



Municipality of Port Hope

Staff Report

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Report Title: Impacts of Bill 23, More Homes Built Faster Act

Report to: Planning & Development Committee

Date of meeting: December 6, 2022

Report Author:

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Department responsible:

Planning & Development

Report Number: PD-34-22

Recommendation:

1. That report PD-34-22 be received for information.

Highlights:

- The Province of Ontario has passed Bill 23 – More Homes Built Faster Act, 2022 to expedite approvals and increase certainty of development costs.
- Effectively alters nine separate pieces of existing legislation, most significantly for the municipality changes to the Planning Act, Ontario Heritage Act, Conservation Act, and Development Charges Act, impacting municipal decision making, administration and reporting.
- Threatens our ability to rely on the Conservation Authority to provide oversight on our most sensitive environmental areas, hydrogeological concerns, stormwater management, and steep slope matters for both urban and rural development.
- Poses a threat to our Heritage properties both listed and currently undesignated.
- Contravenes the public participation principles in Planning Act by removing public meetings for subdivision applications. Third-party appeals are now no longer possible for the approval of minor variance or consent. Takes away the democratic rights of Port Hope residents.
- Most proposed changes come into force as of November 28, 2022. Some will come into force until a later date to be confirmed by the government.

Background:

On October 25, 2022, the Province of Ontario introduced through first reading in the Ontario legislature, Bill 23, More Homes Built Faster Act, 2022. Bill 23 proposes significant changes to Ontario's Planning system, those of which are unprecedented in this Province. Ultimately, the included changes affect the following items:

- Inclusionary zoning/attainable housing/affordable housing;
- The collection of Parkland or Parkland Fees;
- Development Charges;
- The removal of Upper Tier powers;
- The removal of third-party appeals for minor variances and consents;
- Increases in allowable density (three units on one lot);
- The removal of requirements for public meetings on subdivision approvals;
- Limitations on the Municipality’s ability to provide Notice of Intention to Designate;
- Changes to the Ontario Land Tribunal (OLT) procedures, and;
- Changes to natural heritage planning with respect to the composition of the Conservation Authorities.

Discussion:

The Municipality of Port Hope supports the government’s objective to provide increased housing supply and improved affordability. In light of current housing issues and dwindling affordability there is a strong need to support the development of both affordable and attainable housing. With the passing of Bill 23 however, there has been a distinct lack of municipal consultation in light of the most recent election period, effectively removing municipalities from the legislative process and undermining their ability to remain accountable, transparent, and responsible agents of change.

This lack of consideration does not allow for a wider perspective to inform Provincial decision-making and will if passed into law exacerbate the hardships small municipalities with limited resources will face at the expense of taxpayers and the natural environment.

The chart below outlines the proposed changes to the development process as contemplated in Bill 23 and the implications that the individual changes could have on the Municipality of Port Hope:

Change proposed in Bill 23	Implication for the Municipality of Port Hope
Affordable / Attainable Housing	
Exempt all Affordable Housing (Inclusionary Zoning) and Attainable Housing (not defined) from Development Charges.	Taxpayers will pay for development. A waive of Development Charges does not take away cost. Those costs will be borne by the taxpayer rather than the developer.
Exempt all Affordable Housing and attainable housing Parkland dedication/fees.	Promoting higher density populations without the requirement for parkland for

	children/seniors and the community at large.
Upper limit of 5% of the total number of units in a development can be required to be affordable for a maximum period of 25 years.	Current Affordable Housing incentive programs available in Northumberland County have a 20-year minimum period of affordability. Our Official Plan does not set a requirement or target for affordability in our development strategy at this time.
Parkland	
Maximum alternative rate reduced to 1 ha/600 units.	Rate used to be 1 ha/300 units. Province has halved the requirement for Parkland.
Developer chooses site of parkland. Up to the Town to appeal.	Developer can now choose lands undevelopable for housing (for parkland) or any other areas deemed by them (wetland etc.).
Municipalities required to spend or allocate 60% of parkland at the start of each year.	Discourages the municipality to use parkland allocations to support master planning and asset management programs.
Parkland rates frozen at date of filing of the zoning/site plan application. Remains in effect for 2 years.	Rates for parkland fees to be paid at the time of zoning or site plan application instead of the day before a building permit is issued. Decrease in fees for developers.
Affordable and attainable housing will not be required to have parkland.	With a focus on higher density for housing not having available parks is both a social equity and health concern.
Development Charges	
Affordable and attainable housing units, non-profit housing developments and inclusionary zoning units are exempt from development charges.	Taxpayers pay for Development. Development is no longer paying for development.

Development charges are phased in over the first-fourth years.	Will reduce the Municipality's ability to recover growth related costs from development
Development charge review expires after 10 years instead of 5 years.	This will make development charge reviews more significant and require a greater attention to the longer-term community growth projections. It will delay inclusion of future community needs being funded from growth
Growth related studies no longer eligible for funding from Development Charges	Growth related studies such as official plans, zoning and development charges will now be paid for by taxpayers instead of growth
Cap the rate of interest paid on DC's to prime rate plus 1%.	This limits the ability of the Municipality to increase Development Charges annually at a rate that reflects the increases in costs that development charges are supposed to fund.
Third Party Appeals	
No one other than applicant, municipality, certain public bodies and the Ministry can appeal Minor Variance or Consent decisions.	Community members most affected by certain planning act decisions no longer have recourse to appeal decisions.
Sub-Division Approvals	
Public meetings are no longer required for applications for approval of a plan of subdivision.	Fundamentally changes the public nature of the planning process. In the Municipality of Port Hope, most plans of subdivision also require a Zoning By-Law and Official Plan Amendment which still currently require public meetings.
Site Plan Control	
Development of up to 10 residential units will be exempted from site plan control.	Removal of the ability to have Site Plan Control removes the ability of the Municipality to control items such as: <ul style="list-style-type: none"> • Grading and drainage

	<ul style="list-style-type: none"> • Landscaping • Snow removal • Garbage removal • Lighting • Accessibility • Parking • Amenity space
Architectural details and landscape design will be removed from scope of site plan control.	Elements of community character, ensuring infill compatibility and appropriate landscaping while existing as guiding policy in our Official Plan will be lost when building permits are issued.
Heritage	
Municipalities cannot issue notice of intention to designate heritage properties under prescribed events.	The Notice of Intention to Designate (NOID) was the vehicle which was used to protect the former hospital at 65 Ward Street. Using this process to protect our heritage buildings is no longer available to the Municipality.
Listed Properties on the heritage register must be designated within 2 years	<p>Council passed a by-law to enact our Heritage register in 2022. All properties on the register are designated.</p> <p>The timelines and process for future property designations will have to be mindful of this 2-year cap.</p> <p>There are more than 600 properties in the Municipality eligible for designation but currently neither listed nor designated.</p>
Natural Heritage Planning	
Wetland evaluation system is being revised to eliminate the concept of complex wetlands.	This eliminates the concept that wetlands and rivers are interconnected and implies that harm done to one will not harm the other.

Allows development 30 m adjacent to a Provincially significant wetland (was 120m).	Many Provincially Significant Wetlands are complex wetlands like the ones that exist in the Wesleyville area of the Municipality.
Conservation Authority	
Permits are no longer required within regulated areas, including wetlands for any activity that falls under the Planning Act (OPA, ZBA, SPC, MV, Consent).	Comments from Conservation Authorities can no longer be considered by the Planner for any development or supporting studies.
One single regulation for 36 distinctly different watersheds.	To do the work necessary for the Municipality to support any development in environmentally sensitive areas will require hiring expertise from the private sector which will be both difficult to find and expensive to contract.
Conservation Authorities can only focus on hazards (unstable slopes) and flooding	Many areas of concern the Conservation Authorities used to review and permit for have been removed including stormwater management, hydrogeology and land conservation.
Freezing of fees collected by Conservation Authorities	There will no longer be any opportunity for the Municipality to contract the Ganaraska Region Conservation Authority to do environmental, hydrogeological or stormwater assessment work for planning or engineering files and projects.

Financial Considerations:

Bill 23, More Homes Built Faster Act, 2022, will have the potential to have a significant effect on the Municipality’s finances as Development Charges and Parkland Fees, will in certain instances, not be paid. The consequence of this is that development will not pay for development. Taxpayers will be paying for development of roads, sewers, parks, etc.

Communication and Public Engagement:

The Manager, Planning provided comments to the Province prior to the November 17th deadline related to technical concerns with the legislation in accordance with her professional designation as a Registered Provincial Planner (RPP).

Discussions related to impacts and implementation of the legislative changes in Bill 23 remain on-going within the relevant municipal committees, with our partners like the Ganaraska Region Conservation Authority and with peers in the planning field across the region and province.

Mayor Hankivsky, on behalf of Council and the Municipality, authored a letter to Premier Ford expressing deep concerns and opposition regarding Ontario's Bill 23, *More Homes Built Faster Act, 2022*.

The Municipality has been supportive of submissions provided by the Association of Municipalities of Ontario (AMO). Further, the Municipality is aware and supportive of the many submissions from our fellow municipalities, agencies, and wide-ranging municipal sectors across Northumberland County and Ontario that speak to the impacts of Bill 23.

Finally, while Bill 23 was passed into law, the comment period for heritage related concerns remains open through December 9, 2022 in relation to the implementation of changes to the Ontario Heritage Act.

Conclusion:

This report provides an overview of Bill 23, *More Homes Built Faster Act* and its implications on the planning and development process in the Municipality of Port Hope. Staff is of the opinion that the changes included in Bill 23, *More Homes Built Faster Act, 2022*, will not result in the intended outcome and will only further worsen the housing crisis in Ontario, disproportionately placing the burden of development on municipalities, the natural environment, and the taxpayer. While the Municipality is supportive of the Provincial government's efforts to provide affordable housing and increase housing supply, given the complexity and multi-dimensional character of the housing issue all levels of government must work together to address this challenge.

Attachments:

Attachment 1 – Bill 23 – *More Homes Built Faster Act*