



Corporation of the County of Wellington

Planning Committee

Minutes

November 10, 2022
County Administration Centre
Keith Room

Present: Warden Kelly Linton
Councillor Allan Alls (Chair)
Councillor Gregg Davidson
Councillor Mary Lloyd
Councillor Don McKay

Staff: Donna Bryce, County Clerk
Simon Burgess, Operating Budget and Cash Management Supervisor
Ken DeHart, County Treasurer
Jackie Lee Macchiusi, Capital Budget and Accounting Manager
Jameson Pickard, Senior Policy Planner
Aldo Salis, Director, Planning and Development
Sarah Wilhelm, Manager of Policy Planning
Scott Wilson, CAO

1. Call to Order

At 12:24 pm, the Chair called the meeting to order.

2. Declaration of Pecuniary Interest

There were no declarations of pecuniary interest.

3. Planning Financial Statements as of October 31, 2022

1/9/22

Moved by: Councillor Davidson

Seconded by: Warden Linton

That the Planning Financial Statements as of October 31, 2022 be received for information.

Carried

4. Planning 2023 User Fees and Charges

2/9/22

Moved by: Councillor Lloyd

Seconded by: Warden Linton

That the 2023 User Fees and Charges for Planning be approved as amended, to increase the Rezoning Application Review fee to 5%.

Carried

5. Planning 2023-2032 Preliminary Ten-Year Plan

3/9/22

Moved by: Councillor Lloyd

Seconded by: Councillor Davidson

That the Preliminary 2023-2032 Planning capital budget forecast and major operating budget impacts as set out in the report be endorsed and forwarded to County Council for inclusion in the County of Wellington's Preliminary Ten-Year Plan.

Carried

6. Bill 23 - More Homes Built Faster Act, 2022

4/9/22

Moved by: Councillor McKay

Seconded by: Warden Linton

That the report Bill 23 – More Homes Built Faster Act, 2022 be received for information; and

That the report be forwarded to the Ministry of Municipal Affairs and Housing on behalf of the County of Wellington and circulated to member municipalities for their consideration prior to Environmental and Regulatory Registry Provincial comment deadlines.

Carried

With unanimous consent, the following item was added to the agenda.

7. Greenbelt Expansion Update - Verbal

5/9/22

Moved by: Councillor Davidson

Seconded by: Councillor McKay

That the verbal update provided by Aldo Salis, Director of Planning and Development regarding the Greenbelt Expansion be received for information.

Carried

8. Adjournment

At 1:21 pm, the Chair adjourned the meeting until January 12, 2023 or at the call of the Chair.

Allan Alls
Chair
Planning Committee



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Planning Committee
From: Ken DeHart, County Treasurer
Date: Thursday, November 17, 2022
Subject: **Preliminary 2023-2032 Ten-Year Plan: Planning Department**

Background:

This forecast provides a high-level view of major budget issues and planned capital investments and serves as a guide for departments in preparing their detailed current year operating and capital budgets. The preliminary corporate ten-year plan will be considered by the Administration, Finance and Human Resources Committee on November 29, 2022 and the forecast will be updated at the time the budget is approved early in the New Year.

Major Operating Budget Impacts

Staff are in the process of compiling the detailed 2023 operating budgets for each department. Major items expected to be reflected in the 2023 Planning Operating Budget include the following:

Planning

As reported to committee in October, user fees and charges have been strong throughout 2022 and are expected to be well above the budgeted amount. The 2023 budget includes an increase to these revenues of just over \$243,000 to reflect the fee schedule and volume of these requests expected going forward.

A new Forestry Sustainability Officer position has been added in 2023. This position will be responsible for ensuring adherence to the Forest Conservation By-law, managing the 11 County-owned Forest Tracts, responding to emerging environmental issues, as well as improvement of the County's response to and implementation of its obligations and requirements regarding the Weed Control Act. The financial impact will be partially offset by a reduction to the existing Forestry By-law Conservation Officer position hours.

Source Water Protection

The County has come to agreement with the City of Guelph for funding of \$120K towards the programme going forward, this amount is reflected in the increase to the Municipal Recoveries line. An additional Source Water Protection Coordinator position starting in April (employed through Centre Wellington) has been added in 2023 to assist with sustained and increased source protection workload including education and outreach, data management, support for policy and technical projects. The transfer payments line increase (\$60,000) reflects this change and will be fully offset by new annual funding from the City of Guelph.

Climate Change

In September 2021, Planning staff brought forth a report and five-year budget forecast in order to guide the implementation of the 'Future Focused' climate change mitigation plan for the County. A separate cost centre within Planning has been established in order to track costs for climate change initiatives outlined in the five-year Climate Change forecast. The significant revenues and expenditures in 2023 related to the implementation of the plan are outlined below:

Grants and Subsidies for the programme as well as major operating expenditures are coming out of the budget starting in 2023. Where possible projects for Climate Change that meet the capital threshold amount are being allocated there to better facilitate project timing and reporting. The majority of expenses through operating relate to Climate Change staff and various smaller projects including community engagement and EV vehicle adoption initiatives. The overall County operating costs of corporate climate change initiatives in 2023 is expected to be just over \$317,000, which is a reduction of \$80,000 from 2022.

Green Legacy:

- There are no major operating impacts within Green Legacy identified in the 10-year forecast

Community Emergency Management:

- There are no major operating impacts within Emergency Management identified in the 10-year forecast

The detailed 2023 operating budget and revised ten-year plan will be presented to the Committee in January. Attached to the report is the current proposed ten-year operating budget and ten-year capital budget for the Planning Department.

Capital Budget Forecast

In accordance with the Budget Management Policy, the list of capital works includes those initiatives that have a long-term benefit to the corporation and whose capital cost is at least \$25,000. Where applicable, capital budgets are presented as inflated by 15% for 2023, 5% for 2024 and 3.5% for 2025-2032. The inflation factor for 2023 represents the current non-residential construction price index. It is anticipated that inflation will return to historical levels and the future forecast reflects this expectation. Highlights of the capital forecast are as follows:

Planning:

- Capital spending includes additional budget to the existing Official Plan / MCR Update project that primarily covers the Municipal Comprehensive Review (MCR) component of the project. Additional Official Plan updates include conformity/consistency with the Greenbelt Plan (2017), the Provincial Policy Statement (2020), and changes related to Source Water Protection Plans in Wellington County. Updates to the Official Plan are included in 2023 and 2028. These initiatives are primarily funded from development charges.
- New to the forecast is the Economic Development Area Study in 2024 to identify areas for future employment and other uses in Puslinch. This study will address transportation, servicing, agriculture and the environment.
- Climate Change Initiatives projects as identified in the Corporate Climate Change Mitigation Plan are included in the forecast. Corporate items reflected in this budget total \$2.6 million and are funded through a mix of subsidies and the Climate Change Mitigation Reserve.

Note: subsidies are included in this forecast; however, no grant funding is secure at this time. For example, the grant funding for the 2022 Green Development Standards project has not been secured. As such, the project budget of \$100,000 will now be fully funded from the Climate Change reserve. Staff will evaluate project feasibility, as grant application results are communicated.

Climate change initiatives affecting other departments are summarized below and are budgeted within departmental budgets.

Department	Project	Year	Cost	Incremental Cost
Social Housing	GHG Initiatives	2023 - 2032	2,500,000	2,500,000
Roads	Pick up Truck EV Replacements	2024, 2027	1,040,000	260,000
Solid Waste Services	Pick up Truck EV Replacements	2025-2032	1,050,000	260,000
Property	Pick up Truck EV & Van Replacements	2025, 2031, 2032	665,000	165,000
Green Legacy	Pick up Truck & Van EV Replacement	2028, 2030, 2031	415,000	100,000
CAO and Clerks	IT Van EV Replacement	2025, 2030	220,000	55,000
Library Services	Van EV Replacement	2030	115,000	30,000
Emergency Management	Pick up Truck EV Replacement	2028	95,000	20,000
Total			\$6,100,000	\$3,390,000

Green Legacy:

- End of lifecycle vehicle and equipment replacements are included throughout the forecast for a total of \$625,000.
- Building lifecycle and replacement costs at the Southern Tree Nursery have been identified in the tenth year of the forecast at \$210,000. Project details will be provided at a later date.
- New to the forecast – a project for Inventory Management Software. The Green Legacy Programme includes a significant inventory of trees and supplies. This software will track inventory, allow for 1,000+ annual online orders, and retain contact information for 3,500 customers.

