



MEMORANDUM

TO: Mayor Lawlor and Members of Council

FROM: Jeff Markowiak, Director of Development Review

DATE: June 28, 2023

MEMO NO.: PD-2023-003

SUBJECT: Halton Region Council's endorsement of a plan to transition Regional planning services to the local municipalities

PURPOSE OF THE MEMORANDUM:

The purpose of this memo is to update Council and provide a brief summary of the planning services Transition Plan endorsed by Halton Region Council at their meeting on May 24, 2023. The Transition Plan is intended to ensure that the required transfer of some Regional roles and responsibilities to the local municipalities occurs in a coordinated and collaborative fashion upon final proclamation of Bill 23, *More Homes Built Faster Act, 2022*.

BACKGROUND:

Bill 23, *More Homes Built Faster Act, 2022*, when fully implemented, will result in substantial changes to the Ontario planning system. It will have the effect of significantly altering the roles and responsibilities of upper-tier municipalities and Conservation Authorities and will place additional responsibilities with local municipalities. The change to the roles and responsibilities in a Halton context, include:

- upon proclamation of Bill 23, the Halton Region Official Plan (ROP) will be deemed as an official plan for the local municipalities to interpret and implement until such time that it is revoked. This will mean that the Region no longer has authority to manage or comment on long-standing Regional interests such as the natural heritage system, agricultural land and resources, employment lands and planning for aggregate resources. These matters become the responsibility of the local municipalities to manage.
- without a Regional Official Plan, and in accordance with other aspects of Bill 23, the Region will also no longer act as the approval authority for local Official Plans

or amendments to the plans (authority transfers to the Minister of Municipal Affairs and Housing).

- the Region will be unable to appeal a matter to the Ontario Land Tribunal or participate as a party before the OLT on land use planning matters.
- Many of the other accountabilities for planning services currently considered the responsibility of the Region will be transferred to the local municipalities. These include water resource management, archaeological resources and environmental site assessment reviews.
- For *Planning Act* matters deemed complete after January 1, 2023, Conservation Authorities were prohibited from providing review and comments on *Planning Act* matters that are outside of their defined mandatory programs and services (hazard/wetland related, regulatory matters, etc.). This means that review services for planning and development applications previously provided by CA's under Memorandums of Understanding with local municipalities (eg. technical reviews related to natural heritage and aspects of stormwater management) can no longer be provided.

In order to ensure that the changes to the roles and responsibilities associated with Bill 23 are implemented in a coordinated and collaborative fashion a Transition Plan was prepared through a joint effort amongst staff from the Region, area Conservation Authorities and the four local municipalities.

At their May 24, 2023, meeting Regional Council endorsed Report No. LPS34-23, which authorizes Regional staff to work collaboratively with the agencies to execute any agreements or MOUs that may be necessary to transition the Regional planning services required through Bill 23 in a manner that is consistent with the prepared Transition Plan. A summary of the Transition Plan as it pertains to Regional planning services was attached to the report; the summary outlines which of the Region's current functions are impacted as a result of Bill 23 (mentioned above) and also how Regional staff intend to work with the local municipalities to define the Region's role on Regional matters not impacted by Bill 23, which include:

- Municipal water and wastewater servicing;
- Regional Transportation Systems;
- Waste Collection;
- Affordable and Assisted Housing;
- Responsibilities associated with a specific mandate prescribed by legislation (e.g. sourcewater protection, public health); and,
- Other Regional services or functions that have a land component.

A copy of Report No. LPS34-23 and the summary of the approach to transition Regional planning services is attached as SCHEDULE 1 to this report. It should be noted that the Province has not yet indicated when final proclamation of Bill 23 is to occur other than

suggesting it will take place in Winter 2024 (no clarity if that means January or December).

COMMENTS:

The effect of Bill 23 altering the roles and responsibilities of Halton Region will place additional accountabilities on the local municipalities, including Halton Hills. Halton Region no longer having certain responsibilities for planning under the *Planning Act* does not mean that those planning responsibilities disappear. Upon final proclamation of Bill 23 the following roles and functions, previously considered the responsibility of the Region, will be transitioned to Halton Hills for matters within the Town's municipal boundary:

- **Regional Official Plan:** The Town will be responsible for interpreting and implementing the Halton Region Official Plan until such time that it is revoked. Prior to revocation, the Town will need to ensure the appropriate Regional policies pertaining to natural heritage system, agricultural land, employment lands and aggregate resources are transferred into and captured under the Town's Official Plan. This includes assuming responsibility for completing any outstanding aspects of the Region's municipal comprehensive review, including ROPA 50.
- **Natural Heritage System & Water Resources:** The Town will be responsible for reviewing development applications and providing comments related to the natural heritage system (which includes ecological and species habitat matters) and water resources (which includes hydrogeology).
- **Aggregate Resources:** For most aggregate resource applications (i.e. new quarry or expanded quarry proposals) the Region took the lead in managing the Joint Agency Review Team (JART) process. For future applications within the Town this responsibility will likely fall to Town staff to manage.
- **Archaeological Resources:** The Town will need to identify which sites may be of archaeological interest and co-ordinate the review of any necessary archaeological studies with the appropriate Provincial ministries.
- **Site Contamination & ESAs:** For development applications the Town will be responsible for coordinating the review of Environmental Site Assessments with the appropriate Provincial ministries to ensure site contamination concerns are properly addressed.

Town staff are currently developing a strategy to assume responsibility of these planning functions from the Region. However, it is expected that the assumption of these responsibilities will place a strain on the current staffing resources. To properly manage these functions the retention of peer review consultants or the hiring of

additional staff may be required. Town staff will bring a more detailed report forward to Council later this year outlining the Town's strategy and potential resource needs.

CONCLUSION:

This Memorandum is to be received by Council for information purposes only.

Reviewed and approved by,

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer