceeds full cost recovery; and • consult with the public on any future disposition of Conservation Authority lands and require that these lands do not include natural hazards and significant natural features in order to limit impacts to people and new housing supply from flooding or other natural hazards. 	

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	<p>In addition to the changes to the <i>Conservation Authorities Act</i>, there is a regulatory proposal currently being consulted on to further the regulation of development for the protection of people and property from natural hazards in Ontario.</p>		
<p>E. Public Participation in Planning Processes</p>	<p>The Ontario Land Tribunal & Appeal Rights</p> <p>The role of the Ontario Land Tribunal (OLT) is to adjudicate matters related to land use planning, environmental and natural features and heritage protection, land valuation, land compensation, municipal finance, and related matters. The following changes are being proposed under through Bill 23:</p> <ul style="list-style-type: none"> • limiting or removing third-party appeal for official plan amendments, zoning by-laws and zoning by-law amendments, consents and minor variances <ul style="list-style-type: none"> ○ appeal rights would be maintained for key participants (e.g., applicants, the Province, public bodies including Indigenous communities, and utility providers that participated in the process), except where appeals have already been restricted (e.g., the Minister’s decision on new official plan); ○ the removal of third-party appeal rights would have a retroactive affect, applying to any matter that has been appealed but has not yet been scheduled by the OLT for a hearing as of October 25, 2022; ○ third party appeals that are no longer allowed will be deemed to have been dismissed on the day the Bill receives Royal Assent; 	<p>Regional staff have the following comments related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> • upper-tier municipalities, given their interests and responsibilities similar to other “specified persons” set out in the act, should continue to be afforded rights of appeal and party status in order to protect these interests; • reforms to the OLT that focus on efficiency, prioritization, and increased staffing to deal with mediation and facilitation are supported. 	<p>019-6163</p>

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	<ul style="list-style-type: none"> • removing appeal rights for upper-tier municipalities without planning responsibilities, and in some instances, for Conservation Authorities; • increasing the power of the Tribunal to order costs against a party who loses a hearing at the Tribunal and to dismiss appeals for undue delay; • enabling the Attorney General to make regulations setting service standards with respect to the timing of scheduling hearings and making decisions and to establish priorities for the scheduling of certain matters; and, • Regulations can also be made to establish priorities for the scheduling of certain matters <p>These changes will place limits on how citizens can participate in the planning process. Neighbourhood associations and community groups will have no ability to challenge municipal decisions. In addition, it removes the ability of Regional municipalities to participate, even as a party, if planning decision making is removed from Regional planning authorities.</p> <p>Generally there is support for reforms that enable the OLT to operate more effectively, however it is not clear why the Region would not be afforded an appeal right or party status under this system. If public bodies and utility providers that participated in the process are afforded such a right, it would appear to be an inadvertent oversight to exclude the Region as provider of infrastructure and services.</p>		
	<p>Site Plan Control</p> <p>The proposal to restrict a municipality’s ability to apply site plan control for developments of up to 10 residential units anywhere in the municipality and</p>	<p>Regional staff have the following recommendation related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> • implement a process to allow the Region to review and scope proposed developments to determine 	<p>019-6163</p>

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	<p>eliminate the ability of the Region to review development proposals, of any size, could lead to misalignment between capital investments in infrastructure where growth is targeted.</p> <p>It is the Region’s responsibility to ensure that the necessary infrastructure and services are in place to maintain the high quality of life as the Region continues to grow. Currently, there is very close coordination between development and infrastructure plans to support the provision of appropriate Regional infrastructure. The increase in densities without regional oversight to assess whether there is adequate regional infrastructure and services, may result in a reduction in level of service to Halton residents due to increased risk of basement flooding and/or, lower water pressure levels and fire flows. This potentially places the Region at risk of non-compliance with provincial regulations in allowing the operation of a system over its approved capacity.</p>	<p>the impact on existing and future regional infrastructure and services and whether sufficient infrastructure and servicing is in place.</p>	
	<p>Aggregates</p> <p>The <i>Planning Act</i> currently establishes a two-year timeout that restricts applications to amend new official plan, secondary plan, and zoning by-laws following the plan/by law coming into effect, unless municipally supported. The two-year timeout provides municipalities with a period of stability to implement their plans post-approval.</p> <p>The proposed changes in Bill 23 related to aggregates would remove the two-year timeout period for applications to amend new official plans, secondary plans and zoning by-laws for aggregate operations.</p>	<p>Regional staff have the following comment related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> the proposed changes in Bill 23 are not supported – there is no need to embed a standalone special provision in the <i>Planning Act</i> that is applicable to the aggregate industry, which is not available to other stakeholders in the planning process. There is value in maintaining the two year timeout period on amendments to enable municipalities to implement these plans. 	