Community Emergency Management:

- The Emergency Management capital forecast includes paging site battery replacements in 2026, a vehicle replacement and the Emergency Management Portable and Mobile Radios replacement in 2028, and funding for the generator replacement programme in 2028.
- New to the forecast – an allocation for Emergency Management Software. This software will assist in identifying areas of efficiency in the administration of Municipal Emergency Control Group member's qualifications and training, critical equipment and supply management, incident documentation, and post-incident analysis and reporting. The software will provide coordination across the County of Wellington and be accessible by member municipalities as outlined at the October 2022 Planning Committee. The project is to be funded by Provincial Modernization grant funding.

Recommendation:

That the preliminary 2023-2032 Planning capital budget forecast and major operating budget impacts as set out in this report be endorsed and forwarded to County Council for inclusion in the County of Wellington's Preliminary Ten-Year Plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ken DeHart', with a long horizontal flourish extending to the right.

Ken DeHart, CPA, CGA
County Treasurer



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Planning Committee
From: Sarah Wilhelm, Manager of Policy Planning
Jameson Pickard, Senior Policy Planner
Date: Thursday, November 10, 2022
Subject: **Bill 23 – More Homes Built Faster Act, 2022**

1.0 Purpose

The purpose of this report is to provide an overview of proposed changes recently introduced by the Minister of Municipal Affairs and Housing through the “More Homes Built Faster Act, 2022” (Bill 23) aimed at increasing housing supply in Ontario.

This report comments on parts of the amendments related to the land use planning and development approvals process and also highlights other changes under consideration that have impacts across County Departments, Member Municipalities and Conservation Authorities. The Treasury Department will report separately to the Administration, Finance and Human Resources Committee on the potential impacts related to development charges.

2.0 Background

The Provincial Government has proposed sweeping changes to multiple statutes, regulations, policies and other matters to help achieve the goal of building 1.5 million homes in Ontario over the next 10 years. Bill 23 impacts nine statutes, including major changes to the Planning Act, Development Charges Act and Conservation Authorities Act. The Government is moving fast and the changes are far reaching.

3.0 Major Themes

The proposed changes focus on the following major themes:

- building more homes;
- streamlining processes; and
- reducing costs and fees to build houses.

The Government has posted material for comment on the Environment Registry of Ontario and the Ontario Regulatory Registry about the proposed legislative and regulatory changes (see Appendix A for list). Planning staff have reviewed and summarized information to assist the County and Member Municipalities in their review of the material (Appendix B) but encourage those interested to review the proposed changes in their entirety.

Key changes are listed below.

3.1 Building More Homes

In an effort to build more homes, the Province has proposed the following changes:

Additional Residential Units (ARUs)	<ul style="list-style-type: none">• allow landowners to have up to 3 residential units per lot without the need for a zoning by-law amendment in municipally-serviced urban residential areas• would permit 3 units in the main dwelling (including 2 ARUs) or a combination of 2 units in the main dwelling (including 1 ARU) and another ARU in an ancillary building• zoning by-laws cannot set a minimum unit size or require more than one parking space per unit, but other zoning rules would apply
Housing targets to 2031	<ul style="list-style-type: none">• set housing targets to 2031 for 29 “large and fast-growing” municipalities in Southern Ontario (not applicable to Wellington County)
Major transit stations	<ul style="list-style-type: none">• build more homes near major transit stations (not applicable to Wellington County)
Conservation Authorities	<ul style="list-style-type: none">• identification of Conservation Authority lands suitable for housing

3.2 Streamlining

The Provincial Government is looking to streamline a wide range of policies and procedures to reduce the time it takes for new housing to be built.

