



REPORT

TO: Mayor Lawlor and Members of Council

FROM: John Linhardt, Commissioner of Planning & Development

DATE: May 14, 2024

REPORT NO.: PD-2024-040

SUBJECT: 2024 Integrated Halton Area Planning System Memorandum of Understanding

RECOMMENDATION:

THAT Report No. PD-2024-040 dated May 14, 2024, regarding the 2024 Integrated Halton Area Planning System Memorandum of Understanding be received;

AND FURTHER THAT the new Memorandum of Understanding for an Integrated Halton Area Planning System be endorsed by Council;

AND FURTHER THAT the 2018 Memorandum of Understanding be terminated;

AND FURTHER THAT a copy of this report be forwarded to the Region of Halton, the Local Municipalities of Burlington, Milton and Oakville, Conservation Halton, CVC and the Grand River Conservation Authority.

KEY POINTS:

The following are key points for consideration with respect to this report:

- Memorandums of Understanding (MOU) have traditionally been utilized to guide the delivery of planning services by Halton, the four Local Municipalities of Burlington, Halton Hills, Milton and Oakville, and the three Conservation Authorities (Conservation Halton, CVC and the Grand River Conservation Authority). Examples include the 1999 and 2018 MOU, both of which responded to the then current legislative and policy considerations at the time of their approval.
- As set out in a number of staff reports, the provincial planning system has been undergoing significant changes over the last few years. Through Bill 23, *More*

Homes Built Faster Act, 2022, the Province first introduced the term “upper tier without planning responsibilities”. Through the recent introduction of Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, the Province is now proposing that Halton Region will become an upper tier without planning responsibility effective as of July 1, 2024.

- Given the foregoing, the 2018 MOU is dated and needs to be updated to address the changing roles of the various participants in the land use planning system. Work has been on-going for the last few months on developing a revised MOU that considers the revised planning context and changing roles and responsibilities. The MOU has been approved in principle by the Halton Area CAOs and is being brought forward to Council for approval.

BACKGROUND AND DISCUSSION:

1. Context

In 1999, the Region of Halton, the Local Municipalities of Burlington, Halton Hills, Milton and Oakville, Conservation Halton, CVC and the Grand River Conservation Authority, the two School Boards and Halton Police Services entered into a Memorandum of Understanding (MOU) for an Integrated Planning System in Halton. This MOU responded to the changes in the planning system at that time, including the downloading of Provincial Plan review functions to the Region and the subsequent delegation of certain planning approvals (e.g. draft plans of subdivision, consents and part lot control by-laws) from the Region to the local municipalities.

In 2018, an updated MOU was prepared in consideration of further substantive changes to the land use planning system in Ontario. This included significant revisions to the *Planning Act*, the introduction and subsequent update of a number of Provincial Plans (e.g. Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan) as well as updates to the Provincial Policy Statement. In addition, the Conservation Authorities Act and regulations had evolved over time.

More recently, the provincial planning system has been subject to further significant revisions that are intended to address the housing crisis and expedite construction. These changes include replacing the 2020 Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe with the 2024 Provincial Planning Statement, the granting of Royal Assent to Bill 23, *More Homes Built Faster Act, 2022* and the recent introduction of Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*. As a direct result of Bill 185, effective July 1, 2024, Halton Region will become an “upper tier municipality without planning responsibilities”. This means that:

- The Town will assume responsibility for the Halton Region Official Plan within our municipal boundaries;
- The Town will be the principal planning authority within our municipal boundaries while continuing to collaborate with the Region and the Conservation Authorities to advance an integrated approach to planning and ensure the interests and responsibilities of our external partners are addressed;

- Halton Region will cease to be the approval authority for local Official Plans and amendments, rather the Ministry of Municipal Affairs will be the approval authority;
- The Region will not have any appeal rights under *The Planning Act* moving forward and will not be able to be identified as a party at an Ontario Land Tribunal hearing;
- The Region's role in the planning process will be focused on a few key areas, such as the provision of Regional infrastructure (water, wastewater and regional roads).

