

The Honourable Doug Ford, Premier of Ontario  
Premier's Office, Room 281  
Legislative Building, Queen's Park  
Toronto, ON M7A 1A1

December 21, 2022

Dear Premier:

The Council of the County of Brant wishes to express our deep concern with the *More Homes Built Faster Act*, omnibus legislation known as Bill 23 that received royal assent only 31 days after its first reading. This legislation brought forward significant changes to the municipal planning and development framework with little regard for municipal implementation. These changes will restrict how municipalities manage growth and will impede the ability to provide essential infrastructure and community services to accommodate growth. This legislation will have negative impacts on the County of Brant's ability to provide housing to address the housing affordability and supply crisis at the local and provincial level. While change is needed to the functions of planning and development in order to address current issues, the changes made through Bill 23 will most certainly result in negative impacts to local communities.

Bill 23 proposes to freeze, remove, and reduce development charges, community benefits charges, and parkland dedication requirements. Each of these mechanisms is important for municipalities to not only manage and pay for growth, but to provide the services and amenities that residents, both present and future, wish to have in their complete communities.

Bill 23 will remove aspects of Site Plan Control, including the ability to regulate architectural details and aspects of landscape design, important components for municipalities to guide development with community character objectives that support their unique characteristics. For residential development of 10 units or less that are now exempt from Site Plan Control, the County will not be able to request green energy elements to reach net zero. The ability to guide development in this way is an important function for the identity and sustainability of individual municipalities who seek to attract and sustain businesses and residents.

Bill 23 will remove the ability of Conservation Authorities to support municipalities, by protecting the public from natural hazards while protecting natural areas, on a watershed level. Unintended consequences of Bill 23 will result in duplicate roles at conservation authorities and municipalities, with both agencies each having to have their own experts on natural hazards and natural heritage matters. Additional staff resources will be required, which could result in additional expense and delays in approving housing. For example, a conservation authority will need to review wetlands for hazards, while a municipality will require new expertise to review for water quality impacts and natural heritage.

Bill 23 could result in the further loss of wetlands, woodlands and wildlife habitat as a result of changes to the Ontario Wetland Evaluation System and permissions for environmental offsetting. The County of Brant encourages the Province to create stronger policies that result in the permanent protection of natural heritage systems and water resource systems and focus on solutions that direct development to

other areas such as through greyfield redevelopment. Natural areas are essential part of complete communities, contributing to our mental and physical well being as well as providing water resources for drinking water supply that supports population growth.

The County of Brant understands the urgent need to address the current housing affordability and supply crisis, and we see the detrimental impacts of this crisis at the local level in both rural and urban areas of Brant, Brantford and other neighbouring municipalities. However, we oppose the approach taken by *Bill 23, More Homes Built Faster Act, 2022* and the impacts it will have at the municipal level with the limited scope of addressing housing supply challenges.

Many additional components of this legislation await further implementation and we urge the Provincial government to meet with municipalities to discuss these impacts and future direction before further steps are taken. As a small rural municipality experiencing population and job growth, the County of Brant has big ideas about how to tackle our planning and development challenges in ways that meet both provincial and municipal objectives. We continue to engage with the Province of Ontario and submit constructive comments through the Environmental Registry postings. These ideas were also included in a draft version of a new Official Plan for the County of Brant, submitted to MMAH on August 17<sup>th</sup>, 2021, for the 90-day one window review and comment period under the Planning Act. The province's July 1<sup>st</sup>, 2022, deadline for our municipal Official Plan to be in conformity with the Growth Plan for the Greater Golden Horseshoe has come and gone, and the County of Brant is still awaiting direction from the Ministry of Municipal Affairs and Housing on several outstanding issues highlighted in our draft official plan submission, including both housing supply and affordability concerns at the local level.

While Bill 23 seeks to increase housing supply, it is being done without adequate consultation with municipal partners, Indigenous communities, and other stakeholders. These legislative changes will not result in creating affordable housing and will come at the expense of other important objectives such as environmental protection, mitigating climate change, heritage preservation, public participation, loss of farmland, the provision of future services, amenities, and infrastructure, and without regard to the negative impact it will have on residential tax rates and housing affordability in the long-run.

Please be advised that this matter was considered by the Council of the County of Brant at its meeting held on December 20, 2022, and in this regard, Council adopted the following resolution:

1. That report RPT-0711-22 regarding an overview of Bill 23, More Homes Built Faster Act, 2022 be received; and
2. That report RPT-0711-22 and attached comments be forwarded onto the Province of Ontario on Bill 23, More Homes Built Faster Act, 2022 and the associated consultations posted on the Environmental Registry and Ontario Regulatory Registry as appropriate; and
3. That the County of Brant request that the Province of Ontario commit to an enhanced municipal consultation process such as by establishing technical working groups with municipalities, Indigenous communities, and other stakeholders on further proposed policy changes as part of Bill 23, More Homes Built Faster Act, 2022; and
4. That report RPT-0711-22 be shared with the two Conservation Authorities having jurisdiction within the County of Brant, and



5. That report RPT-0711-22 be shared with the Ontario Professional Planners Institute.
6. That Council directs staff to translate RPT-0711-22 into a resident facing communication that specifically relates the impacts of Bill 23 to residents, and
7. That the County's treasurer be directed to summarize the implications of Bill 23 at an upcoming budget presentation

The Council approved report has been attached to this correspondence for your consideration and any attention deemed necessary.

Yours sincerely,



Alysha Dyjach  
Clerk and Director of Council Services  
The Corporation of the County of Brant

Att: County of Brant Report RPT-0711-22 – Bill 23 Update

Cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
MPP Will Bouma, Brantford-Brant  
MPP Ernie Hardeman, Oxford  
MPP Brian Riddell, Cambridge  
Ryan Amato, Chief of Staff – Ministry of Municipal Affairs and Housing  
Christ Polous, Director of Issues Management – Ministry of Municipal Affairs and Housing  
Association of Municipalities of Ontario (AMO)



## County of Brant Council Report

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**To:** To the Mayor and Members of County of Brant Council  
**From:** Jennifer Boyer, Manager of Policy Planning  
**Date:** December 20, 2022  
**Report #:** RPT-0711-22  
**Subject:** *Bill 23, More Homes Built Faster Act, 2022* – Legislative Update and Comments  
**Purpose:** For Information and Direction

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### Recommendation

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- 1) That report RPT-0711-22 regarding an overview of *Bill 23, More Homes Built Faster Act, 2022* be received; and
- 2) That report RPT-0711-22 and attached comments be forwarded onto the Province of Ontario on *Bill 23, More Homes Built Faster Act, 2022* and the associated consultations posted on the Environmental Registry and Ontario Regulatory Registry as appropriate; and
- 3) That the County of Brant request that the Province of Ontario commit to an enhanced municipal consultation process such as by establishing technical working groups with municipalities, Indigenous communities, and other stakeholders on further proposed policy changes as part of *Bill 23, More Homes Built Faster Act, 2022*; and
- 4) That report RPT-0711-22 be shared with the two Conservation Authorities having jurisdiction within the County of Brant, and
- 5) That report RPT-0711-22 be shared with the Ontario Professional Planners Institute.
- 6) That Council directs staff to translate this report into a resident facing communication that specifically relates the impact to the residents, and
- 7) That the County's treasurer be directed to summarize the implications of *Bill 23* at an upcoming budget presentation.

### Executive Summary

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Ontario's population will grow by more than two million people by 2031. The Province has confirmed that Ontario is in a housing crisis and is taking bold action to advance the plan to build 1.5 million homes over the next 10 years.

The Province recently released proposed legislative and regulatory changes under *Bill 23, More Homes Built Faster Act, 2022* on amendments to *the Planning Act, R.S.O. 1990, c. P.13, the Development Charges Act, 1997, S.O. 1997, c. 27, the Conservation Authorities*

Act, R.S.O. 1990, c. C.27, the Ontario Land Tribunal Act, 2021, S.O. 2021, c.4, Sched. 6, as well as several other pieces of legislation.

On November 22, 2022, Development Services presented RPT-0517-22 to Council, in which Council directed staff to forward comments to the Province on the proposed changes. Comments were submitted through the Environmental Registry of Ontario (ERO).

Subsequent to the November 22<sup>nd</sup> Council Report, the Province extended several commenting deadlines from November 24, 2022 to December 9, 2022. On November 29, 2022, [Bill 23, More Homes Built Faster Act, 2022 in Third Reading and received Royal Assent](#) (Attachment 1). Some provisions are immediately in force, while others will not come into effect until January 1, 2023, until proclaimed by the Lieutenant Governor at a later date, or until such time that the implementing regulation is in place.

This report provides a synopsis of the approved changes to date, in force dates, and implications to the County (Attachment 2). Watson & Associates Economists Ltd. continues to support the County of Brant and has provided correspondence outlining the changes and potential impacts (Attachment 3).

Other commenting timeframes related to larger policy proposals, are still due by December 30, 2022. Larger policy proposals included a review of:

- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (A Place to Grow) and the Provincial Policy Statement (PPS).
- Conserving Ontario's Natural Heritage.
- Proposed regulatory updates related to natural hazards pertaining to the role of Conservation Authorities.

Staff have conducted a detailed review of larger policy proposals as detailed in (Attachments 4, 5 and 6). Given that the proposed policy changes could have major implications for land use planning in the County, including the County's New Official Plan, staff are seeking direction from Council to submit formal comments to the Province.

## **Strategic Plan Priority**

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Strategic Priority 1 - Sustainable and Managed Growth

Strategic Priority 2 – Effective Communications

Strategic Priority 5 - Healthy, Safe and Engaged Citizens

## **Impacts and Mitigation**

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### Social Impacts

There are many provisions in *Bill 23* that are expected to create more housing in an efficient manner. As-of-right permissions for three residential units per lot, in the fully serviced areas of Paris and St. George, should result in additional rental units including potential income support for home owners. Exempting residential development of up to 10 units from Site Plan Control will result in an efficient approval process to create more homes. Further changes to Site Plan Control, which the County may no longer review for architectural control, could reduce processing times and costs for applications.

Due to changes that no longer require public meetings for Plans of Subdivisions and prevent third-party *Ontario Land Tribunal* appeals on Consents and Minor Variances, there will be reduced opportunities for County of Brant residents to be involved in development application decisions. It will be important for the County to incorporate public comments as part of the development application review and decision process at the municipal level.

### Environmental Impacts

Creating policies that change the Ontario Wetland Evaluation System without oversight from the Ministry of Natural Resources and Forestry, may result in less wetlands being classified as provincially significant and greater loss of wetlands in Ontario. New permissions for removal of natural areas subject to environmental offsetting, is expected to result in more natural areas being proposed for removal. Provincially significant wetlands have had long standing policy protections in which development and site alteration have been prohibited; new policies could mean that they are no longer afforded permanent protection. While a net gain approach is proposed, it could take decades to achieve a net gain, as in the case of forests, new trees are not ecologically equivalent to mature trees removed.

County staff have conducted a detailed review of larger policy changes, such as the integration of A Place to Grow and the PPS, from an environmental lens. Where opportunities arise, staff will continue to provide input on responsible development that protects the natural features and supports safe and responsible development approvals.

### Economic Impacts

By expanding Development Charge exemptions, excluding expenses, and establishing a phase-in period, it is expected that *Bill 23* will see increased subsidization of development infrastructure costs by the tax levy. A financial impact analysis will be undertaken to assess the County's development charges and parkland dedication revenue losses directly resulting from *Bill 23*. Once an analysis has been completed staff will provide a summary to Council of the annual financial impact of *Bill 23* on the County. These changes could further negatively impact the County, local economy, and residents, as they come at a time of recovery from the COVID-19 Pandemic, higher inflation, and borrowing costs. At this time the province is not proposing to offset any revenue losses resulting from *Bill 23*.

Wetlands provide many benefits including economic benefits related to maintaining the quality and quantity of water on groundwater, which is essential for safe drinking water for humans, wildlife habitat and fish habitat. Allowing environmental offsetting and reducing the setback regulated by conservation authorities for wetlands could have unintended economic impacts caused by impacts to groundwater that are costly to repair.

Additional staff expertise may be required related to the review and implementation of environmental offsetting, wetland evaluations, and reviewing impacts of development on the quality of water of streams and wetlands.

Changes to provincial policies through the integration of A Place to Grow with the PPS into one document, if implemented, will likely require significant staffing resources and additional public consultation to update the New Official Plan to ensure conformity with new policies. However, it is anticipated that the integration of these two provincial documents will result in a streamlined review of development applications.

Increased opportunities for additional residential units (ARU's), to be built faster, and create more development income, strengthening the County of Brant tax base.

## Report

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### Background

Tabled on October 25, 2022, as *Bill 23, More Homes Built Faster Act, 2022*, the Province is moving forward with proposed changes to legislation, regulations, policy and other matters as part of the *More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022-2023*. The stated intent of these changes are to reduce red-tape by streamlining the development process to create more housing.

The Royal Assent of *Bill 23* and larger policy proposals are summarized below with greater detail provided in Attachments to this report.

### **Bill 23 Receives Royal Assent on November 29, 2022**

On November 29, 2022, [Bill 23, More Homes Built Faster Act, 2022 was passed in Third Reading and received Royal Assent](#). The approved *Bill 23* is attached to this Report.

After public hearings and debate, the Standing Committee proposed numerous revisions. Key changes approved as part of the final *Bill* are as follows:

- Third-party appeals to the Ontario Lands Tribunal (OLT) will continue to be permitted for Official Plan and Zoning By-Law Amendments. However, third-party appeals will not be permitted for Minor Variances or Consents.
- Previously *the Planning Act* did not permit Official Plan and Zoning By-Law's to be amended within the first 2 years of approval. The intent was to recognize and prevent changes to the new policy. This prohibition is no longer in force. As a result, once the County approves a new Official Plan, applicants could immediately apply for an Official Plan Amendment.
- Site Plan Control changes were proposed to restrict a municipality's ability to comment on exterior elements such as architectural design and landscaping. Site Plan Control is a tool that may be used to require green energy elements to reach net zero. Concerns were raised, and as a result, changes were made to allowing application of:
  - Matters related to green roofs;
  - Building construction requirements related to environmental conservation, where permitted, under the *Building Code Act*;
  - Exterior elements related to health, safety, accessibility or sustainable design.
- For the phase-in of Development Charges (DC's) over the first 4 years, the initial *Bill* was proposed to apply to existing DC By-Laws passed on or after June 1, 2022. The revised provisions now apply to DC By-Laws passed on or after January 1, 2022.