Public Involvement	<ul style="list-style-type: none">• remove “third party” appeal rights for all planning applications (this would include appeals by the public)• remove the public meeting requirement for draft plan of subdivision approvals
Conservation Authorities (CAs)	<ul style="list-style-type: none">• remove Conservation Authority appeal rights for planning applications, except where the appeal would relate to natural hazards policies• limit Conservation Authority responsibilities to review and comment on planning applications (either on behalf of a municipality or on their own) to focus on natural hazards and flooding• change the Provincial wetland evaluation system, including shifting responsibility for wetland evaluation to local municipalities• establish one regulation for all 36 CAs in Ontario

New Provincial Planning Document	<ul style="list-style-type: none"> eliminate duplication between the Provincial Policy Statement (PPS) and A Place to Grow (Growth Plan), by combining them into one document and providing a more flexible approach to growth management
Planning Responsibilities	<ul style="list-style-type: none"> shift planning responsibilities from some upper-tier municipalities to lower-tier municipalities (not applicable to Wellington County)
Site Plans	<ul style="list-style-type: none"> exclude projects with 10 or fewer residential units from site plan control exclude exterior design of buildings from site plan control
Heritage	<ul style="list-style-type: none"> add more stringent requirements related to municipal heritage registers and timing of designation
Rental Unit Demolition and Conversion	<ul style="list-style-type: none"> impose limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties

3.3 Reducing Costs and Fees

Reductions in costs and fees are mainly focused in the following areas:

Development Charges and Parkland Dedication	<ul style="list-style-type: none"> exempt non-profit housing developments, inclusionary zoning residential units (not applicable to Wellington County), and affordable, additional and attainable housing units from development charges and parkland dedication discount development charges for purpose-built rentals remove costs of certain studies from development charges reduce alternative parkland dedication requirements
Conservation Authorities	<ul style="list-style-type: none"> a temporary freeze on CA fees for development permits and proposals
Other	<ul style="list-style-type: none"> review of other fees charged by Provincial ministries, boards, agencies and commissions

3.4 Additional Matters

Beyond the proposed land use planning changes, other key changes include to:

- enable the Ontario Land Tribunal (OLT) to speed up processing of appeals
- provide the OLT with discretionary power to order the unsuccessful party at a hearing to pay the successful party's costs

- provide a potential rent-to-own financing model
- increase penalties under the New Homes Construction Licensing Act of up to \$50,000

4.0 Conclusion

Ontario is in the midst of a housing crisis. While there are no simple solutions to the problem, action is required. Several of the Government's initiatives support recommendations of the County's Attainable Housing Strategy such as:

- streamlining the land use planning approval process;
- reducing/exempting certain development charges and parkland dedication requirements;
- introducing an attainable housing category; and
- considering a potential rent-to-own financing model.

While the above proposals will likely increase the supply of housing, more information is needed to better understand how related cost reductions will be passed on to potential home buyers.

The County has previously commented to the Province about duplication between the Provincial Policy Statement and the Provincial Growth Plan for the Greater Golden Horseshoe Area and welcome the creation of one streamlined Provincial Planning document and a simplified process for comprehensive growth reviews. Planning staff do, however, have concerns about how this might impact the municipal comprehensive review (MCR) work completed to date.

We have significant concerns about actions to:

- essentially remove meaningful public participation from the land use planning process;
- reduce the protection of natural heritage features/natural hazards, and the resulting impact on public health, public safety, and climate change objectives;
- reduce the important role of Conservation Authorities in the review of development applications (a loss of technical expertise critical to rural municipalities); and
- eliminate the long-established regional planning framework in the Province.

Staff note that there is a substantial amount of material posted for consultation and little time to respond (most comments are due late November or early December). Unfortunately, this timeframe does not allow for many newly elected Councils (including Wellington County) to meet and discuss their comments. We understand that more information is to follow as Bill 23 also introduces the potential for additional policies and regulations. Therefore, the full impact of the proposed amendments is unknown.

5.0 Next Steps

At the time of writing this report, the Bill has passed second reading and is at the Committee stage in the Legislature. Staff will continue to monitor the proposed legislation as it moves through the legislative process. Staff will engage with AMO and other organizations to provide input and will report at a later date when the legislation comes into effect and/or additional policies and regulations are made available.

Recommendations

That the report “Bill 23 – More Homes Built Faster Act, 2022” be received for information.

That this report be forwarded to the Ministry of Municipal Affairs and Housing on behalf of the County of Wellington and circulated to member municipalities for their consideration prior to Environmental and Regulatory Registry Provincial comment deadlines.