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	<p>The timeout provisions would continue to apply for other types of planning applications.</p> <p>The current Regional Official Plan contains aggregates policies. These policies were not identified as an area that needed to be included in the current Regional Official Plan Review.</p>		
<p>F. Future Changes to Provincial Planning Documents</p>	<p>Potential Changes to APTG & the PPS</p> <p>As part of the 'More Homes Built Faster' initiative, the Province has undertaken a review of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (APTG) and the Provincial Policy Statement (PPS) which are two key planning documents that guide growth in Halton. They were most recently updated in 2020.</p> <p>The Province's intent is to integrate the two documents into a single, province-wide planning policy document and "create a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply". The Province is undertaking a "high level consultation" on these changes, focused on six themes: residential land supply, attainable housing supply and mix, growth management, environment and natural resources, community infrastructure, and streamlined planning framework.</p> <p>There has recently been a pattern of continual change to Provincial planning legislation and policy that makes it hard for municipalities, whether upper- or lower-tier, to keep up. As such, the Region would suggest careful consideration of the intended and unintended consequences before any further changes are made.</p>	<p>Regional staff have the following comment related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> instead of undertaking sweeping changes to the land use planning policy environment which will potentially cause delay as municipalities need to again update their official plans, the Province should consider precise, targeted changes that support shared goals and the intended outcome of building more homes faster, without introducing uncertainty and unintended consequences. 	<p>019-6177</p>

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	<p>Further, the Province should be concerned that by weakening or removing Regional environmental protections, the protection of agriculture, provisions that facilitate effective growth management and the ability to address climate change among other matters may result in unintended consequences which will not result in housing growth supported by sufficient infrastructure that keeps up with growth and addressed climate change and environmental protection.</p>		
	<p><i>Revocation of the Parkway Belt West Plan</i></p> <p>The Parkway Belt West Plan (PBWP) was Ontario’s first provincial land use plan that came into effect in 1978. The PBWP crosses a number of municipalities in the Greater Golden Horseshoe including Halton Region, Peel Region, the City of Toronto, and York Region. The Plan is supported by five associated Minister’s Zoning Orders (two of which apply to Burlington and Oakville) to support the implementation of the Plan.</p> <p>The purpose of the Plan is to support growth and development with the following goals:</p> <ul style="list-style-type: none"> • provide separation and definition of urban area boundaries; • create links between urban areas by providing space for movement of people, goods, energy, and information (e.g., Hwy 407, inter-urban transit); • provide a land reserve for future linear facilities (e.g., hydro corridors); and, 	<p>Regional staff have the following comments related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> • the removal of this additional layer of Provincial planning policy that applies in Halton is supported in principle; • ensure a clear process is undertaken, in partnership with municipalities, to determine the approach to revocation, to ensure lands that continue to require protection are addressed, and that no gaps in local plans are created. 	<p>019-6167</p>

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	<ul style="list-style-type: none"> • provide a system of open space and recreational facilities (e.g., public open space, golf driving ranges). <p>The Plan has been successful over the years in protecting transportation and utility corridors for projects (e.g. Highway 403, Highway 407, transit-way corridors, hydro corridors, etc.), of which most have been built.</p> <p>Over the years, Provincial legislation, land use policies (e.g., the Provincial Policy Statement) and Provincial plans have provided a more modernized and up-to-date policy framework that has resulted in the Parkway Belt West Plan becoming somewhat outdated. This includes policies in the Provincial Policy Statement and Provincial plans related to infrastructure, natural heritage, agriculture, parks and open space.</p> <p>As part of the More Homes Built Faster initiative, the Provincial government is consulting on a proposal to revoke the PWBP. If revoked, stakeholders would no longer have to apply for Plan amendments to permit uses or remove lands from the Plan. It is likely that the existing Minister's Zoning Orders that apply to Burlington and Oakville would either be revoked or deemed as local zoning by-laws.</p>		