### **Policy Proposal - Review of A Place to Grow and Provincial Policy Statement**

The Ministry of Municipal Affairs and Housing (MMAH) is undertaking a housing-focused policy review of A Place to Grow and the PPS. It is posted on the ERO as [019-6177: Review of A Place to Grow and Provincial Policy Statement](#).

The Ministry is seeking feedback on how to create a streamlined province-wide land use planning document that would enable municipalities to approve housing faster and increase the supply and diversity of housing.

Currently, the PPS, issued under the authority of the *Planning Act*, is the primary provincial planning tool, which applies to all of Ontario. A Place to Grow was developed in 2005, intended to create more specific policy direction focused on the Greater Golden Horseshoe.

The current provincial land use planning framework has been developed over the last three decades. Due to ongoing updates to policies, the current system is complex, with overlapping policies that are similar but often contradictory and difficult to interpret. Integrating A Place to Grow with the PPS is intended to simplify the planning process.

The Province is seeking feedback on core elements related to residential land supply, attainable housing supply and mix, growth management, environment and natural resources, community infrastructure, and a streamlined planning framework. In addition, the ERO proposed five questions to generate feedback.

Attachment 4 includes details on the core areas of review and discussion topics, and an analysis conducted by policy planning.

### **Policy Proposal - Conserving Ontario's Natural Heritage**

In support of Ontario's commitment to build housing, the province is seeking feedback on a discussion paper entitled "Conserving Ontario's Natural Heritage." It is posted on the ERO as [019-6161: Conserving Ontario's Natural Heritage](#).

While it is recognized that natural heritage areas provide many benefits, conserving natural heritage has become challenging due to development pressures, climate change impacts on natural areas, and other threats that isolate and threaten preservation of wetlands, woodlands, and wildlife habitat.

Natural heritage conservation, as part of development, is primarily based on direction provided in the PPS and A Place to Grow. Protections vary greatly from prohibiting development in significant wetlands, to permissions in settlement areas for features such as significant woodlands subject to demonstration of no negative impacts, to policies outside of settlement areas that prohibit new development in or within 30 metres of certain features. Due to policies in the PPS, natural areas are particularly susceptible to development pressure within settlement areas.

The current provincial policy context does not contain provisions that require environmental offsetting, if natural areas are approved for development. For example, if part of a significant woodland is removed there is no requirement for replacement trees. Many Canadian provinces have developed offsetting policies for wetlands. Similarly, in Ontario some conservation authorities have developed policies that provide for removal of non-significant wetlands, subject to offsetting ecological and/or hydrological impacts.

A discussion paper has been provided to generate feedback on offsetting development pressures on wetlands, woodlands, and other wildlife habitat. To support this proposal, the Ministry of Natural Resources and Forestry is considering developing a policy that would require a net positive impact. The intent is to reverse the trend of natural heritage loss in Ontario.

The province is seeking feedback on what the County supports or disagrees with, and on recommendations that would support the growing need for housing while protecting and



benefiting from the important role that natural areas provide to our community. Attachment 5 includes details on information contained in the discussion paper, and an analysis conducted by Senior Environmental Planning staff.

### **Policy Proposal - Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario**

In support of Ontario's commitment to build housing, the province is seeking feedback on a discussion paper on natural hazards. It is posted on the ERO as [019-2927: Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario](#).

The proposal focuses on regulatory changes to implement updates to the *Conservation Authorities Act*, and which are intended to streamline development approvals by providing a consistent approach to the review of natural hazards. For example, the ministry is proposing to make a single regulation for all conservation authorities which would replace the 36 separate regulations for each individual conservation authority.

A discussion paper has been released to seek feedback on providing a streamlined and consistent approach to natural hazards, such as:

- Notifying and consulting with the public on any significant changes to regulated mapping.
- Reducing lands regulated adjacent to significant wetlands from 120 metres to 30 metres.
- Consistent definitions for wetlands, hazardous lands, and watercourses.
- Maintaining the existing regulation of erosion hazard limits associated with river valleys.
- Exempting low-risk activities from permitting requirements if certain requirements are met.
- Limiting conditions an authority may require as part of a permit.
- Providing mapping that illustrates where permitting applies.

While not part of the regulatory proposal, as part of the discussion paper, the province is seeking advice on exempting development approved under the *Planning Act* (e.g. Plan of Subdivision containing hazardous lands) from also having to acquire additional approval as part of a permit under the *Conservation Authorities Act*.

Attachment 6 includes details on information contained in the discussion paper, and an analysis conducted by Senior Environmental Planning staff.

### **Analysis**

Overall, *Bill 23, More Homes Built Faster Act, 2022*, narrows the housing discussion to one of quantity and diminishes the critical role municipalities play in providing for quality and support for growth at a local community level. The approved and remaining proposed changes could lead to unintended consequences and implementation confusion. For example, higher taxes may be required to offset development charges, resulting in increased housing costs for all. Natural areas may become more prone to development subject to environmental offsetting, in lieu of finding creative solutions such as developing stronger environmental policies and focusing on redeveloping areas that are already disturbed.

Additional staff resources will be required to update the Official Plan, Zoning By-Law and related planning processes. Ongoing amendments may continue to be required, dependent

on the amount of legislation and regulatory changes. Expertise may be required on wetland evaluations and environmental offsetting. Continued education and learning will be required for all staff and the public on changes to legislation and policies, including the refined roles of conservation authorities.

With respect to policy changes proposed on provincial land use planning, natural heritage and natural hazards, more time is required to digest and discuss such significant changes that will have a long-term impact on communities. While the County supports a streamlined planning process, comprehensive consultation should be undertaken to ensure the interests of all stakeholders are taken into consideration.

Policy planning has conducted a high-level review of the proposed policy changes and it is recommended that the responses attached to this report be forwarded to the province as the County's feedback on the applicable ERO postings.

Given the implications to the County, it is further recommended that the County of Brant requests that the province commit to an enhanced municipal consultation process, such as by establishing technical working groups with municipalities, Indigenous communities, and other stakeholders on proposed policy changes as part of *Bill 23*.

### **Next Steps**

County of Brant staff will continue to provide updates to Council on proposed changes resulting from *Bill 23* that impact County resources accordingly.

The policy team will continue to analyze and implement planning tools necessary to respond to approved changes that are in-force, such as new exemptions on Site Plan Control for residential use and as-of-right permissions for three residential units per property.

It is unclear at this time how the proposed changes will impact the County's Draft New Official Plan. Staff have not yet received an update from the Ministry of Municipal Affairs and Housing (MMAH) on the County's Draft New Official Plan. Staff continue to connect with MMAH London to receive updates. Continued emphasis will be placed on incorporating legislative changes as the New Official Plan project moves forward.

### **Attachments**

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1. Bill 23 as approved through Royal Assent
2. Summary of Changes Approved and Implications of *Bill 23*
3. Watson and Associates Supporting Information, Nov. 29, 2022
4. County Response on *A Place to Grow* and *Provincial Policy Statement*
5. County Response on Conserving Ontario's Natural Heritage
6. County Response on Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.

### **Prepared By**

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Jennifer Boyer, Manager of Policy Planning

Michelle Schaeffle, Senior Environmental Planner

Brandon Kortleve, Planner – Policy Planning

Jessica Kitchen, Planner – Policy Planning

## **Reviewed By**

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1. Pam Duesling, General Manager of Development Services
2. Heather Mifflin, Director of Finance

## Copied To

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1. Alysha Dyjach, Director of Council Services, Clerk
2. Darryl Lee, Interim Chief Administrative Officer
3. Senior Management Team (General Managers - all)
4. Alyssa Seitz, Planning Administrative Assistant/ Secretary Treasurer to the Committee of Adjustment
5. Mat Vaughan, Director of Development Planning
6. Stacey Ellins, Director of Parks and Recreation
7. Meghan Hunter, Manager of Parks and Forestry

By-law and/or Agreement

By-law Required

No

Agreement(s) or other documents to be signed by Mayor and /or Clerk

No



**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
<b>Bill 23 - Schedule 9, Planning Act</b>					
<b>November 28, 2022</b>	<p><b>Site Plan Control Exemption Up to 10 Residential Units</b></p> <ul style="list-style-type: none"> <li>- Residential development of up to 10 units will be exempt from Site Plan Control.</li> </ul>	<ul style="list-style-type: none"> <li>- Efficient approvals, as applicants will be able to apply for a building permit without Site Plan Control. A more detailed review of building permits will be required, such as related to zoning.</li> <li>- The County may not be able to review for important issues such as stormwater management and impacts to the environment.</li> <li>- Stormwater management may need to be addressed on a broader scale to prevent localized flooding.</li> <li>- Zoning provisions may need to be updated should there be important matters that would typically dealt with through Site Plan Control that could be covered through zoning.</li> <li>- The County may want to consider updating the Natural Heritage Zone, as a stop-gap measure, prior to finalization of a New Official Plan and considering the reduced role of Conservation Authorities (CAs). Currently, only wetlands and flooding and erosion hazards regulated by CAs are zoned Natural Heritage. If natural areas such as significant woodlands, areas of natural and scientific interest, and buffers are not within a floodplain or erosion hazard, they are typically not zoned Natural Heritage. Many municipalities have an overlay whereby an Environmental Impact Study may be required prior to considering development.</li> </ul>	<ul style="list-style-type: none"> <li>- Review County of Brant Site Plan Control By-Law 157-03 to determine whether updates are required.</li> <li>- Work with the Building Division to ensure detailed review of developments consisting of 10 units or less.</li> <li>- Work with the Development Engineering Division to ensure detailed review of lot grading and drainage and stormwater management for developments consisting of 10 units or less.</li> <li>- Review Zoning By-Law to determine provisions that could be added that were previously dealt with through Site Plan Control.</li> <li>- Review Natural Heritage Zone with respect to natural areas not included in the Zone such as woodlands, areas of natural and scientific interests and adjacent lands.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division – Review of Site Plan Control By-Law 157-03</li> <li>- Review of Zoning By-Law</li> </ul> <p>Coordinate with:</p> <ul style="list-style-type: none"> <li>-Development Planning Division</li> <li>- Building Division</li> <li>- Development Engineering Division</li> </ul>	<ul style="list-style-type: none"> <li>- Now and ongoing into 2023</li> </ul>
<b>November 28, 2022</b>	<p><b>Site Plan Control Exemption Exterior Elements</b></p> <ul style="list-style-type: none"> <li>- Municipalities may no longer comment on exterior design related to the character, scale, appearance, and design of a site. This is</li> </ul>	<ul style="list-style-type: none"> <li>- Will result in more efficient approvals.</li> <li>- The County will not be able to include architectural design elements in Urban Design Guidelines.</li> <li>- To maintain the character of heritage areas, the County would need to consider creating Heritage Conservation Districts or transitioning to a Community Planning Permit System (CPPS).</li> </ul>	<ul style="list-style-type: none"> <li>- Revise the draft new official plan to remove reference to Design Guidelines as a tool to assist in with Site Plans.</li> <li>- Review Site Plan Control By-Law 157-03 to determine whether updates are required.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Development Planning Division</li> <li>- Parks and Forestry Division</li> </ul>	<ul style="list-style-type: none"> <li>- Ongoing 2023</li> <li>- Some of these items such as HCDs and CPPS will be developed following approval</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
	<p>primarily related to architectural design and landscaping.</p> <ul style="list-style-type: none"> <li>- Exterior design elements are required for building construction where required under a by-law created under Section 97.1 of the <i>Municipal Act</i> in accordance with provisions of the <i>Building Code Act</i>.</li> <li>- Exterior design may apply as related to exterior access to a building with affordable housing.</li> <li>- The appearance of the elements, facilities and works is not subject to Site Plan Control except where related to matters of health, safety, accessibility, sustainable design, or the protection of adjoining lands.</li> </ul>	<ul style="list-style-type: none"> <li>- Consideration should be given to developing green building standards, which would be permitted under this legislation, based on expertise at the County.</li> </ul>	<ul style="list-style-type: none"> <li>- Review internal applications, checklists, and forms utilized for Site Plan Control review to remove reference to align with revised wording on exterior design related to health, safety, accessibility, sustainable design, or the protection of adjoining lands.</li> <li>- Policies have been included within the County’s draft new official plan to consider creating Heritage Conservation Districts (HCDs) or transitioning to a Community Planning Permit System (CPPS).</li> <li>- Develop green building standards, which would be permitted under this legislation, based on expertise at the County. Determine next steps in the creation of this tool.</li> </ul>		<p>of a new Official Plan</p>
<p><b>November 28, 2022</b></p>	<p><b>Gentle Density (Additional Residential Units)</b></p> <ul style="list-style-type: none"> <li>- Within fully serviced areas (Paris, St. George), 3 dwelling units per lot are permitted as-of-right wherever residential uses are permitted as a principal use, regardless of provisions in</li> </ul>	<ul style="list-style-type: none"> <li>- Property owners may apply for a building permit for up to 3 units, without triggering a Zoning By-Law Amendment.</li> <li>- An increase in Minor Variances is anticipated relating to front yard setbacks, landscaped open space requirements, and parking to accommodate units.</li> <li>- Residential zoning provisions will need to be reviewed to analyze impacts, such as side yard access and parking provisions. New subdivision design does not lend itself to accommodate additional units, so they need to be</li> </ul>	<ul style="list-style-type: none"> <li>- Future Housekeeping Amendments to update the current Official Plan and Zoning By-Law to avoid confusion.</li> <li>- Revisions to County brochures relating to ARU implementation to reflect changes.</li> <li>- Comprehensive Review of County Parking Standards.</li> <li>- Public education on parking permissions.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Building Division</li> <li>- Communications Division</li> <li>- Development Planning Division</li> <li>- Finance Division</li> </ul>	<ul style="list-style-type: none"> <li>- Housekeeping Amendments – 2023 Date TBD.</li> <li>- Revised ARU brochures – Completed December 2023.</li> <li>- Comprehensive Review of County</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
	<p>Official Plans or Zoning By-Laws.</p> <ul style="list-style-type: none"> <li>- Residential uses include detached houses, semi-detached houses or rowhouses.</li> <li>- 3 units may be permitted: <ul style="list-style-type: none"> <li>- As 3 units within a building.</li> <li>- 2 units within a building, and 1 unit in an accessory building.</li> </ul> </li> <li>- Only 1 parking space is required for a residential unit.</li> <li>- New units will be exempt from DCs, CBCs, and Parkland Dedication.</li> <li>- There is no appeal right in respect of policies adopted to implement these permissions.</li> </ul>	<p>considered from the design stage and solutions for in-progress development will need to be clear from the outset.</p> <ul style="list-style-type: none"> <li>- A Housekeeping Amendment to update the Zoning By-Law to avoid confusion, will be required.</li> <li>- As part of the review of parking standards, more units will need to be considered through better design.</li> <li>- Public education on parking permissions will be required.</li> <li>- There could be greater demand in rural areas with residents wanting similar permissions, but these provisions only apply to Paris and St. George.</li> </ul>	<ul style="list-style-type: none"> <li>- Ensure DCs, CBCs, and parkland are consistent with new rules.</li> </ul>		<p>Parking Standards – Ongoing/2023.</p> <ul style="list-style-type: none"> <li>- Public Education on Parking Permissions – 2023 Date TBA.</li> </ul>
<p><b>November 28, 2022</b></p>	<p><b>Public Meetings for Plans of Subdivisions</b></p> <ul style="list-style-type: none"> <li>- Public meetings will no longer be required for Draft Plans of Subdivision.</li> </ul>	<ul style="list-style-type: none"> <li>- Most Plans of Subdivisions have a related zoning application. As such, public feedback to Council may be coordinated as part of the zoning review.</li> <li>- Public consultation will need to focus on written comments submitted to the County and coordination with the lead Planner on the file.</li> </ul>	<ul style="list-style-type: none"> <li>- Planner on the file to coordinate all comments received on applications for Plans of Subdivisions and Zoning By-Law Amendments.</li> <li>- Public education on when and how to participate in the <i>Planning Act</i> Process for Plans of Subdivision and Zoning By-Law Amendment applications.</li> </ul>	<ul style="list-style-type: none"> <li>- Development Planning Division</li> </ul>	<ul style="list-style-type: none"> <li>- Ongoing – Planner on the file will continue to coordinate all correspondence received on applications.</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
<b>November 28, 2022</b> <b>TBD for regulations</b>	<b>Rental Replacement</b> - The Province will be able to create regulations related to the replacement of rental housing when it's proposed to be demolished or converted as part of a proposed development.	- Until any new regulations are developed, staff are unable to determine implications.	- Continue to monitor potential implications of these changes.	- Policy Planning Division	- Waiting on implementing regulation.
<b>November 28, 2022</b>	<b>Parkland Dedication</b> - Maximum parkland dedication conveyed and/or as cash-in-lieu has been capped. - Parks Plans must be completed prior to Parkland Dedication By-Laws, as opposed to part of the Official Plan Review process. - Municipalities must spend or allocate 60% of parkland reserve funds at the start of each year.	- Parkland changes are related to high density development, intended to cap parkland. It is not anticipated this will have an impact on parkland in the County at this time. - County will need to prepare a Parks Plan, prior to any new by-law. - Determine if there is a need for Community Benefit Charges By-law through a study to determine the need. - Establish the maximum alternative rate for parkland dedication. - Cap the alternative rate where land proposed for development or redevelopment is 5 hectares or less.	- Ensure New Official Plan policies are consistent with new parkland provisions and dedication by-law. - Prepare a County-wide Parks Master Plan. - Ensure by-law and practices are in line with changes. - Coordinate with Finance for cash in lieu of Parkland related to Parkland Dedication. - Ensure 60% of parkland reserve funds allocated in annual capital budget.	- Policy Planning Division - Development Planning Division - Parks and Recreation Division - Facilities and Special Projects Division - Finance Division	- Policy Planning following up with Community Services Dept. for amending of Parkland Dedication By-law and status of Parks Plan. - Finance Division in process of ensuring Planning Act financial changes in effect
<b>November 28, 2022</b>	<b>New Official Plans and updates to Comprehensive Zoning By-Laws</b> - Comprehensive Zoning By-Laws must be amended to conform to Official Plan policies within one year of coming into effect.	- <b>This has implications for the County's New Official Plan.</b> - <b>This has implications on the timing of updating the Comprehensive Zoning By-law</b> - Prior to this <i>Planning Act</i> change, after a New Official Plan was approved by the Province, there were no appeal rights for two years.	- <b>The County's New Official Plan will be open to appeals upon approval from the Minister</b> - Policy Planning Division to update the Comprehensive Zoning By-Law once a New Official Plan is approved within one year.	- Policy Planning Division. - Development Planning Division.	- Ongoing 2023 - Updates to the County of Brant Zoning By-Law are undertaken annually through Housekeeping's.