Respectfully submitted,



Sarah Wilhelm, BES, MCIP, RPP
Manager of Policy Planning



Jameson Pickard, B. URPL, RPP, MCIP
Senior Policy Planner

APPENDIX A Provincial Postings for Comment

Below is a link to an information bulletin which provides information on the various proposed changes under Bill 23 and associated legislation and includes direct links to the related Environmental Registry and Regulatory Registry postings.

[Link to Bill 23 Consultation Postings](#)

Environmental Registry of Ontario Postings (ERO)

Proposal	ERO Number	Notice Type	Comment Deadline
• Planning Act and City of Toronto Act Changes	019-6163	Act	November 24, 2022
• Planning Act and Development Charges Act Changes	019-6172	Act	November 24, 2022
• Review of a Place to Grow and Provincial Policy Statement	019-6177	Policy	December 30, 2022
• Additional Residential Units	019-6197	Regulation	December 9, 2022
• Inclusionary Zoning Regulatory Changes	019-6173	Regulation	December 9, 2022
• Conservation Authorities Act and Regulatory Changes	019-6141	Regulation	November 24, 2022
• Natural Hazards Regulatory Changes	019-2927	Regulation	December 30, 2022
• Conserving Ontario's Natural Heritage	019-6161	Policy	December 30, 2022
• Updates to Ontario Wetland Evaluation System	019-6160	Policy	November 24, 2022
• Ontario Heritage Act and Regulatory Changes	019-6196	Act	November 24, 2022
• 2031 Municipal Housing Targets	019-6171	Bulletin	N/A
• Consultations on More Homes Built Faster	019-6162	Bulletin	N/A

NOTE: The information bulletin about 2031 Municipal Housing Targets does not apply to Wellington County.

Ontario Regulatory Registry Postings (ORR)

Proposal	ORR Proposal Number	Instrument Type	Comment Deadline
• Ontario Land Tribunal Act Changes	22-MAG011	Act	November 25, 2022
• Municipal Rental Replacement By-laws	22-MMAH017	Act	November 24, 2022
• Potential Measures to Support Rent-to-Own	22-MMAH018	Proposal	December 9, 2022
• Building Code Regulatory Changes	22-MMAH016	Regulation	December 9, 2022
• New Home Construction Licensing Act Regulatory Changes	22-MGCS21	Act	December 9, 2022
• Ontario Underground Infrastructure Notification System Act Changes	22-MGCS022	Act	November 25, 2022

APPENDIX B Summary of Postings

Appendix B1	Planning Act and Development Act
Appendix B2	New Province-wide Planning Policy Document
Appendix B3	Additional Residential Units and Inclusionary Zoning
Appendix B4	Ontario Land Tribunal
Appendix B5	Conservation Authorities
Appendix B6	Ontario Heritage Act
Appendix B7	Other

Appendix B1 Planning Act and Development Charges Act Changes

Proposed Planning Act and Development Charges Act Changes

ERO 019-6163 & ERO 019-6172

Comments due November 24, 2022

Public Appeals and Public Meetings	<ul style="list-style-type: none"> • third parties (including members of the public) would no longer be able to appeal decisions on planning matters (official plans, official plan amendments, zoning by-laws, zoning by-law amendments, consents and minor variances) to the Ontario Land Tribunal • appeal rights maintained for applicants, the Province, public bodies including Indigenous communities, utility providers that participated in process (except where appeals are already restricted) • proposed removal of public meeting requirement for draft plans of subdivision
Conservation Authorities (also see Appendix B5)	<ul style="list-style-type: none"> • Limit CAs ability to appeal planning applications to provincial natural hazard policies, but CAs can appeal matters where they are the applicant • CAs will be given broader ability to sever and dispose of their land
Development Charges	<ul style="list-style-type: none"> • Exemptions for DCs for non-profit housing developments, inclusionary zoning residential units, affordable residential units, additional residential units and attainable residential units • Removal of costs of certain studies from list of capital costs that are considered in determining a development charge that may be imposed • Require DCs to be reduced from what could otherwise be imposed during the first four years by-law is in force • Extension of DC by-law expiry from 5 to 10 years
Parkland Dedication	<ul style="list-style-type: none"> • Requirement for a Parks Plan before passing a parkland dedication by-law • Requirement for municipalities to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year • New exemptions for affordable units, attainable units, inclusionary zoning units, additional residential units and non-profit housing • Parkland dedication for a building permit within 2 years of a site plan and/or zoning by-law amendment approval would be as of date of planning application submission • Allowance for land owners to identify encumbered and privately owned public space as parkland dedication • Reduced alternative parkland dedication requirements at a rate of 1 ha per 600 net residential units for conveyance and cash in lieu at a rate of 1 ha per 1,000 net residential units

Appendix B1 Planning Act and Development Charges Act Changes (continued)

Streamlining Municipal Planning Responsibilities	<ul style="list-style-type: none">• changes would remove the planning policy and approval responsibilities from the upper-tier municipalities of (Durham, Halton, Niagara, Peel, Simcoe, Waterloo and York)• proposed changes could also potentially be applied to additional upper-tier municipalities in the future
Site Plans	<ul style="list-style-type: none">• exemption for development up to 10 units (except land lease)• remove the ability to regulate architectural details and landscape design (character, scale, appearance and design features of buildings, and their sustainable design)• allow land lease communities to be approved through site plan control instead of a plan of subdivision (applies outside Greenbelt Area)
Aggregate Applications	<ul style="list-style-type: none">• Removal of 2-year “timeout” period for applications to amend new official plans, secondary plans and zoning by-laws for mineral aggregate operations• Decisions on aggregate applications will be delegated to staff instead of the Minister

Appendix B2 New Province-wide Planning Policy Document

Review of A Place to Grow and Provincial Policy Statement

ERO # 019-6177

Comments due December 30, 2022

The Province is conducting a review to determine the best way to integrate the Provincial Policy Statement (PPS) and A Place to Grow (Growth Plan) to “enable municipalities to accelerate the development of housing and increase housing supply (including rural housing), through a more streamlined, province-wide land use planning policy framework.” The Province is consulting on a series of policy approaches (a draft policy document is not available) which would support flexibility and/or certainty in the following key areas:

- settlement area boundary expansions and employment area conversions
- residential development in rural areas, including rural settlement areas
- an appropriate range and mix of housing options and densities, which includes ground-related housing, missing middle housing, and housing to meet demographic and employment-related needs
- use of the most current, reliable information about population and employment
- development in natural heritage features (including offsetting/compensation), natural hazards and human-made hazards
- access to aggregate resources
- cultural heritage resources
- ways to service new development with water and wastewater
- requiring fewer studies (including a straightforward approach to assessing land needs)
- overall reduction in the complexity of comprehensive reviews

Appendix B3 Additional Residential Units and Inclusionary Zoning

Proposed Changes to O. Reg. 299/19 Additional Residential Units

ERO 019-6197

Comments due December 9, 2022

Proposed Amendment to O. Reg. 232/18 Inclusionary Zoning

ERO 019-6173

Comments due December 9, 2022

Additional Residential Units (ARUs)	<ul style="list-style-type: none">• allow up to 3 units per lot: up to 3 units in the primary building, or up to 2 units in the primary building and 1 unit in an ancillary building such as a garage• allow ARUs without the need to apply for rezoning (or “as-of-right”) in many existing residential neighbourhoods in settlement areas with full municipal water and sewage services• prohibit municipalities from:<ul style="list-style-type: none">• imposing development charges, parkland dedication or cash-in-lieu requirements,• applying minimum unit sizes, or• requiring more than one parking space per unit
Inclusionary Zoning	<ul style="list-style-type: none">• allow municipalities near transit stations or with a Community Planning Permit System (CPPS) to use inclusionary zoning to require affordable housing units to be included in residential developments of 10 or more units• proposed changes would place a 5% limit on how many units would be required to be affordable and standardizing how to determine lowest price/rent• inclusionary zoning is not permitted in Wellington County at this time

Appendix B4 Ontario Land Tribunal

Proposed Amendments to the Ontario Land Tribunal Act, 2021

ORR # 22-MAG011

Comments due November 25, 2022

New powers	<ul style="list-style-type: none">• Allow OLT to dismiss appeals due to unreasonable delay by parties• Allow OLT to order an unsuccessful party to pay a successful party’s costs
New regulations	<ul style="list-style-type: none">• Enable OLT prioritize certain classes of proceedings through pending regulations (e.g. those which create the most housing)• Enable OLT to set timelines for specific case resolution activities

Appendix B5 Conservation Authority Changes

Conservation Authorities Act and Regulatory Changes

ERO # 019-6141

Comments due November 24, 2022

Removal of the Ability to Comment on Development Applications

Currently, the CA Act sets out a framework for CAs to provide certain “Municipal” or “Other” programs and services. In the County, this would include agreements with CAs to review and comment on site-specific development applications under the Planning Act. These agreements leverage CA expertise in water resources management, natural heritage protection and hazardous lands planning and helps the County and our Member Municipalities meet Provincial Policy obligations and public safety requirements.