Consolidated List of Recommendations

Comment Area	Recommendations
Planning Responsibilities for Upper-Tier Municipalities	<ul style="list-style-type: none"> • The Province should not advance any changes through Bill 23 that would introduce unnecessary instability, uncertainty and disruption to the land use planning system, as this will result in the diversion of scarce resources towards to administrative considerations when they should be focussed on identifying ways to increase the supply of housing faster. • The Province should not advance any changes through Bill 23 that would impede or diminish the value of coordinated, integrated planning that ensures land use, infrastructure, and financial considerations are aligned in order to support growth. • It is recommended that a forum be established to discuss and explore options and implications collaboratively that will help achieve our shared goal in advancing housing supply.
Paying for Growth & Municipal Finances	<p>Given that the proposed changes to the DC Act could significantly impact the timing of delivery of infrastructure required to deliver the Province's 1.5 million new homes target and will have a significant negative impact on existing taxpayers, the following is recommended:</p> <ol style="list-style-type: none"> 1. DC legislation is not the appropriate mechanism to ensure quick delivery of supply, a reduction of DCs will impact the certainty of municipal financing and will delay the timing of delivery of infrastructure. Therefore, the following changes, which are directly related to growth, will impact timing of infrastructure and will negatively effect taxpayers, should not be considered: <ol style="list-style-type: none"> i. Exemptions/reductions of DCs ii. Removal of Growth studies as a capital expense. iii. Removal of land as a prescribed service. The removal of land could potentially have significant impacts on timing of infrastructure. iv. Phasing of DC increases. Phasing of DCs should remain a municipal decision. However, if phasing is mandated it should only be applicable to the incremental increase in the DC that is above the non-residential construction price index. v. The historical average 15-year service level being proposed. The DCA should provide a forward looking average service level instead. 2. Provide grants/incentive/rebate programs as a more effective way to support affordable housing and increased supply is through grant/incentives/rebate programs. These grants could be provided to developers or homeowners as opposed to a reduction to DCs. Otherwise there should be a guarantee on repayment from the Province to municipalities for the full shortfall in DCs the new legislation would generate. 3. If recommendations are implemented as proposed, the following transition time is requested: <ol style="list-style-type: none"> i. implement administrative changes;

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	<ul style="list-style-type: none"> ii. consult with municipalities on impacts to finances; and iii. receive commitments from the Province that ensure there are mechanisms to offset the lost funding so that the timing of infrastructure is not delayed. <p>Further to the recommendations, it is important that before any legislation is enacted, the prescribed/additional information and areas for clarity is provided and addressed before any changes are made. It is difficult to comment without knowing the intent or impact.</p> <p>Given that the proposed changes to housing services in the DC Act could significantly impact the most vulnerable population the following is recommended:</p> <ol style="list-style-type: none"> 1. Housing Services should not be removed as an eligible DC service as this service supports the most vulnerable population and will have an impact on existing taxpayers. The most effective way to provide affordable housing relief for providers that ensures timely delivery of infrastructure and does not impact municipal financing, is to offer Provincial/Federal grants that can be used to offset the developments financial impacts. Therefore, the following is recommended: <ul style="list-style-type: none"> i. Maintain Housing Services as an eligible DC service ii. A working group is formed with municipalities, the Federal and Provincial governments to discuss the expansion of existing grant programs available to assisted housing providers
<p>Planning for Growth</p>	<ul style="list-style-type: none"> • Accommodating more growth through ‘gentle density’ and enabling certain types of ‘missing middle’ development will be an important part of creating more homes – while this change is supported overall, it does not acknowledge the potential impact on infrastructure and local services that may already be at capacity and provisions are required to include this assessment prior to construction. • Directing growth to areas around existing and planned transit is good planning and is consistent with Halton’s growth strategy – while this change is supported overall, implications for local municipal resources, other planning tools and supports, as well as the required investments in infrastructure to enable significant growth and development in these areas also needs to be prioritized. • With respect to the proposed Municipal Housing Targets: <ul style="list-style-type: none"> ○ provide more information on the methodology used to establish these targets; ○ how will infrastructure be planned and funded in the absence of upper tier plans, the inability to secure land and infrastructure through upper tier approvals, and reduced funding by reduction in development charges; ○ provide more clarity on the purpose of these targets and the approach to their implementation, given that they are not part of a land use planning process;