**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
	<ul style="list-style-type: none"> <li>- Previously, once a new Official Plan, Secondary Plan or Zoning By-Law came into effect, applications could not propose to amend or request a Minor Variance to such documents unless agreed to by the municipality. These provisions are repealed.</li> </ul>	<ul style="list-style-type: none"> <li>- Once a New Official Plan is approved by the Province, either the County or applicants could submit an Official Plan Amendment or Appeal the New Official Plan.</li> <li>- Prior to this <i>Planning Act</i> change, after a New Official Plan or OPA/Conformity was approved by the Province, a municipality had three (3) years to update the Comprehensive Zoning By-law.</li> </ul>			<p>A Comprehensive Review of the County of Brant Zoning By-Law will be undertaken following approval of a new Official Plan.</p>
<b>TBD</b>	<p><b>Parkland Locations</b></p> <ul style="list-style-type: none"> <li>- Encumbered parkland as well as privately owned publicly accessible spaces will be eligible for parkland.</li> </ul>	<ul style="list-style-type: none"> <li>- The County will need to change any criteria relating to what an applicant may provide as parkland.</li> <li>- Applicants will have more say in how parkland is provided.</li> <li>- For larger Plans of Subdivision, the County may not be able to require parkland that is central to the community.</li> </ul>	<ul style="list-style-type: none"> <li>- Ensure New Official Plan policies are consistent with any new parkland provisions.</li> <li>- Prepare a County-wide Parks Master Plan.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Parks and Recreation Division</li> <li>- Facilities and Special Projects Division</li> </ul>	<ul style="list-style-type: none"> <li>- Waiting for implementation date.</li> </ul>
<b>Bill 23, Schedule 2 - Conservation Authorities Act amendments</b>					
<b>January 1, 2023</b>	<p><b>Conservation Authorities Core Mandate</b></p> <ul style="list-style-type: none"> <li>- Clear limits are proposed on what Authorities are permitted to comment on as part of the <i>Planning Act</i> process, which will keep their focus on natural hazards and flooding.</li> </ul>	<ul style="list-style-type: none"> <li>- Major implications are not anticipated, as the County has taken the lead on natural heritage since creation of the Senior Environmental Planner position.</li> <li>- Conservation Authorities will only be able to comment on matters related to their core mandate on natural hazards.</li> <li>- They may no longer comment on matters related to pollution of land, conservation of land or natural heritage.</li> <li>- At this time, Grand River Conservation Authority, has advised that there will no changes with respect to services provided to the County.</li> <li>- Many other changes to <i>the Conservation Authorities Act</i> require implementing regulations and are the focus of the discussion paper entitled “Conserving Ontario’s Natural Heritage”, with a commenting deadline of December 30, 2022 and posted on the EBR as <a href="#">019-6161: Conserving Ontario's Natural Heritage</a>. Given that there could be</li> </ul>	<ul style="list-style-type: none"> <li>- Senior Environmental Planner to remain as lead on Natural Heritage matters.</li> <li>- If role of Conservation Authorities change, work with the Development Engineering Division to ensure detailed review of lot grading, drainage and stormwater management for pollution of land.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Development Planning Division</li> <li>- Development Engineering Division</li> </ul>	<ul style="list-style-type: none"> <li>- Waiting on implementing regulation and further direction from conservation authorities.</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
		changes based on consultation and an implementation date is unknown, details are not provided in this table. See Attachment 6 for details.			
<b>Bill 23 – Schedule 3, Development Charges Act Amendments</b>					
<b>TBD</b>	<b>Affordable &amp; Attainable Housing Exemptions</b> - Affordable housing, priced at no more than 80% of the average price/rent in the year the unit is rented or sold, will be exempt from development charges and parkland dedication fees - Sale of Attainable Housing as to be prescribed will be exempt from development charges and parkland dedication fees. - To remain affordable/attainable for 25 years	- It is unknown what the financial implications will be, as it will be based on uptake on creating affordable housing. The County may need to determine alternative funding such as through grants, and/or taxes. - An administrative process will be needed to review housing rental and sale prices for eligibility. - Where parkland is dedicated as part of the Plan of Subdivision process, staff will need to determine how this is applied. - An upper limit of 5% of the total number of units in a development that can be required to be affordable as part of inclusionary zoning - 25-year agreement between County and owner registered on title	- Ensure by-laws and practices are in keeping with new rules. - Update educational materials. - Continue to monitor potential implications of these changes with respect to ongoing and proposed affordable housing projects. - Monitor rents, sale, and resale of properties with affordable housing agreements to ensure rent and resale at 80% as determined by Provincial Bulletin for Affordable Residential Units - Staff report to determine funding for exemptions	- Policy Planning Division - Development Planning Division - Building Division - Finance Division - Legal Division	- Ongoing
<b>November 28, 2022</b>	<b>Discount for purpose built Rental Housing</b> - 3+ bedrooms, 25% reduction - 2 bedrooms, 20% reduction - Less than 2 bedrooms, 15% reduction	- Depended on uptake discount will need to be funded from other sources - No agreement required; concern units will stay as rental units	- Staff report to determine funding for exemptions	- Building Division - Finance Division	- Ongoing 2023

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
<b>November 28, 2022</b>	<p><b>Phase-in of new DC rates</b></p> <ul style="list-style-type: none"> <li>- Five-year phase-in of DC rate increases, beginning with a 20% reduction in the first year, with the reduction decreasing by 5% each year until year five when the full new rate applies.</li> <li>- This is proposed to apply to all new DC By-Laws passed since Jan. 1, 2022</li> </ul>	<ul style="list-style-type: none"> <li>- The County’s Development Charge bylaw was passed in August 2019 and amended in December 2021. The County is <u>not currently</u> impacted by the five-year phase-in.</li> </ul>	<ul style="list-style-type: none"> <li>- Plan for phase-in in next DC update</li> </ul>	<ul style="list-style-type: none"> <li>- Finance Division</li> <li>- Building Division</li> </ul>	<ul style="list-style-type: none"> <li>- Ongoing now</li> </ul>
<b>November 28, 2022</b>	<p><b>DC By-law Expiry</b></p> <ul style="list-style-type: none"> <li>- DC By-Laws will expire every 10 years, instead of every 5 years.</li> <li>- By-Laws can still be updated any time.</li> </ul>	<ul style="list-style-type: none"> <li>- Bill 23 extends the expiry date of DC background studies and bylaws to 10 years. The County’s current bylaw now expires August 31<sup>st</sup>, 2029.</li> <li>- Consistent with the existing legislation, municipalities may still amend or update their DC By-laws on a more frequent basis, but updates on a shorter term will be impacted by the new mandatory phase-in for years one through four of the DC by-law term. Municipalities are therefore incentivized to pass 10-year DC By-laws to capture full rates applied to housing units in year five onwards of the DC By-law term.</li> </ul>	<ul style="list-style-type: none"> <li>- Review implications if an early update of the bylaw is being considered; phase-in costs vs rate increase to include updated list of capital projects &amp; costs.</li> </ul>	<ul style="list-style-type: none"> <li>- Finance Division</li> </ul>	<ul style="list-style-type: none"> <li>- Noted</li> </ul>
<b>November 28, 2022</b>	<p><b>Mandatory allocation of DC reserves</b></p> <p>Municipalities will be required to spend or allocate at least 60% of DC reserves for priority services (i.e., water, wastewater, and roads).</p>	<ul style="list-style-type: none"> <li>- DC funds are allocated to growth related projects included in the DC background study. As these are the first services required for development to proceed there is no concern with the County’s ability to allocate 60% of the reserve balances.</li> </ul>	<ul style="list-style-type: none"> <li>- Ensure by-laws and practices are in line with approved changes.</li> <li>- Review County’s Servicing Allocation Strategy for Paris and St. George</li> </ul>	<ul style="list-style-type: none"> <li>- Finance Division</li> <li>- Operations Department</li> <li>- Development Services</li> </ul>	<ul style="list-style-type: none"> <li>- Noted</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
<b>November 28, 2022</b>	<b>Service Changes</b> <ul style="list-style-type: none"> <li>- Exclude the cost of “certain” studies (including background studies) from recovery through DCs</li> <li>- Remove Housing as a service DCs can be collected</li> <li>- Level of Service calculation extended to 15 years from 10 years</li> </ul>	<ul style="list-style-type: none"> <li>- Bill 23 reduces certain types of eligible capital costs that a municipality can recover through DCs. Costs for housing services and the costs to complete the DC background study/other studies no longer qualify for recovery by municipalities through their DC by-laws.</li> <li>- There is also a change to the historical service level horizon used to calculate eligible capital costs from 10 years to 15 years (save for certain exceptions).</li> </ul>	<ul style="list-style-type: none"> <li>- Seek clarification of which “certain” studies are excluded</li> <li>- Review growth-related capital projects to determine studies included</li> <li>- Immediately discontinue collection of DC for Housing Service</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Finance Division</li> </ul>	<ul style="list-style-type: none"> <li>- Ongoing</li> </ul>
<b>TBD</b>	<ul style="list-style-type: none"> <li>- New regulation authority to set services for which land costs would not be an eligible capital cost recoverable through DCs.</li> </ul>	<ul style="list-style-type: none"> <li>- Awaiting further direction on how this will be implemented to determine impact to funding of growth-related capital projects.</li> </ul>	<ul style="list-style-type: none"> <li>- TBD</li> </ul>	<ul style="list-style-type: none"> <li>- TBD</li> </ul>	<ul style="list-style-type: none"> <li>- TBD</li> </ul>
<b>Bill 23, Schedule 7 - Ontario Land Tribunal Act amendments</b>					
<b>November 28, 2022</b>	<b>Ontario Lands Tribunal (OLT) - Third-Party Appeals</b> <ul style="list-style-type: none"> <li>- Only the applicant, municipality, specified public bodies (e.g., utility companies), and the Minister will be permitted to appeal Minor Variance and Consent decisions.</li> <li>- Existing third-party appeals with no hearing date will be dismissed.</li> </ul>	<ul style="list-style-type: none"> <li>- Public consultation for Consents and Minor Variances will be restricted to commenting to the County as part of the development application review process.</li> <li>- Expected to result in fewer OLT appeals.</li> <li>- Notices need to be updated regarding appeal rights.</li> </ul>	<ul style="list-style-type: none"> <li>- Revisions to <i>Planning Act</i> Applications and notices required to amend current wording relating to appeals.</li> <li>- Public Education on when third party appeals are permitted and for what application types.</li> </ul>	<ul style="list-style-type: none"> <li>- Development Planning Division</li> <li>- Legal Division</li> <li>- Policy Planning Division</li> </ul>	<ul style="list-style-type: none"> <li>- Revisions to <i>Planning Act</i> Applications and notices – Completed December 2023.</li> <li>- Public Education – Ongoing 2023.</li> </ul>



**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
<b>All OLT Act changes not yet in force - TBD</b>	<b>OLT - Awarding Costs</b> - OLT will have increased permissions to award costs against a party that loses a hearing.	- The County could be liable for costs, where an appeal is lost at OLT. - To mitigate losses and as part of new <i>Planning Act</i> timelines under <i>Bill 109</i> , it will be important to avoid non-decisions on applications. - To mitigate losses, it will be important to ensure that decisions on <i>Planning Act</i> applications are reviewed and assessed on planning merits as per provincial and municipal legislation, policies, and plans. - Could result in less frivolous appeals. - An example of costs awarded in the past, relate to frivolous appeals on aggregate applications where there were no expert witnesses to defend opposition of proposed operation.	- Review internal development application review processes to ensure efficiency and tight timelines are met (beginning January 1 <sup>st</sup> , 2023). - Education and training on how land use decisions are made relating to municipal and provincial policies. - Review public education materials on development review and land use planning.	- Policy Planning Division - Development Planning Division - Legal Division - Communications Division - Finance Division	- Waiting on implementing regulation. - Review internal development application review process – completed Fall 2023 – Implementation of revised processes will be ongoing into 2023.
<b>All OLT Act changes not yet in force - TBD</b>	<b>OLT - Other</b> - The Tribunal will be able to dismiss appeals for undue delay. - Regulations may be established to give priority to hearing times for specified matters.	- Could result in less frivolous appeals. - Appeals related to important matters such as housing, could be given priority and prompt hearing dates.	- Review legal process with regards to appeals that may be related to undue delay.	- Legal Division	- Waiting on implementing regulation. - Legal Division to remain lead on all OLT appeals.
<b>Bill 23 – Schedule 6 - Ontario Heritage Act</b>					
<b>Not yet in force - TBD</b>	- When <i>Planning Act</i> applications are received on property that has potential heritage values, municipalities will not be able to issue a notice to designate unless the	- If an application under the <i>Planning Act</i> is received, the County cannot issue a notice of intention to designate as a reaction to the application. This is because the County of Brant does not have any properties ‘listed’ as part of the municipal heritage register.	- Review of heritage conservation program through a municipal benchmarking and audit report to the municipal heritage committee - Undertaking an Arts, Culture and Heritage strategy that considers the relationship of heritage conservation with planning and	- Policy Planning Division - Economic Development Division	- Waiting on implementing regulation. - Preliminary training and discussion in January 2023 with

**Summary of Implementation Dates, Changes Approved, and County Implications**  
***Bill 23, More Homes Built Faster Act, 2022***

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
	<p>property is listed on the municipal register.</p> <ul style="list-style-type: none"> <li>- Regulations may be established on criteria for HCD Plans, and a process is proposed that will allow amendments to such plans once approved.</li> </ul>	<ul style="list-style-type: none"> <li>- Listing a property now has similar requirements to designating a property, creating a redundancy in the process.</li> <li>- As a better use of limited resources, the County may want to focus on creating HCDs to protect heritage properties and provide guidance on heritage-related character rather than focusing on individual designations.</li> <li>- More information on this topic will be provided through the County of Brant Municipal Heritage Committee, once discussed with the committee after its inaugural meeting in January 2023.</li> </ul>	<p>development to help the County of Brant prioritize objectives and determine an appropriate implementation plan.</p> <ul style="list-style-type: none"> <li>- Policies have been included within the County’s draft new official plan to consider creating Heritage Conservation Districts (HCDs) or transitioning to a Community Planning Permit System (CPPS).</li> <li>- Education will be provided to the municipal heritage committee on recent legislative changes.</li> </ul>		<p>the municipal Heritage Committee.</p>

November 29, 2022

Dear Clients:

Re: *More Homes Built Faster Act*

In our continued efforts to keep our clients up to date on the legislative amendments resulting from Bill 23 (*More Homes Built Faster Act*), we are writing to inform you that Bill 23 received Royal Assent on November 28, 2022. This letter highlights the changes that were introduced with the Second Reading of the Bill and identifies the amendments that are currently in effect for the *Development Charges Act* (D.C.A.), as well as section 37 (community benefits charges (C.B.C.s)) and section 42 (parkland dedication) of the *Planning Act*.

### ***Development Charges Act***

- Second Reading of the Bill introduced two substantive modifications to the proposed changes, including:
  - For the phase-in of the charges over the first four years of a development charges (D.C.) by-law, under First Reading the transition provisions only applied to existing D.C. by-laws passed on or after June 1, 2022. These rules now apply to a D.C. by-law passed on or after January 1, 2022.
  - The discount for rental housing developments is applicable to a D.C. payable under a section 27 agreement, for prescribed developments that were entered into before the *More Homes Built Faster Act* received Royal Assent. These discounts do not apply to payments made under the agreement prior to this date.
- All sections of Schedule 3 of the *More Homes Built Faster Act* are in effect as of November 28, 2022 (date of Royal Assent) with the exception of:
  - Subsection 4.1 of the D.C.A., which provides exemptions for affordable and attainable residential units;
  - Rules under front-ending agreements with respect to affordable and attainable residential units; and
  - Regulation powers related to defining attainable housing and criteria for arm's length transactions.

These exceptions will come into effect on the date of proclamation. As of the date of this letter, proclamation has not been given.

### **Section 37 of the *Planning Act* – Community Benefits Charges**

- Second Reading of the Bill introduced an additional change to the proposed C.B.C. amendments under section 37 of the *Planning Act*. The change allows a municipality to enter into an agreement with a landowner for the provision of in-



kind contributions. It also allows for this agreement to be registered on title of the land to which the charge applies.

- Section 10 of Schedule 9 of the *More Homes Built Faster Act* is in effect as of November 28, 2022 (date of Royal Assent) with the exception of:
  - Subsection 37 (32.1) of the *Planning Act*, which provides reductions in the maximum charge for developments containing affordable and attainable residential units.

This subsection of the *Planning Act* will come into effect on the date of proclamation. As of the date of this letter, proclamation has not been given.

### **Section 42 of the *Planning Act* – Parkland Dedication**

- No additional changes or modifications were made since First Reading of the Bill with respect to the parkland dedication amendments under section 42 of the *Planning Act*.
- Section 12 of Schedule 9 of the *More Homes Built Faster Act* is in effect as of November 28, 2022 (date of Royal Assent) with the exception of:
  - Subsections 42 (1.1) and 42 (3.0.3) of the *Planning Act*, which provide reductions in the standard and alternative parkland dedication requirements for affordable and attainable residential unit developments; and
  - Subsections 42 (4.30) through 42 (4.39) of the *Planning Act* which allow a landowner to identify the land for parkland conveyance under the by-law.

These subsections of the *Planning Act* will come into effect on the date of proclamation. As of the date of this letter, proclamation has not been given.

We would be pleased to discuss the changes resulting from the *More Homes Built Faster Act* with you in further detail at your convenience.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

Andrew Grunda, MBA, CPA, CMA, Principal

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# County of Brant Feedback on: Review of A Place to Grow and Provincial Policy Statement

ERO Posting #019-6177; Comment period open until December 30, 2022

## Discussion Questions

### General Comments

Given the implications to municipalities, it is recommended that the Province commit to an enhanced municipal consultation process, such as by establishing in-person technical working groups with rural and urban municipalities, Indigenous communities, and other applicable stakeholders.

At a high-level, the County of Brant supports the integration of the A Place to Grow and the Provincial Policy Statement (PPS) into one province-wide policy document, which is intended to simplify the land use planning process by eliminating duplicate policies that are often similar but conflicting and confusing to interpret.

Creating one set of policies that provides clear direction on where development may or may not be permitted to create complete communities that protects the environment, cultural heritage and public health would streamline the development approvals to create more housing.

### Question 1

**What are your thoughts on the proposed core elements to be included in a streamlined province-wide land use planning policy instrument?**

Proposed Core Elements	County Response
<b>TIMELY IMPLEMENTATION OF THIS POLICY PROPOSAL</b>	<b>While we appreciate the Province giving the opportunity for municipalities to provide feedback on this policy proposal, this specific proposal merging the PPS and A Place to Grow is imperative to our New Official Plan. We request that the Province make a decision and provide an updated integrated Provincial Policy document as soon as possible.</b>


<p><b>Settlement Area Boundary Expansions</b></p>	<p>As a rural community that relies heavily on the agricultural land base for food production and the agri-food network, the County of Brant would support strict limits on the expansion of settlement area boundaries where increasing density within existing boundaries and incentivizing would address a large portion of the need for housing and mixed use developments and set growing municipalities up for efficient land use, transportation and resource protection over the long-term.</p> <p>Streamlined and simplified policy direction that enables municipalities to expand their settlement area boundaries in a coordinated manner with infrastructure planning, in response to changing circumstances, local contexts and market demand to maintain and unlock a sufficient supply of land for housing and future growth.</p>
<p><b>Growth Forecasting Schedules Schedule 3, A Place to Grow</b></p>	<p>Schedule 3 of the Growth Plan establishes minimum long-term population and employment forecasts for upper-tier and single-tier municipalities in the G.G.H. to the year 2051.</p> <p>The Ministry of Finance (M.O.F.) also establishes long-term population forecasts for all Ontario Census Divisions (C.D.s), which typically represent upper-tier municipalities, separated municipalities, and single-tier municipalities. The M.O.F. forecasts are not recognized as official forecasts for planning purposes in Ontario; however, they are updated annually and can be used to inform population forecasts in Official Plans. Under a consolidated Growth Plan and P.P.S., consideration would need to be given to the role and source of growth forecasts established by the Province for all Ontario municipalities.</p> <p><b>Schedule 3 Growth Plan: Will this Schedule be kept for those GGH municipalities NOT on the Housing Target List?</b></p> <p>Alternatively, will you be asking Outer Ring Municipalities in the GGH to provide Residential Housing numbers? This information was in our draft MCR.</p> <p>What about Employment Land Forecasts and job Forecasts?</p>
<p><b>Land Needs Assessment Methodology for the Greater Golden Horseshoe, 2020 Section 2.2.1.5 A Place to Grow</b></p>	<p>The Growth Plan requires that upper- and single-tier municipalities in the Greater Golden Horseshoe use this methodology to assess the quantity of land required to accommodate forecasted growth. This document requires to</p>

	<p>be referenced as our draft Municipal Comprehensive Review has been calculated on this methodology.</p> <p>Ensuring key growth management and Land Needs Assessment tools are available to properly plan for growth. The County of Brant has a revised Schedule 3 Forecasts to 2051 in which our draft New Official Plan has been calculated using the Provinces’ Land Needs Assessment methodology, 2020.</p> <p>All other Ontario municipalities rely on the 1995 Provincial Projection Methodology Guidelines (P.P.M.G.) for guidance regarding the technical approach to growth forecasts and urban land need assessments. These are out of date.</p> <p>The methodology requires guidance on Community Area Land Needs Assessment and Employment Area Land Needs Assessment. This document cannot be forgotten with the removal of the Growth Plan. It is also tied to Housing Supply Potential and Allocation of Housing Needs.</p> <p>The County of Brant recommends that the municipalities in the GGH continue to utilize this methodology and the integrative policy document reference this document.</p>
<p><b>A Place to Grow, Section 2</b> <b>Where and How to Grow</b></p>	<p>Include a new section in the integrated policy document specific for rural municipalities with limited or partial or no water/sewer infrastructure. Include a section specific to the Outer Ring Municipalities of the GGH.</p> <p>Acknowledge many rural municipalities do not have mass transit.</p> <p>Include a section on Managing Growth and where to direct the majority of growth.</p> <p>Include further policy direction on Complete Communities, Housing mixes and ranges, and affordable housing.</p>
<p><b>Excess Lands Policy – GGH Outer Ring Municipalities</b> <b>Section 2.2.1.6 A Place to Grow</b></p>	<p>Please advise on the intent of this policy in the lack of clear direction from the Province and no response on our draft Official Plan that declared Excess Lands.</p> <p>This policy states for Outer Ring Municipalities, if there is a residential surplus of land, then these municipalities WILL prohibit development on all excess lands to the horizon of this plan.</p>



<p><b>A Place to Grow, Section 2.2.2</b></p> <p><b>Delineated Built Up Areas (b)</b></p> <p><b>Density and Intensification Targets</b></p>	<p>The Growth Plan has specific Density and Intensification Targets listed for Outer Ring Municipalities of the GGH. The County of Brant has a minimum of 40 r&amp;j per ha; and 15% Intensification rate.</p> <p>Through the County’s draft New Official Plan, submitted to the Province August 2021 for review, we recommended an increase Density of 50 residents and Jobs per ha; and an Intensification Target of 20% in our urban settlement areas of Paris and St. George.</p> <p>The P.P.S. does not prescribe minimum density targets for Ontario municipalities but does require municipalities to establish density targets for areas adjacent, or in proximity, to Major Transit and corridors.</p> <p>The P.P.S. also requires municipalities to establish residential intensification targets but does not prescribe minimum density targets for Ontario municipalities. Furthermore, the P.P.S. does not require municipalities to delineate built area boundaries in Official Plans.</p> <p>Under a consolidated Growth Plan and P.P.S., a standardized approach to minimum density requirements and residential intensification targets would be required for all Ontario municipalities.</p> <p>The County of Brant requests the removal of the Delineated Built Up Areas of Paris, St. George and Burford.</p>
<p><b>Rural Housing</b> – policy direction that responds to local circumstances and provides increased flexibility to enable more residential development in rural areas, including rural settlement areas.</p>	<ul style="list-style-type: none"> <li>- The County supports permitting rural housing in rural settlement areas that are designated in Official Plans, and offers the following comments: <ul style="list-style-type: none"> <li>- Where housing is created on private servicing, the quality and quantity of drinking water must be protected. In support of new development, a hydrogeological study should be required. To streamline this process, the Province should develop term of reference guidelines on the preparation of such studies.</li> <li>- To help protect the quality and quantity of groundwater and surface water in water resource systems, all key hydrologic features should be</li> </ul> </li> </ul>

	<p>protected with a vegetation protection zone should be required that is no less than 30 metres.</p> <ul style="list-style-type: none"><li>- To protect natural areas that are an important part of biodiversity and complete communities, it is recommended that development and site alteration not be permitted in key natural heritage features. Vegetation protection zones should be established to protect features based on specific features.</li><li>- Public acquisition that provides for the permanent protection of natural areas should be encouraged as part of complete communities, as natural areas provide recreational opportunities that contribute to the mental and physical well-being of residents, while building resiliency to climate change.</li><li>- The County of Brant supports limited rural housing in agricultural areas and offers the following comments:<ul style="list-style-type: none"><li>- Section 2.3.4.1 c) 2. of the PPS on surplus dwelling lots, appears to prohibit a residential dwelling on the retained farm parcel. The result of this policy is creating farmland where there is no housing for a farming operator and employees to live, while operating a farm. Housing should be permitted on all farmland to support agricultural operations. Housing could be located such that it would not fragment farmland near existing clusters of buildings, an existing laneway and/or by locating near the road or lot line. To prevent multiple severances and loss of farmland, surplus dwelling creation could be limited to one per farming lot.</li><li>- New housing should not prevent agricultural operations from being able to expand. As such, new housing should only be permitted as infill development in an existing cluster of homes, where it would not result in further Minimum Distance Separation (MDS) restrictions. The Provincial MDS guidelines should be revised.</li></ul></li></ul>
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	<ul style="list-style-type: none"> <li>- Rural subdivisions should not be permitted outside of settlement areas. Any new housing should be limited to infill within an existing cluster of non-farm residential lots, such as between two existing non-farm residential lots. The depth should be limited from the road (e.g. 100 m deep), such as not to fragment farmland. See illustration:</li> </ul>  <ul style="list-style-type: none"> <li>- As with the above, it is important to ensure the protection of the quality and quantity of water, through hydrological studies, and policies that provide for the clear protection of water resource systems and natural heritage systems.</li> </ul>
<p><b>Employment Land Area Conversions</b> – streamlined and simplified policy direction that enables municipalities to promptly seize opportunities to convert lands within employment areas for new residential and mixed-use development, where appropriate.</p>	<p>An identified area of the Growth Plan and P.P.S. review is to provide policy direction to streamline and simplify the conversion of Employment Areas to new residential and mixed-use development, where appropriate.</p> <p>The County of Brant supports creating policies that would permit mixed-use development, where compatible, such as in areas that allow commercial and office type uses. In such instances, the first-storey should remain employment with residential uses being permitted above. Mixed-use development should be encouraged along arterial roads, and in urban growth centres, strategic growth areas, and downtown areas.</p> <p>Given the potential impacts of employment land conversions, standard criteria and principles should be developed at a provincial level to allow municipalities to evaluate proposals on a case by case basis, outside of a Municipal</p>

	Comprehensive Review, and determine whether a conversion is appropriate.
<p><b>Housing Mix</b> – policy direction that provides greater certainty that an appropriate range and mix of housing options and densities to meet projected market-based demand and affordable housing needs of current and future residents can be developed, including ground-related housing, missing middle housing, and housing to meet demographic and employment-related needs.</p>	<ul style="list-style-type: none"> <li>- The County of Brant supports the creation of policies to provide a range and mix of housing options and densities to meet existing and future community needs, especially in the form of affordable housing, missing middle housing, and housing to meet demographic and employment-related needs.</li> <li>- It is suggested that clear definitions relating to both Affordable and Attainable housing be established to eliminate confusion on what it is intended when these terms are used in relation to housing. Too often these terms are used interchangeably despite having completely different meanings. We suggest that the current provincial definition of Affordable housing be maintained and remain based on household income not on market rates. Market rates fluctuate constantly and do not necessarily reflect nor support the most marginalized demographic of society, who are in the greatest need of affordable housing options.</li> <li>- Possible suggestion for Attainable housing definition: <ul style="list-style-type: none"> <li>- <b>Attainable Housing:</b> A wider-spread equity of housing options, to allow for households to enter and graduate to successively higher levels of the local housing market, recognizing that housing prices have been growing faster than household incomes, creating opportunities for households who have been priced out of the market or are struggling with higher rents.</li> </ul> </li> <li>- Consideration should be given to shifting emphasis from specific housing typologies to density, including unit size and count, to assist in providing a more flexible approach to provision of housing. Strict definitions and housing types within policy documents can be very restrictive and discouraging in achieving complete community housing options and creative solutions to housing needs. Removing these barriers would help ensure a range and mix of housing can be provided without the need for amendments and public process. Focus should be placed on developing relationships between municipal planners</li> </ul>

	<p>who have a strong knowledge of community needs and developers to build creative housing solutions.</p> <ul style="list-style-type: none"><li>- We suggest including provincial minimum ratios to benchmark a mix and range of housing. Having density ratios for developments/redevelopments could help ensure a broader mix of housing is provided (not just singles and townhomes). Housing still seems to be largely segregated, with affordable housing here and high end there – whereas a true mix of affordability, density, and typologies within an area or building would help ensure communities are both complete and supported. More diverse areas, buildings, and communities (ranging in ages, densities, incomes, housing typologies, etc.) help provide important community supports (childcare, aging in place, etc.) throughout all stages of life. Diverse communities also help reduce social barriers and fears by creating a better understanding of different cultures, circumstances, and people. Policies which support updating ratios in relation to changing community needs would also be helpful to ensure an appropriate mix and range of housing options is provided.</li><li>- Provision of housing that is affordable and accessible to low- and moderate-income households shall be a priority. Affordable housing definitions should be based on income, as opposed to market value which may fluctuate greatly and is often subjective.</li><li>- Consideration should be given to including stronger policies relating to retaining existing affordable housing/units and rental housing/units to protect against deficits and assist in meeting community needs. Loss of affordable housing/units hinders the ability of municipalities to meet growing community needs, strategic housing goals, and provide housing options for all demographics. It is counter intuitive to establish affordable housing/units while at the same time allowing for existing affordable housing/units to be removed, often at a faster rate. Policies for the preservation of existing affordable housing/units and rental housing/units should be included to assist in provision of housing options, meeting community needs, and building complete communities.</li></ul>
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	<ul style="list-style-type: none"> <li>- Ensuring all forms of housing (accessible, supportive, etc.) are encouraged and provided throughout all areas is integral to ensuring complete community function. Creating or retaining policies which discriminate against housing forms and types, either directly or indirectly, only contribute to the housing crisis and gaps in housing options.</li> <li>- Housing policies should be as flexible as possible to allow for implementation based on community needs and support (not just market rates or trends) and encourage all forms of housing to be integrated within existing and proposed developments.</li> <li>- Equitable housing options need to be encouraged and provided. Too often and especially in the case of affordable housing equity is an afterthought in the development, provision, or redevelopment of housing. Equity needs to be considered when choosing the location of affordable and attainable housing, designing size of units, proximity to amenities and community support, and community need (accessible, household size, etc.). Providing equitable housing for everyone is a significant piece of the housing puzzle and can help ensure a better quality of life for all.</li> <li>- In terms of density, it is recommended that densities within designated greenfield areas be increased to a minimum of 60 residents and jobs combined per hectares for areas with full municipal services. The current target of 40 is low, and will not result in a mix of housing types.</li> <li>- Creative interventions to provide additional housing supply in rural areas should also consider supporting rural amenities and how to overcome servicing limitations in rural settlements. In prime agricultural areas, housing policies should address farm succession, appropriate clustering, strict limitations, MDS priority and opportunities for shared / condominium ownership of a farm compound with multiple clustered residences.</li> <li>- The County looks forward to further government funding/granting to support development of housing options (affordable, additional, attainable, etc.) within</li> </ul>
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	outer ring/rural municipalities experiencing continued population growth and migration.
<p><b>Major Transit Station Areas</b> – policy direction that provides greater certainty that major transit station areas would meet minimum density targets to maximize government investments in infrastructure and promote transit supportive densities, where applicable across Ontario.</p>	<ul style="list-style-type: none"> <li>- Recognizing the benefits of locating/integrating housing and transit, the County of Brant supports policy direction to ensure Major Transit Station Areas meet minimum density targets to capitalize on investment, infrastructure, and promote transit supportive housing options. Integrating housing and transit where possible assists in mitigating climate change and helps to meet carbon neutral goals.</li> <li>- Consideration should be given to how growing municipalities can consider a similar policy application prior to the creation of larger scale transit systems. For example, as the County of Brant considers how to best connect its communities and the communities of the GGH area with transit opportunities, being able to invest in certain areas to create logical transit station areas over the next 30 years would be beneficial.</li> <li>- The County looks forward to further government funding/granting to support development of housing options (affordable, additional, attainable, etc.) within outer ring/rural municipalities experiencing continued population growth and migration.</li> </ul>
<p><b>Urban Growth Centres</b> – policy direction that enables municipalities to readily identify centres for urban growth (e.g., existing or emerging downtown areas) as focal points for intensification and provides greater certainty that a sufficient amount of development , in particular housing, will occur.</p>	<ul style="list-style-type: none"> <li>- The County of Brant agrees that municipalities should be able to identify centres for urban growth as focal points for intensification, including mixed-use development.</li> </ul>
<p><b>Intensification</b> – policy direction to increase housing supply through intensification in strategic areas, such as along transit corridors and major transit station areas, in both urban and suburban areas.</p>	<ul style="list-style-type: none"> <li>- Policy direction should be included that would increase housing supply in strategic areas, such as along major arterial roads and intersections, allowing for mixed-use in commercial corridors.</li> <li>- The County supports policies which allow for intensification within different areas (existing and new communities) to help increase housing options,</li> </ul>



	encourage mixed use development, and integrate rather than segregate uses.
<p><b>Large and Fast-growing Municipalities</b> – growth management policies that extend to large and fast-growing municipalities both inside and outside of the Greater Golden Horseshoe, including the coordination with major provincial investments in roads, highways and transit.</p>	<ul style="list-style-type: none"> <li>- Provincial projects on roads, highways and transit should be integrated through official plans by designating lands where needed for future use. As part of the Provincial review process, it is recommended that the Province provide specific feedback for the County to integrate community planning with provincial projects. For example, requirements of the Ministry of Transportation could be added to official plans.</li> </ul>
<p><b>Agriculture</b> – policy direction that provides continued protection of prime agricultural areas and promotes Ontario’s Agricultural System, while creating increased flexibility to enable more residential development in rural areas that minimizes negative impacts to farmland and farm operations.</p>	<ul style="list-style-type: none"> <li>- Agriculture is an important part of the economy in the County of Brant. Feedback received as part of the official plan review and through development is that existing farms need to be able to expand without being hindered by non-farm residential lots. Currently, MDS is based on agricultural structures that exist, but does not take into account future expansion plans for farming operations. As such, any new residential dwelling could hinder future operations. The MDS formulae should be updated to give permit expansions of farming operations on any farmland within the agricultural land base.</li> <li>- As noted above, limited flexibility could be provided for new lots in areas that are already impacted by existing strip development. Creative interventions to provide additional housing should also be considered that consider farm succession, clustering, and opportunities for shared / condominium ownership of a farm compound with multiple clustered residences.</li> <li>- The County supports policies that would allow housing for farm workers on-site.</li> <li>- Maintaining policies which direct new residential development to established residential areas (within the rural and urban areas) would also assist in protecting agricultural areas from encroaching residential development.</li> </ul>
<p><b>Natural Heritage</b> – streamlined policy direction that applies across</p>	<ul style="list-style-type: none"> <li>- Clear direction should be implemented on where development and site alteration may or may not be</li> </ul>

the province for Ontario's natural heritage, empowering local decision making, and providing more options to reduce development impacts, including offsetting/compensation  
**(Proposed Updates to the Ontario Wetland Evaluation System)**

permitted. The PPS has had long standing protection for provincially significant wetlands, which is a clear policy that results in protection of wetlands. However, the test of no negative impacts in the PPS is ambiguous, often resulting in removal of natural areas due to development pressure and differing opinions. An Environmental Impact Study often needs to be completed, which may require four season surveys, adding additional review time and delay to the process. There may be differing opinions on what constitutes a significant woodland and what would be considered a negative impact, as the direction is not clear. Determining significant wildlife habitat is a complex process requiring specialized expertise and delays in the process.

- In contrast, outside of the settlement areas A Place to Grow provides stronger direction, in that no development is permitted in key hydrologic features (e.g. any wetland regardless of significance, permanent streams, intermittent streams). At a minimum a 30 metre vegetation protection zone is required. In addition, development is not permitted in key natural heritage features where they are part of the Natural Heritage System for the Growth Plan. Provincial mapping of the Natural Heritage System when it was in place clearly identified areas where the policies applied. However, when the Growth Plan changed the mapping to natural heritage systems identified in an official plan, applicants have argued that woodlands not specifically called a 'natural heritage system' did not need to be protected. When policies create ambiguity, it is difficult to protect important natural areas, resulting in significant staff resources to defend terminology in policies and ultimately delaying approval of new homes.
- Similar to the Growth Plan, Greenbelt Plan, Niagara Escarpment Plan and Oak Ridges Moraine Conservation Plan policies should be provided that do not permit development in and/or adjacent to key natural heritage and hydrologic features. The Province should identify and map core areas and linkages to be protected within and outside of settlement areas. Having policies and mapping that are easy to interpret would streamline the development process, by avoiding contentious debates

	<p>on environmental protection and directing housing to more suitable locations.</p> <ul style="list-style-type: none"> <li>- While stronger protection for natural areas has typically been afforded to features outside of settlement areas, it is imperative to protect natural areas in settlement areas. Public access to nature contributes to the physical and mental well-being of communities while mitigating for climate change. Many settlement areas have lost the majority of natural areas, degrading the quality of life for residents and resulting in significant costs for infrastructure due to environmental damage.</li> <li>- The Province should set science based targets for natural area coverage for features such as wetlands, woodlands and grasslands. Environment Canada’s ‘How Much Habitat is Enough’ recommends that a municipality have 30% to 50% forest cover, and that streams have a minimum naturally vegetated buffer of 30 metres on each side.</li> <li>- The new policy should incorporate minimum standards and targets. Protection should focus on protecting natural heritage systems and water resources systems. Environmental offsetting should only be considered outside of core areas and linkages and/or where a municipality is above science based targets. For example, if a municipality has less than 30% forest cover, all significant woodlands should be protected.</li> <li>- Direction on provincial and federal requirements should include the <i>Migratory Birds Convention Act</i>. This is federal legislation, which may have requirements beyond the PPS and <i>Endangered Species Act</i>. For example, there are 18 species that are protected all year long. To ensure that development and site alteration will not contravene this legislation, it should be added to provincial policy.</li> </ul>
<p><b>Natural and human-made hazards</b> - streamlined and clarified policy direction for development in hazard areas, while continuing to protect people and property in areas of highest risk.</p>	<ul style="list-style-type: none"> <li>- Legislation and regulations in the <i>Planning Act</i> and <i>Conservation Authorities Act</i> should be consistent to avoid confusion on what may or may not be permitted, resulting in a more efficient review process.</li> <li>- The way policies in the PPS is worded, is somewhat confusing. Section 3.1.1 states that development shall ‘generally’ be directed outside of..., while Section 3.1.2</li> </ul>

	<p>states that development and site alteration shall not be permitted in...</p> <ul style="list-style-type: none"> <li>- Clear direction should be provided on when development and site alteration must be directed outside of hazardous areas. For example, new development should not be permitted within and/or adjacent to steep slopes.</li> <li>- Requiring minimum setbacks from the top of valley that includes an emergency access allowance of at least 6 metres, would streamline the process by providing obvious direction. As an example, some conservation authorities have set minimum setbacks of 15 metres for major valleys and 7.5 metres for minor valleys, from the top of a slope; having specific setbacks results in clear direction and a more efficient approval process while protecting natural hazards and natural areas.</li> <li>- While the policies do not permit development and site alteration in a floodway, the reality is, is that many conservation authorities permit site alteration and minor development such as in the form of additions, which seems contrary to this policy. Direction should be provided on when minor development could be considered.</li> <li>- The County has a Special Policy Area (SPA) that was created in 1987. The terminology and policies are out of date. The definition of development is very vague, and as such there are not many restrictions on density, potentially increasing risks to more lives. The policy prohibits new residential units above existing commercial, however a new residential building could be built where there was no prior commercial use. We have had businesses request to build new residential units above store fronts, which would provide income opportunities in addition to housing. However, the PPS requires any updates to a SPA to be approved by the Province, which is an expensive and lengthy process requiring technical studies without any guarantee of approvals. The County should not have to undertake such studies, if we are simply updating definitions or proposing development no greater than what would be permitted by the 1987 policies. In attempting to update the policies through the municipal comprehensive review, the County</li> </ul>
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	<p>has received major opposition from the Ministry of Natural Resources and Forestry and the conservation authority. For example, the County wanted to permit mixed-use development up to three storeys, which will not be considered unless complex studies are completed. The County recommends updating SPA policies to create a simplified process for updating outdated policies.</p>
<p><b>Aggregates</b> – streamlined and simplified policy direction that ensures access to aggregate resources close to where they are needed.</p>	<ul style="list-style-type: none"> <li>- The County recognizes that aggregates are an important part of building homes and associated infrastructure.</li> <li>- Concerns of the County relate to allowing below water extraction, as it hinders future ability to return lands to prime agricultural use. Consideration should be given to not permitting below water extraction in prime agricultural areas. Further consideration should be given to directing aggregates outside of serviced areas, such as to make the best use of municipally serviced lands for housing.</li> <li>- Another common concern for aggregates is building too close to existing residential areas. Typically, only a 30 metre setback is provided between operations and existing residential development, which appears to be based on Provincial Standards. The County recommends establishing minimum setbacks from existing residential subdivisions, which would streamline the process by addressing a contentious issue.</li> </ul>
<p><b>Cultural heritage</b> – policy direction that provides for the identification and continued conservation of cultural heritage resources while creating flexibility to increase housing supply (<b><u>Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022</u></b>)</p>	<ul style="list-style-type: none"> <li>- The <i>Planning Act</i> and <i>Ontario Heritage Act</i> should be consistent to avoid confusion and provide for easy interpretation.</li> <li>- Policy direction must be flexible to support varying levels of available resources at municipalities. Cultural heritage, both tangible and intangible, is an important aspect of the character-defining elements of complete communities.</li> <li>- Improved directions should include: <ul style="list-style-type: none"> <li>o An efficient and clear inventory and identification process that offers various levels of protection, prioritization, and appropriate timelines for evaluation to be completed. This evaluation should balance individual objectives (monies</li> </ul> </li> </ul>

	<p>made from re-development) with community objectives (character defining elements). There should also be a clear funding mechanism and resources for this inventory process to be applied in municipalities with varying levels of resources.</p> <ul style="list-style-type: none"><li>○ Broad application that protects resource clusters in built-up areas that are seeing development pressures but is easier to implement than a Heritage Conservation District. These areas could be identified in an Official Plan as areas of potential cultural heritage value where conservation values and strategies are applied specifically (to certain resource types) or broadly (across multiple areas). This could be implemented through zoning or the community planning permit system and should incentivize the municipality's preferred interventions, fast tracking developments that meet the general conservation objectives. Ideally, the process would provide opportunities to identify and evaluate resources and offering clear protection to certain types of resources based on the identified Provincial and municipal priorities. The implementation of these policies must find a better balance between (re)development desires and the desire to conserve cultural heritage value. Consider additional resources / templates for implementation, flexibility, and pro-active evaluation opportunities.</li><li>○ Conservation opportunities that clearly integrate the renovation and repair of existing buildings, including incentivization through taxes and reduced fees. Consider how to incentivize developments that adapt, reuse, and convert existing building stock. Data from the Canadian Home Builder's Association shows that home renovations in Canada generate more financial investment and jobs annually than new construction. One of the main concerns expressed by the public is the importance of protecting the unique architectural design associated with existing heritage buildings, particularly in</li></ul>
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	<p>downtown areas and rural settlement areas. In essence, communities want to be able to manage their change (not prohibit, just manage).</p> <ul style="list-style-type: none"> <li>- It is the interpretation of the County that the recent changes to the Ontario Heritage Act through Bill 23 continue to apply a one-size fits all approach to heritage conservation. This fails to account for needs and desires of individual communities that have engaged with stakeholders to determine local objectives and does not allow municipalities enough flexibility to create locally based solutions. More specifically,</li> <li>- The criteria for designation have been made more difficult with Bill 23 <ul style="list-style-type: none"> <li>o Requiring a property to meet two of the legislated criteria for designation, instead of one, will make it challenging to protect humble smalltown buildings/ reflect rural life and places associated with the historic contributions of Black, Indigenous, multicultural, and 2SLGBTQIA+ communities (who may have less recorded/ preserved archival materials).</li> </ul> </li> <li>- The changes do not acknowledge how consideration for heritage is changing <ul style="list-style-type: none"> <li>o From when the Heritage Act first appeared to today the idea of what might be considered heritage has expanded. No longer is it simply significant landmark buildings.</li> </ul> </li> <li>- The <i>Ontario Heritage Act</i> and Bill 23 overly simplifies Ontario heritage, which it should not do. <ul style="list-style-type: none"> <li>o We need to consider Indigenous Reconciliation, new immigrant communities and the diversity of our communities. We cannot speak to Ontario heritage without respecting the diversity that exists in our culture, and the need for dialogue on heritage values.</li> </ul> </li> <li>- The recent changes to the listing process for non-designated properties on the heritage register has created a level of redundancy that does not support heritage conservation efforts. <ul style="list-style-type: none"> <li>o It requires much effort that affords very little protection and as a small municipality, we need opportunities for simple implementations that offer better results. Alteration is not prohibited, demolition requests are timed, resources for</li> </ul> </li> </ul>
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	<p>inventorying are limited, the ability to be reactive is limited, and the system prioritizes individual desires (often rooted in economic gain) at the cost of community character objectives. The County of Brant supports heritage conservation tools that allow a municipality the flexibility to set up a clear but simple control system to address and balance the desires noted above.</p> <ul style="list-style-type: none"> <li>○ If heritage properties are not properly protected in the County this will be a lead to a substantial loss of character, loss of unique identity, and therefore damage to tourism economy.</li> </ul> <p>- Much of the heritage work done in smaller municipalities is done by volunteers and these new updates could be discouraging to the volunteer base. The feel more restrictive and less like the community can make a difference in their local heritage preservation. Finding a balance between opportunities to conserve heritage / community character (various options to protect, preserve, rehabilitate and restore older buildings) and promoting healthy change will be key. In the words of Jane Jacobs, “new ideas need old buildings”.</p>
<p><b>Infrastructure Supply and Capacity</b> – policy direction to increase flexibility for servicing new development (e.g., water and wastewater) and encourage municipalities to undertake long-range integrated infrastructure planning.</p>	<p>- While municipalities must be responsible for long range planning of infrastructure to accommodate planned growth, ensuring Development Charges are collected (development pays for development) is an essential component in the provision of municipal infrastructure (ex. water, wastewater).</p>
<p><b>School Capacity</b> – coordinated policy direction that ensures publicly funded school facilities are part of integrated municipal planning and meet the needs of high growth communities, including the Ministry of Education’s proposal to support the development of an urban schools’ framework for rapidly growing areas.</p>	<ul style="list-style-type: none"> <li>- The County supports policy direction that ensures school facilities form part of the community planning process at the municipal level to help meet community needs and support growing communities.</li> <li>- Identifying sites to accommodate school facilities early in the community planning process is essential to ensuring complete community design and community support. Locating school facilities within safe walking distance of planned communities also assists in alleviating traffic, parking, and transportation issues.</li> </ul>

	<ul style="list-style-type: none"> <li>- Integrating other community supportive uses (ex. childcare services) on the same site or in close proximity to school facilities where appropriate also assists in complete community design and support.</li> </ul>
<p><b>Outcomes-Focused</b> – streamlined, less prescriptive policy direction requiring fewer studies, including a straightforward approach to assessing land needs, that is focused on outcomes.</p>	<ul style="list-style-type: none"> <li>- In terms of the natural environment, more prescriptive policy direction could significantly streamline the process. Less studies would be required if clear mapping and policies were provided that prevents development in natural heritage and water resource features, areas, and systems. Setting required vegetation protection zones could reduce the need for studies on adjacent lands.</li> <li>- Where studies are required, the Province could assist in developing templates or guidelines for Terms of References, such that there are the same standards throughout the Province. In many instances, consultants must adjust to differing requirements of municipalities. Provincial standards would expedite the process for rural municipalities that do not have staff to prepare such guidelines.</li> </ul>
<p><b>Relevance</b> – streamlined policy direction that focuses on the above-noted land use planning matters and other topics not listed that are also key to land use planning and reflect provincial interests.</p>	<ul style="list-style-type: none"> <li>- The County agrees that clear and streamlined policy direction is needed to reflect provincial interests and meet community needs.</li> <li>- For example, in creating complete communities with a mix of uses, minimum ratios or targets could be established for affordable housing, different housing typologies, green space, schools, and supportive nearby commercial uses. These would help ensure complete community design.</li> </ul>
<p><b>Speed and Flexibility</b> – policy direction that reduces the complexity and increases the flexibility of comprehensive reviews, enabling municipalities to implement provincial policy direction faster and easier.</p>	<ul style="list-style-type: none"> <li>- Updates to policy need to be simplified. While it is important to update provincial policy to be in line with emerging trends and issues, it is difficult for municipalities to be constantly updating documents such as official plans, zoning by-laws, site plan control by-laws and parkland dedication by-laws. Templates at the provincial level would assist when new changes are introduced. For example, when additional residential units were first permitted, developing official plan and zoning by-law templates for policies may have assisted municipalities in updating their planning documents. This</li> </ul>

would be especially helpful for as of right policy provisions.

## Question 2

### What land use planning policies should the government use to increase the supply of housing?

- The County supports core elements related to flexible housing policies (ex. housing within different areas and in creative forms) and employment conversions in commercial areas that would allow mixed-use development. In addition, creating policies that require higher density within strategic growth areas, along major arterial roads and intersections would assist. Similar to allowing three units per lot, as of right permissions could be created in certain areas. Policies that require greyfield and brownfield development, prior to considering settlement boundary expansions, should be considered.
- Policies should require that new developments, particularly in greenfield areas, be built to accommodate additional residential units (two to three residential units per property). In Surrey, British Columbia, many new homes are built such they can easily be converted to two to three units. For example, they have exterior stairs that go to a basement suite and/or garages that can accommodate a unit above the garage. There is also similar legislative changes which have been enacted in New Zealand within the past year to assist in providing more housing options as of right. In contrast, many homes in Ontario would require expensive renovations to add additional residential units (ex. install separate access), and in many cases would not be able to accommodate additional units (either internal or external) due to the size of the lot, which already struggle to accommodate air conditioners, parking, and proper grading and drainage. Creating policies that change the way new subdivisions are designed is one of the simplest ways to increase housing options in greenfield areas.
- Implementing a simplified process to address outdated floodplain Special Policy Areas would assist in creating limited housing options above commercial uses in downtown areas (ex. downtown Paris Ontario). Increased housing options within downtown areas would also assist in creating complete communities by contributing to walkability, live/work opportunities, and sense of place.

## Question 3

### How should the government further streamline land use planning policy to increase the supply of housing?

- In addition to the integration of the PPS and Growth Plan, the government could consider integrating an official plan with a zoning by-law or the community planning permit system, such that there is only one planning document at the municipal level. Multiple levels of land use planning policies increase confusion, review time, complexity in interpretation, and planning applications. For example, a person may need to amend an official plan and zoning by-law for a proposal to increase housing options, which creates duplication in process, review, costs, and

time, often affecting feasibility of the project, either resulting in the project not being constructed or priced at an extremely high rate for the potential owner or occupant.

- The Niagara Escarpment Commission has a simple planning process, which is based on the Niagara Escarpment Plan and a Development Permit System. The plan has objectives, criteria for determining designations, policies and development criteria. Through the Development Permit process, development is reviewed on meeting the general intent of the plan, as opposed to being focused on specific setbacks in a zoning by-law. A site plan for development is submitted which is reviewed in context of the Plan. It is similar to the Community Planning Permit System, however, only requires one land use planning policy document instead of two.
- Provincial mapping of strategic growth areas, with municipal input, could assist in identifying areas where mixed-use intensification could occur and should be encouraged.
- Provincial mapping and policies, inside and outside of settlement areas, that provide for the permanent protection of a natural heritage system and water resources system including natural hazards would provide clear direction on where development is not permitted and where it may be considered. By establishing where development may not be permitted, development efforts could be focused on revitalizing underutilized land.

#### **Question 4**

**What policy concepts from the Provincial Policy Statement and A Place to Grow are helpful for ensuring there is a sufficient supply and mix of housing and should be included in the new document?**

- Minimum density targets have assisted with increasing density in greenfield areas. Where specific targets are provided, it is easy to implement policy, and targets are often achieved. However, as recommended above density targets should be increased to help achieve a mix and range of housing options to address community needs.
- Strong settlement area boundaries and built-up areas are important in the balance between greenfield development and intensification as well as the protection of other resources (natural, agricultural etc.). Density is an important aspect of the provision of sufficient housing supply and the creation of complete communities and transport network options and relies heavily on limiting the ability to grow out.

#### **Question 5**

**What policy concepts in the Provincial Policy Statement and a Place to Grow should be streamlined or not included in the new policy document?**

- Sections 2.15 and 2.18 of the PPS that do not permit development in and/or adjacent to specified natural heritage features unless it is demonstrated that there are no negative impacts, should be re-written. Clearer policies, such as that from Sections 4.2.2, 4.2.3, and 4.2.4 in the Growth Plan should be used, inside and outside of settlement areas.

- Similarly, Section 2.2 of the PPS on Water includes vague policies on improving the quality and quantity of water. Minimum criteria should be provided such as requiring the protection of key hydrologic features with specified vegetation protection zones.
- A Place to Grow and the PPS focus on watershed and subwatershed planning, which is a long complex process that results in delays in building homes. One of the issues is, is that small municipalities do not have expertise to undertake and implement watershed and subwatershed planning. To speed up housing and protect the environment, greater assistance from the Provincial level is needed in terms of creating clearer policies and/or providing experts to lead watershed and subwatershed planning. The County recommends that conservation authorities lead the process as they are watershed based and could rely on monitoring data undertaken by the conservation authority.
- Consider integrating clear heritage conservation policies from the OHA into the new policy document in a way that prioritizes the protection of cultural heritage resources, honours existing community character, and incentivizes renovations and adaptive reuse that improves housing supply and mixes uses in existing neighbourhoods.
- Section 2.2.6 Housing of A Place to Grow provides strong direction to municipalities for inclusion of a range and mix of housing. Section 2.2.6.5 should be revised to include stronger language for inclusion of affordable and attainable housing options (as defined) when settlement areas are expanded to accommodate development within the Greenfield Areas.
- Section 2.2.7.1 should be revised to require new development within designated greenfield areas to include affordable and attainable housing (by definition) based on current and projected community needs. There could also be language included to have the developer build/provide these forms of housing/units or land to the municipality or monetary contribution to support future housing builds within the community.
- With changes to DCs through Bill 23 which will negative impact municipal affordable housing projects inclusion of policies to require mandatory provision of affordable and attainable housing/units by developers (either through developer led builds, land donation, or monetary contributions) within provincial land use planning documents would be extremely helpful.
- Section 7 Definitions “Affordable” this terminology should remain unchanged and based on annual household income not market rates. Additionally, it is suggested that a defined term for “Attainable” in relation to housing should be added to provide clear intent of what is meant when this term is used and avoid confusion in relation to Affordable and Attainable housing which are often used interchangeably, despite having two very different meanings. Section 6 Definitions of the PPS could be merged with Section 7 of A Place to Grow.
- Sections 1.1.3.6, 1.1.3.7, 1.1.3.9, 1.1.4, and 1.1.5 should be revised to include affordable and attainable housing (as defined) as part of new development within designated growth areas and targets to meet projected needs.
- Section 1.3 Employment and 1.3.2 Employment Areas may need to be revised to include clarification on mixed uses encouraged within these areas, pending proposed changes to allow residential uses within employment areas where appropriate.

- Section 1.4 Housing needs to be revised to provide direction for the mandatory inclusion of affordable and attainable housing (by definition) within new development and redevelopment to assist in meeting current and projected community needs.
- Suggested inclusion of wording to prioritize affordable and attainable housing within a new integrated provincial policy document and provide special consideration for the relief of parking and regulatory development standards (similar to the provincial approach with ARUs through Bill 23) where appropriate.



# County of Brant Feedback on: Conserving Ontario's Natural Heritage

ERO Posting #019-6161; Comment period open until December 30, 2022

We want to hear what you think about our proposals.

Which do you support or disagree with?

Do you have any suggestions that would enable Ontario to support development and the growing demand for housing while ensuring that we continue to benefit from the important role that wetlands, woodlands and other natural wildlife habitat play in our communities?

## Discussion Topics

### General Comments

- The County of Brant shares the concern that conserving Ontario's natural heritage has become more difficult due to development pressures, climate change and other threats that isolate and threaten wetlands, woodlands, and other natural wildlife habitat.
- Planning policies play a key role in protecting natural areas. With the exception of significant wetlands, the Provincial Policy Statement (PPS) permits development in important features such as woodlands, wildlife habitat, and areas of natural and scientific interest if it is demonstrated that there will be no negative impacts. In addition, there are also no minimum vegetation protection zone for important features such as wetlands and streams. Due to pressure for development and differing opinions on the test of no negative impacts, it is difficult to protect natural features in settlement areas. Time consuming and costly environmental studies are often required, resulting in delays in the planning process, and possibly expensive OLT hearings to resolve differing opinions.

In contrast, outside of settlement areas A Place to Grow does not permit new development in or within 30 metres of key hydrologic features (e.g. any wetland regardless of significance, permanent and intermittent streams). New development is also not permitted in key natural heritage features that are part of a natural heritage system, and a 30 metre buffer is required for



significant woodlands. Policies that do not permit development result in greater protection of natural heritage and hydrologic features, areas and systems.

While a net gain approach is preferred over the current test of no negative impacts in the PPS, the County is concerned that such a permissive approach would continue to result in the significant loss of natural areas, in addition to new losses on significant.

Of particular concern to the County would be the reversal of providing policy protection for significant wetlands, which was initially enacted in the PPS to stop the loss of wetlands in Ontario. Wetlands provide many important functions for wildlife, mitigating climate change and providing clean drinking water. In addition, wetlands provide economic benefits related to maintaining the quality and quantity of groundwater that is essential for safe drinking water for human, wildlife habitat and fish habitat. Allowing environmental offsetting and reducing the setback regulated by conservation authorities for wetlands from 120 m to 30 m could have unintended economic impacts caused by impacts to groundwater, which will be costly to repair.

More research should be provided on the economic and environmental impacts of the proposed environmental offsetting proposal.

The County is also concerned about additional staffing resources that would be required to review offsetting proposals, find land, and monitor restoration areas.

The County recommends that the Province create stronger policies inside and outside of settlement areas, which provide for the permanent protection of key natural heritage and hydrologic features, areas and systems. This would streamline the process by directing housing to areas that are already disturbed through redevelopment.

Similar to Natural Core Areas and Natural Core Areas in the Oak Ridges Moraine Conservation Plan, natural heritage systems should be identified throughout the Greater Golden Horseshoe within and outside of settlement areas, in which policies would provide for permanent protection of a connected system by prohibiting development and site alteration.

Providing transparent policies and mapping that are easy to interpret would result in a more efficient planning process, while avoiding the need for expensive and time consuming studies and differing opinions that delay housing approvals.

**The Ministry of Natural Resources and Forestry is considering development an offset policy that would require a net positive impact.**

- If environmental offsetting is to be considered, the County supports a Province wide approach that sets minimum standards for offsetting. An offsetting policy must provide clear and non-ambiguous direction which is easy to implement for non-experts. Differing policies may need to be considered for different geographic areas as based on natural areas remaining.
- To better understand the province's proposal on conserving natural heritage, a draft offset policy should be provided for comment. Prior to developing such a document technical working groups

should be established with stakeholders from municipal government, conservation authorities, Indigenous communities, environmental consultants and developers.

**Ontario is considering the following principles in the development of an offsetting policy:**

**Net Gain.** The goal of the offsetting policy should be net gain with respect to the extent and quality of natural heritage features or their functions, within a reasonable period of time.

**Avoidance first.** Offsetting should be the last step after other options to avoid and mitigate any impacts on natural heritage are considered.

**Informed.** Offsetting should consider the best available science, and knowledge, including Traditional Ecological Knowledge.

**Transparency and accountability.** The offsetting policy should incorporate provisions for oversight, tracking and public reporting on the effectiveness of implementation.

**Limits to Offsets.** Some wetlands, like coastal wetlands, bogs and fens in southern Ontario, and other areas that historically have been important for recreation and tourism should be ineligible for offsetting.

- The County agrees that a net gain should be required for all development proposals. However, clearly defining such a term could be difficult. Where new terms are introduced they need to be easy to interpret and leave little room for disagreement.
- Criteria and policies should be established, based on science and best practices, on features that must be protected. If avoidance is not required and wording such as 'where feasible is used', it will be difficult to protect features through the development process.
- Environment Canada's How Much Habitat is Enough establishes targets for conserving biodiversity, which are based on science. For example, targets on forest cover range from 30% to 50% depending on the desired biodiversity to be achieved. How Much Habitat is Enough recommends that 30 metres on each side of a stream have a naturally vegetated riparian area to provide and protect aquatic habitat, in which 75% of the stream length should be vegetated. Targets are also provided on percentage wetland coverage. Similarly, minimum targets should be established for Ontario such as on percentage woodland, wetland, grassland and other habitats. Targets could be based on municipal boundaries, subwatersheds, or ecodistricts. For example, if a municipality has wetland or forest coverage above the desired percentage, then removal of the most isolated and least significant features could be considered. Different targets could be established inside and outside of settlement areas. In settlement areas with few natural areas remaining, individual trees and small urban forests may form an important role in climate change, cooling temperatures in the summer, and providing recreational and physical health benefits to the community. To streamline the process, the Province could map provincially important Natural Core Areas and Linkages inside and outside of settlement areas, which would identify areas that could not be considered for offsetting.

- New development and associated site alteration, and hence environmental offsetting, should not be permitted within:
  - o Natural Heritage Systems and Water Resource Systems.
  - o Life Science Areas of Natural and Scientific Interest.
  - o Woodlands of a specified size based on forest cover and/or targets established by the offsetting policy. Different sizes should be established in urban settlements, rural settlements, and agricultural areas.
  - o Riparian areas and valleylands.
  - o Wetlands, permanent streams, intermittent streams, seepages and springs.

In addition to the above, required vegetation protection zones should be established specific to features based on science.

As noted above, provincial mapping of Natural Core Areas and Linkages, both inside and outside of settlement areas, would assist in identifying a connected provincial system that must be permanently protected.

Outside of the significant features and hydrologic features listed above, criteria should be developed on significant wildlife habitat that may and may not be considered for offsetting. For example, riparian areas and vegetation protection zones could be enhanced with native species that would enhance habitat for birds and butterflies. Habitats such as grasslands and wildflowers can be established in a short amount of time. In contrast it could take decades to replace the ecological value provided by mature trees through planting of replacement trees.

- In recognition of existing development, consideration could be given to minor expansions to existing buildings subject to environmental offsetting, provided it is not in or within a specified distance of a within key hydrologic features. Accessory structures could be considered where in close proximity to existing buildings and there is no other alternative. Clear limits should be set on the maximum area of disturbance.
- Consideration should be given to permitting low-risk activities such as passive trails for recreation in certain features. Clear limits should be set on the maximum area of disturbance.
- To balance preservation of natural areas with housing, environmental offsetting could be considered for non-significant features such as individual trees and small urban forests. Criteria should be established on what could be considered for offsetting based on best practices. For example, in urban areas with few natural areas remaining, small forests could provide stepping stones needed to maintain biodiversity.
- The County agrees with accountability and transparency, however are concerned about staffing resources required to review and monitor environmental offsetting proposals.

### **Implementation – Assessment of Features**

The first step in determining an offset is assessing the natural heritage features that would be impacted by development. The baseline assessment would consider the area, location, scale, function, and values of the feature.

Next, the policy would apply an offset ratio to achieve a net gain in natural heritage. Different ratios could be used for certain functions. For example, some functions could be offset at a different scale than others. Higher offset ratios could be required for natural heritage features that provide multiple ecological, cultural, and recreational benefits.

- To understand the proposed assessment approach, a draft policy should be provided for review. It will be challenging to develop clear direction that is not subjective and open to interpretation. Disagreements on the values of a feature could result in delays in the planning process.
- If this approach is used, a standard terms of reference should be established on information requirements. Minimum qualifications should be specified on experts that may assess features.
- The province should develop education and a certification program, similar to the Ontario Wetland Evaluation System.
- Clarification should be provided on who would be responsible for conducting and reviewing assessments. To implement the program at the County level, additional staff with specialized expertise in a variety of ecological and hydrological disciplines, would be required to review assessments and implement offsetting programs. Rather than each municipality having to have their own experts, an independent peer review body at the inter-provincial level such as through the ministry of natural resources and forestry or conservation authorities, may be of assistance. Any such reviewer must be able to conduct site visits to verify the accuracy of information.