Proposed changes under Bill 23 would clarify that a CA can only comment on matters pertaining to their “Mandatory Programs and Services” (set out in O.Reg. 686/21) and not provide programs or services that are related to reviewing and commenting on development proposals, planning applications or other matters made under prescribed Acts.

An accompanying regulation identifies the “prescribed Acts” under which the CA could not perform a review and comment role through “Municipal” and “Other” program and service agreements. Prescribed Acts include:

- The Aggregate Resources Act
- The Condominium Act
- The Drainage Act
- The Endangered Species Act
- The Environmental Assessment Act
- The Environmental Protection Act
- The Niagara Escarpment Planning and Development Act
- The Ontario Heritage Act
- The Ontario Water Resources Act
- The Planning Act

Planning Act Exemption from Certain Prohibitions

Currently the CA Act outlines certain activities which are prohibited from occurring in areas under jurisdiction of the CA. The Bill proposes to add a new sub-section which would provide opportunities to exempt certain development activities from these prohibitions provide the following criteria is met:

- 1) The activity is part of development authorized under the Planning Act; and
- 2) Such conditions and restrictions as may be prescribed for obtaining the exception and on carrying out the activity are satisfied.

The Bill adds regulation-making authority to allow the Lieutenant Governor in Council to impose conditions and restrictions on exceptions and to prescribe certain municipalities where this exemption can be used. This change will have the effect of further limiting the power of CAs by allowing the Minister to make exceptions specifically for development approvals.

While the legislative framework would be established in the CA Act for this tool, the Ministry has not yet proposed a regulation giving it effect. The Ministry is consulting further on this tool through the consultation guide released under ERO# 019-2927.

Appendix B5 Conservation Authority Changes (continued)

Ministers Zoning Orders

Currently CAs are required to issue permits for projects subject to a Ministers Zoning Order. The Bill proposes to extend this requirement to projects subject to a Community Infrastructure and Housing Accelerator order under Section 34.1 of the Planning Act. Additional changes would also establish regulation-making Authority for the Minister to limit the types of conditions that can be imposed in these circumstances by CAs.

Reduced Review Window for Conservation Authority Permits

The bill proposes to reduce the decision window from 120 to 90 days for review and decision on a permit application. Applicants can appeal a non-decision of the CA beyond this time frame to the Ontario Land Tribunal.

Ministers Direction on Fee Changes

The Bill proposes to introduce a new section to the CA Act which would enable the Minister to give written direction to CAs not to change the amount of any fee it charges for a program and service for a specified period of time.

Limitations on CA Appeal Rights

Currently under the Planning Act, CAs have the ability to appeal land use planning decisions to the Ontario Land Tribunal as they are considered a “public body” under the Act. Proposed changes to the CA Act would clarify that Conservation Authorities are not a “public body” except where an appeal made relates to natural hazard policies in provincial policy statements. If enacted, this would take effect January 1, 2023.

Identification of Conservation Authority Lands Suitable for Housing

Currently O.Reg. 686/21 under the CA Act requires CAs to complete a conservation area strategy and land inventory of all lands they own or control by December 31, 2024. Changes are proposed to O.Reg. 686/21 which would require the land inventory to identify CA lands that could support housing development. Additional changes to the CA Act are proposed to help facilitate the disposition of these developable lands (i.e. Notice requirements for the Minister and public, a streamlined severance process, and the use of proceeds generated by the sale of lands).

Establishing one regulation for permits for all 36 Conservation Authorities in Ontario

ERO # 019-2927

Comments due December 30, 2022

The Ministry of Natural Resources and Forestry is consulting on a proposal which would establish a singular regulation that set out the activities and associated requirements for permits for all 36 CAs in Ontario. The individual 36 regulations would be revoked. A consultation document has been prepared which seeks feedback on detailed aspects the proposal including revisions to some natural feature definitions, as well as, internal/permitting processes.