Given the foregoing, the 2018 MOU is dated and needs to be updated to address the changing roles of the parties. Work has been on-going for the last few months on developing a revised MOU that takes into account the revised planning context. The MOU has been approved in principle by the Halton Area CAOs. The purpose of this report is to present a new MOU for Council's review and consideration.

2. MOU Structure

The new MOU, which is attached to this report as Schedule One, is divided into twelve sections. A brief description of each section follows.

Section 1 – Introduction – references the overall planning context that underpins the MOU.

Section 2 sets out the purpose and objectives of the MOU. The overarching purpose is “to provide a clear foundation for transformational changes related to planning that are occurring” and “to support a streamlined planning system that eliminates duplication and enables efficiencies in the development of planning policies, the review and processing of development applications and the coordination of planning decisions with Conservation Authority permitting processes”. The objectives also refer to the efficient transition of service delivery, the removal of service duplication and the sharing of information in a timely manner to maximize collaboration and improve planning processes.

Section 3 identifies general roles and responsibilities for the Region, Local Municipalities and Conservation Authorities in the land use planning system. As referenced in this section, the Local Municipalities will act as the land use planning authority within their geographic limits while including the Region and Conservation Authorities in the planning and development process as it relates to their respective interests and responsibilities. The Regional role will be focused on commenting in key areas such as Regional infrastructure, waste management, affordable and assisted housing, and source water protection. The Conservation Authorities will be focused on natural hazards including wetlands and administering and enforcing Section 28 of the *Conservation Authorities Act* and associated regulations. Section 3 also references various shared responsibilities among the parties.

Section 4 is focused on Policy Review such as New Official Plans, Comprehensive Official Plan Amendments, and Secondary Plans. The section provides direction on policy review principles, process and implementation.

Section 5 is focused on Development Review matters such as site-specific Official Plan and Zoning By-law Amendments, Draft Plans of Subdivision/Condominium, Part Lot Control applications, Site Plans, Consents, and Minor Variances. This section provides direction on development review principles and processes.

Section 6 addresses OLT appeals with a specific focus on the Region's role given that upper tier municipalities without planning responsibilities will no longer have rights of appeal or the ability to appear as a party before the OLT.

Section 7 is focused on Planning for Regional Infrastructure and provides direction on the preparation of Joint Best Planning Estimates, enhanced growth monitoring and Infrastructure Master Plans and Infrastructure Studies and Plans.

Section 8 is entitled Facilitating Regional Infrastructure & Services and includes subsections on allocation programs, land dedication necessary to deliver regional infrastructure, waste management services and housing.

Section 9 addresses the Natural Environment. This includes natural heritage systems, water resources, including source protection, private services and site contamination.

Sections 10 and 11 deal with Data & Information Sharing and Dispute Resolution respectively.

Section 12 addresses the duration and review process for the MOU. With respect to the former, once signed by all the parties, the MOU will remain in effect until it is replaced by an updated or new document. A review of the MOU is intended to take place no later than two years after its effective date and is to be overseen by the Area CAOs.

STRATEGIC PLAN ALIGNMENT:

This report is administrative in nature and does not have an impact on the Town's Strategic Plan.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

INTERNAL CONSULTATION:

The CAO and Transportation and Public Works staff were consulted during the development of the MOU.

FINANCIAL IMPLICATIONS:

This report will be funded through an existing approved budget source.

Given the revised planning system and increased responsibilities at the local level, the Town has commenced a review of our development application fees to ensure that they are commensurate with the level of work being undertaken. In addition, the Town has established a roster of peer review consultants to undertake environmental plan review as required. Peer review is intended to be funded at an applicant's expense rather than property tax base. As we work with the implementation of the MOU and fully understand the impacts on the planning process, further discussions may be required as part of future budgets regarding the adequacy of staff resources.

Reviewed and approved by,

Chris Mills, Chief Administrative Officer