### **Implementation – Compensation**

In some cases, the baseline assessment and offset ratios would also be used to determine a compensation amount that would be paid to a fund that could be used to implement an offset, including construction, monitoring and adaptive management. Ideally, offsets should be located in the same watershed; however, offsets outside the watershed could be considered where there is opportunity for greater conservation outcomes.

This approach could also enable opportunities to pool funds to support large, strategic projects rather than re-creating small, isolated offsets. A fund could also invest in areas of the province where natural heritage loss has been the greatest.

- To understand the proposed assessment approach, a draft policy should be provided for review.
- While the County appreciates the benefits of such a program, the County is concerned about additional staffing that would be required in a variety of environmental disciplines, and the amount of time that would be required to administer this program. If clear direction is not provided, it is anticipated that disagreements in assessments and related compensation amounts, could result in delays in the planning process.

- Clarification should be provided on who would be responsible for determining and reviewing compensation amounts, cost estimates, locating suitable lands, conducting restoration work and monitoring.
- Will an independent body be created to oversee the pooling of funds and determine strategic projects? Consideration should be given to working with established environmental organizations such as land trusts, Ducks Unlimited and Ontario Nature.
- The County recommends that offsets be within the same subwatershed.



## County of Brant Feedback on:

# Updates to the regulation of development for the protection of people and property from natural hazards in Ontario

ERO Posting #019-2927; Comment period open until December 30, 2022

### Discussion Topics

**The ministry is proposing to make a single regulation to ensure clear and consistent requirements across all conservation authorities.**

- The County of Brant supports the consolidation of the regulations pertaining to 36 conservation authority into one regulation as it will provide a consistent approach to regulating hazards.

**The proposed regulation would focus permitting decisions on matters related to the control of flooding and other natural hazards, and the protection of people and property.**

- The County of Brant recommends that municipalities continue to have the option through an agreed upon memorandum of understanding to use the expertise of conservation authorities on matters such as conservation of land, pollution of land, and natural heritage and water resource planning that would not fall under their core mandate.
- Focusing the role of conservation authorities on natural hazards could have unintended consequences that does not result in faster decision making. The proposed changes could result in duplication of roles between conservation authorities and municipalities, with municipalities having to retain additional expertise. Having experts at the watershed level that municipalities may share, avoids the need for each municipality having to retain their own expert. Where municipalities require peer review due to lack of expertise and are unable to rely on conservation authorities, additional time may be required to coordinate the review of development applications. With labour shortages in many disciplines, municipalities could have difficulty acquiring the necessary expertise to ensure that development occurs in a sustainable manner.
- There is considerable overlap between natural hazards, and natural heritage and water resource features, areas, and systems. Wetlands are considered a natural hazard, a natural heritage

feature, and a hydrologic feature. If a conservation authority is already confirming wetland boundaries for the purposes of natural hazards and has ecologists qualified in the Ontario Wetland Evaluation System, it makes sense for conservation authorities to also review for significance and wildlife habitat. Currently, conservation authorities also play a key role in reviewing stormwater management with respect to water quality and quantity impacts on wetlands. Requiring municipalities to review for natural heritage and conservation authorities to review for natural hazards will result in duplicate roles with each organization will need their own expert, at a higher cost to the development industry and/or tax payers, which could in turn result in higher housing costs. The County recommends having the option to continue with the current system whereby municipal levies may be pooled throughout a watershed to hire wetland experts at the conservation authority.

- Trees and woodlands help to stabilize steep slopes and prevent erosion. Natural areas mitigate risks to flooding, as vegetation absorbs water and slows down surface water flows. Where natural features are removed, it results in increased sediment to streams, which may negatively impact water quality and quantity, fish habitat and drinking water. Historically, conservation authorities have been able to review for natural hazards in addition to pollution and conservation of land, resulting in an efficient process. Conservation authorities should be able to review for conservation of land and natural heritage, where removal of features could impact natural hazards. Research should be provided as part of the discussion paper on the co-relation of preservation of natural heritage features to natural hazards prevention. Eliminating this role from conservation authorities and preventing the abilities of municipalities to enter into memorandums of understanding will require duplicate roles with additional staffing expertise at the municipal level.
- The County is concerned about the diminished role of conservation authorities in watershed and subwatershed planning. As conservation authorities are watershed based and monitor the watershed, it makes sense for conservation authorities to lead watershed and subwatershed planning. Financial resources could be pooled between municipalities to fund important studies. Small municipalities often don't have staffing or financial resources to complete watershed and subwatershed planning. Having these studies completed in advance of development would streamline the process while helping to ensure sustainable development.

**Defining wetlands and hazardous lands and development activity as per the existing definitions in the *Conservation Authorities Act*. Updating the definition of 'watercourse' from an identifiable depression to a defined channel having a bed, and banks or sides.**

- The County supports having consistent definitions for all conservation authorities.
- To provide for consistent interpretation, the County recommends that definitions in the *Conservation Authorities Act* and associated regulations be consistent with definitions in provincial land use planning documents such as the Provincial Policy Statement (PPS) and A Place to Grow. Currently, the definition of development is significantly different, resulting in a different review process and different recommendations on conservation authority permits versus *Planning Act* applications. The definition of development in the *Conservation Authorities Act*

includes the construction, reconstruction, erection or placing of a building or structure of any kind, whereas under the PPS it means the creation of a new lot, a change in land use or the construction of buildings and structure requiring approvals under the *Planning Act*. Under the *Conservation Authorities Act* development does not include the creation of a new lot. Accordingly, a conservation authority could support lot creation in a floodplain based on the *Conservation Authorities Act*, which would be contrary to the *Planning Act*.

- The definition proposed for hazardous lands is less detailed than that provided in the PPS. As such, it could be open to wide interpretation, resulting in a different review of a planning application versus a permit under the *Conservation Authorities Act*.

### **Updating “other areas” in which the prohibitions on development apply to within 30 metres of all wetlands.**

- The County has concerns with reducing the regulatory area from 120 to 30 metres, particularly with respect to provincially significant wetlands and wetlands that have not been evaluated for significance. The 120 m distance provides an important screening tool for development that could have a negative impact on wetlands. This distance is consistent with the Growth Plan which recommends that a natural heritage and hydrology evaluation be required for development within 120 m of key hydrologic features. Many municipalities use this as a screening tool in their official plans to determine when an Environmental Impact Study may be required.
- More research should be provided on the economic and environmental impacts of the proposed reduction in the regulated area. Wetlands provide economic benefits related to maintaining the quality and quantity of groundwater that is essential for safe drinking water for human, wildlife habitat and fish habitat. Allowing environmental offsetting and reducing the setback regulated by conservation authorities for wetlands from 120 m to 30 m could have unintended economic impacts caused by impacts to groundwater, which will be costly to repair.
- Outside of settlement areas, the Growth Plan requires a minimum vegetation protection zone of 30 metres for new development and site alteration adjacent to wetlands, permanent streams, intermittent streams, and seepages and springs. It is recommended that conservation authority legislation and regulations be consistent with this Growth Plan requirement. The County recommends that a minimum vegetation protection zone of 30 metres be required for new development and site alteration both inside and outside of settlement areas. In recognition of existing development, criteria could be established on permissions for minor additions and low-risk activities. Vegetation protection zones are important for wildlife habitat and to protect the quality and quantity of water in wetlands.
- Having regulations under the *Conservation Authorities Act* pertaining to wetlands that are inconsistent with the Growth Plan, has resulted in confusion and differing opinions on development applications issued by the County and conservation authorities. Consistent policies that protect wetlands based on best practices, is key to implementing a streamlined process.



- Establishing clear regulations on areas where development is prohibited would streamline the process, by focusing development in areas that would not impact natural areas.
- The County has historically relied on the ability of conservation authorities to screen building permits for impacts on wetlands. If approved, municipalities will need time to update their zoning by-laws.

**River and stream valley limits which are impacted by erosion hazards.**

- The County is unclear on what the regulated area is proposed to be for river and valley systems, such as the Grand River.
- Similar to the above comments on wetlands, legislation and regulations should be consistent with provincial policies and plans. The County recommends minimum setbacks of 30 metres for new development from key hydrologic features. In recognition of existing development, exemptions could be provided for minor addition and low-risk activities.
- The County recommends that minimum setbacks be established from the top of a valley to allow for emergency access and to mitigate risks from erosion hazards. Of concern to the County, are buildings built immediately adjacent to steep slopes, which causes erosion and slope failure, thereby enhancing risks to life and property. As an example, it is the understanding of staff that Conservation Halton specifies a minimum setback of 7.5 metres for minor valley and a setback of 15 m for major valleys, from the top of slope. Providing minimum setbacks mitigates risks with respect to natural hazards, while streamlining development activities, by providing clear direction on where development is not permitted. Within settlement areas, the setback areas are often used for trails, as part of active transportation and contributing to completed communities. Other benefits include protection of a connected natural heritage system and water resource systems, to protect wildlife habitat and the quality and quantity of water while building resiliency to climate change.

**Streamlining approvals that would exempt low-risk activities from requiring a permit if certain conditions are met.**

- Where low risk activities are permitted, consistent permissions should be provided in the PPS and A Place to Grow. Currently, the PPS states that development and site alteration are not permitted in a floodway. Therefore, where development constitutes a change in land use or buildings requiring authorization under the *Planning Act* (e.g. site plan control), the use would not be permitted. The proposal to permit low-risk activities could be interpreted as being inconsistent with the PPS leading to confusion in interpretation.
- The County supports proposed wording that would not permit many low-risk activities within hazardous land, watercourses and wetlands. To protect vegetation associated with streams and wetlands that enhances water quality and fish and wildlife habitat, it is recommended that vegetation protection zones be established that are science based. For example, How Much

Habitat is Enough by Environment Canada, recommends a 30 metre wide buffer on each side of a stream whereby at least 75% of the area must consist of self-sustaining vegetation.

**Requiring Conservation Authorities to request any information or studies needed prior to confirmation of a complete application.**

- The County agrees that information and studies, with clear information requirements should be requested early in the development process.
- The province should consider developing terms of reference documents to be used throughout the province such that there are consistent study requirements. Terms of references could be developed specific to the watershed, subwatershed, ecodistrict or ecoregion level. To streamline the process, it would help to have templates for environmental impact studies, stormwater management plans, hydrologic evaluation, slope stability assessments, geotechnical, flood plain delineation etc. Currently, much time review is spent on developing terms of reference for each development proposal and ensuring that adequate information is provided for agencies to review in the context of current legislation and regulations. Further study requirements may vary greatly based on differing municipal or conservation authority requirements.

**Limiting site-specific conditions, a conservation authority may attach to a permit for matters dealing with natural hazards and public safety.**

- Having a standard set of conditions throughout the province would provide transparency and predictability on costs associated with developing near and/or within hazardous lands.
- The list of site-specific conditions should be expanded to include impacts related the quality and quantity of water on valleys, streams and wetlands. More specifically, it is recommended that conservation authorities be able to continue to review stormwater management, hydrologic evaluations and similar studies with respect to both impacts on water quality and quantity where agreed upon with a municipality.

**Service Delivery Standards – Mapping of areas where development or other activities are prohibited**

- The County supports the proposal that would require public consultation, where regulated areas are enlarged based on new information. As part of this process, conservation authorities should be required to notify municipalities, such that municipalities can update mapping in official plans and zoning by-laws. Owners and potential purchasers often rely on zoning schedules to determine permissions on their property. Given implications for development, accurate mapping is necessary to create a transparent process and to prevent development in hazardous lands.

- Publicly accessible mapping is an imperative part of identifying and preventing development in hazardous areas. In addition to identifying the regulated boundary, mapping should illustrate the hazard for which the mapping applies. Mapping should illustrate the approximate location of:
  - o Erosion hazards including an erosion access allowance
  - o Flooding hazards
  - o Hazardous sites
  - o Wetlands, seepages and springs
  - o Permanent streams and intermittent streams
  - o Regulation limits
- While mapping has historically focused on erosion and flooding hazards, there appears to be gaps in the identification of hazardous sites. It is recommended that funding be provided to fill this gap.

**For Discussion: Improved coordination between *Conservation Authorities Act* regulations and municipal planning approvals.**

*Bill 23* provides for the ability to exempt development authorized under the *Planning Act* from requiring a permit under the *Conservation Authorities Act*. The exemption would only apply to municipalities set out in the regulation. Exemptions could be subject to certain conditions set out in regulation. Conservation authorities would continue to permit activities not subject to municipal authorization.

The Ministry has not proposed a regulation utilizing this exemption as part of this regulatory proposal, but is requesting initial feedback on how it could be used in the future to streamline the process.

Considerations for the use of this tool include:

- In which municipalities should the exemption apply? How should this be determined?
- Which *Planning Act* authorizations should be required for the exemption to apply?
- Should a municipality be subject to any requirements or conditions where this type of exemption is in place?
- Are there any regulated activities to which this exemption shouldn't apply?

- Currently as part of a subdivision that contains hazardous lands an applicant would need approval of a development application under the *Planning Act* and of a permit under the *Conservation Authorities Act*. This results in duplicate process and potentially municipalities and conservation authorities reviewing and approving different plans.
- The County agrees that development under the *Planning Act* and *Conservation Authorities Act* should be streamlined. Conditions that would be part of a permit could be implemented as part of the municipal planning process. Historically, when conservation authorities did not regulate areas adjacent to slopes and wetlands, they used the planning process to address natural hazards.

- One potential issue is that conservation authority comments may end up not being properly implemented or could be disregarded in the planning process. Political pressure for development could result in development being approved in floodplain areas.
- Another issue is that approving development in flooding and erosion hazards, could create new hazards and aggravate existing hazards beyond the development, such as increased flooding downstream. Accordingly, decisions made by one municipality could result in unintended consequences for another municipality. For this reason, conservation authorities are best equipped to review natural hazards on a watershed basis.
- Checks and balances would need to be in place to ensure conservation authority recommendations are implemented through the planning process. Unintended consequences could be conservation authorities having to appeal decisions to the Ontario Land Tribunal, resulting in additional delays and cost of development.
- One option to deal with differing opinions, is to have an appeal provision for conservation authorities whereby they could appeal municipal decisions to a conservation authority board for that watershed.
- In terms of determining which municipalities this should apply to, one option could be requiring any municipality that is interested in the option, to enter into a memorandum of understanding with the applicable conservation authority. Standard memorandums of agreement could be developed by the Province. The agreements could be reviewed on a yearly basis.