Offsetting policy for natural features

ERO # 019-6161

Comments due December 30, 2022

The Ministry of Natural Resources and Forestry is consulting on a province-wide offsetting policy that would require a net positive impact on natural features. The ministry has prepared a discussion paper seeking feedback on specific aspects of the proposal.

Appendix B5 Conservation Authority Changes (continued)

Updates to Ontario Wetland Evaluation System

ERO # 019-6160

Comments due November 24, 2022

The Ministry of Natural Resources and Forestry is consulting on a proposal to update the current guidance related to Ontario's wetland evaluation system. The proposed changes appear to remove the concept of wetland complexing (the grouping of smaller/multiple wetlands in an area for the evaluation of significance) and would require individual wetlands to be evaluated for significance based on their own merits. The modifications also appear to scale back/ remove Ministry involvement in the evaluation of wetlands and defer to municipalities.

Appendix B6 Ontario Heritage Act

Proposed Changes to the Ontario Heritage Act and its Regulations

ERO # 019-6196

Comments due November 24, 2022

Municipal Registers	<ul style="list-style-type: none">• give 6 months for municipalities to make an up to date municipal register of non-designated properties available on-line• Allowing for property owners to object to inclusion of their property on the municipal register at any time• Requiring that a property to be included on the municipal register must meet criteria. This change is proposed to apply to non-designated properties added to the municipal register on or after amendments come into force.• requiring removal of non-designated properties from a municipal register for five years if council does not issue a notice of intention to designate within 2 years (for existing and newly listed properties) or if Council moves to designate a listed property, but is unsuccessful in doing so
Notice of Intention to Designate	<ul style="list-style-type: none">• within 90 days of the initiation of an official plan amendment, zoning by-law amendment, or plan of subdivision application on the property, the municipality can now give notice of intention to designate when the property only if the property is already listed on the heritage register
Heritage Conservation Districts	<ul style="list-style-type: none">• requirement for municipalities to explain how a heritage conservation district meets criteria• provide for more flexibility to amend or repeal existing heritage conservation districts to support smaller scale development, including housing opportunities

Appendix B7 Other Changes

Municipal Rental Replacement By-laws

ORR # 22-MMAH017

Comments due November 24, 2022

The Ministry of Municipal Affairs and Housing is proposing to enact a Minister's regulation-making authority to enable the Minister to make regulations to standardize and clarify municipal powers to regulate the demolition and conversion of residential rental properties, in order to provide consistency and streamline the construction and revitalization of new housing supply. The government is also seeking input on the content of a new regulation under this authority.

Rent-to-Own Arrangements

ORR # 22-MMAH018

Comments due December 9, 2022

The Ministry of Municipal Affairs and Housing is seeking input on a rent-to-own financing model in Ontario and asks for feedback on how these types of arrangements could help with housing attainability in Ontario.

Building Code

ORR # 22-MMAH016

Comments due December 9, 2022

The Ministry of Municipal Affairs and Housing is seeking feedback on proposed amendments to the Ontario Building Code which proposes to:

- 1) amend the requirements in the code for mid-rise wood buildings between four and six storeys to harmonize with current requirements in the National Building Code; and
- 2) remove the current requirement for a standpipe system in a four-storey stacked townhouse.

New Home Construction Licensing Act

ORR # 22-MGCS021

Comments due December 9, 2022

The Ministry of Public and Business Service Delivery is seeking feedback on proposed amendments to the New Home Construction Licensing Act, 2017 to address unethical behaviour by vendors and strengthen consumer protection for purchasers of new homes in Ontario who may be adversely impacted by price escalations and terminations of agreements.

Underground Infrastructure Notification System

ORR # 22-MGCS022

Comments due November 25, 2022

The Ministry of Public and Business Service Delivery is seeking feedback on proposed Legislative amendments under the Ontario Underground Infrastructure Notification System Act, 2012 to provide the Minister the authority to appoint the Chair of Ontario One Call's Board of Directors, which would supplement other board governance powers contained in the Act to support a shift from an industry-centred Board.