Comment Area	Recommendations
	<ul style="list-style-type: none"> ○ changes to municipal growth targets should occur as part of a comprehensive planning process to ensure integrated planning and infrastructure development is in place to support growth and the development of complete communities. ● While providing additional guidance and a consistent approach has its benefits, there should continue to be a role for municipal flexibility in determining how inclusionary zoning units are implemented in a specific local context to increase the supply of housing that is affordable for lower-income households; ● Consider allowing or even requiring municipalities to implement inclusionary zoning across the municipality to increase the supply of affordable housing.
<p>Planning for Natural Environment</p>	<p>Regional staff have the following recommendations related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> ● Regarding the proposed changes to the Ontario Wetland Evaluation System: <ul style="list-style-type: none"> ○ remove revisions to eliminate wetland complexing and habitat of Species at Risk from the Ontario Wetland Evaluation System (OWES); ○ allow for municipalities the ability to review evaluations and confirm determinations of significance; and ○ continue to work with municipalities and conservation authorities on identifying improvements to the evaluation framework necessary to provide greater certainty and clarity related to how significant wetlands are identified. ● Regarding the proposal to consider an ecological offsetting policy: <ul style="list-style-type: none"> ○ Consultation, transparency and accountability: development of an ecological offsetting policy and review of other guidance documents related to natural heritage (i.e. natural heritage reference manual) should include consultation with municipal governments and conservation authorities, including engagement with Indigenous communities, development industry and with opportunity for stakeholders and the public. ● Regarding changes to the mandate of Conservation Authorities: <ul style="list-style-type: none"> ○ consult with municipalities and Conservation Authorities on the proposed changes to support more consistent, streamlined approvals for housing supply while ensuring public safety and costs are not compromised by natural hazards; ○ natural hazards responsibilities including permitting and proposals should be delegated to Conservation Authorities as they have technical expertise that municipalities do not have nor the capacity to take on this responsibility; ○ freezing fees for Conservation Authorities permitting and proposals should only be considered if the program or service exceeds full cost recovery; and ○ consult with the public on any future disposition of Conservation Authority lands and require that these lands do not include natural hazards and significant natural features in order to limit impacts to people and new housing supply from flooding or other natural hazards.

Comment Area	Recommendations
Public Participation in Planning Processes	<p>Regional staff have the following comments related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> • Regarding the appeals process and the Ontario Land Tribunal: <ul style="list-style-type: none"> ○ upper-tier municipalities, given their interests and responsibilities similar to other “specified persons” set out in the act, should continue to be afforded rights of appeal and party status in order to protect these interests; ○ reforms to the OLT that focus on efficiency, prioritization, and increased staffing to deal with mediation and facilitation are supported. • Regarding changes to the site plan control process: <ul style="list-style-type: none"> ○ implement a process to allow the Region to review and scope proposed developments to determine the impact on existing and future regional infrastructure and services and whether sufficient infrastructure and servicing is in place. • Regarding changes related to planning for mineral aggregates: <ul style="list-style-type: none"> ○ the proposed changes in Bill 23 are not supported – there is no need to embed a standalone special provision in the <i>Planning Act</i> that is applicable to the aggregate industry, which is not available to other stakeholders in the planning process. There is value in maintaining the two year timeout period on amendments to enable municipalities to implement these plans.
Future Changes to Provincial Planning Documents	<p>Regional staff have the following comments related to this aspect of Bill 23:</p> <ul style="list-style-type: none"> • Regarding the proposed streamlining and revision of the Growth Plan and Provincial Policy Statement: <ul style="list-style-type: none"> ○ instead of undertaking sweeping changes to the land use planning policy environment which will potentially cause delay as municipalities need to again update their official plans, the Province should consider precise, targeted changes that support shared goals and the intended outcome of building more homes faster, without introducing uncertainty and unintended consequences. • Regarding the revocation of the Parkway Belt West Plan: <ul style="list-style-type: none"> ○ the removal of this additional layer of Provincial planning policy that applies in Halton is supported in principle; ○ ensure a clear process is undertaken, in partnership with municipalities, to determine the approach to revocation, to ensure lands that continue to require protection are addressed, and that no gaps in local plans are created.