



November 24, 2022

Hon. Steve Clark
Minister of Municipal Affairs
and Housing
Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M5G 2E5

By email: minister.mah@ontario.ca
PlanningConsultation@ontario.ca

**Re: *More Homes Built Faster Act, 2022 (Bill 23); Comments*
Environmental Registry of Ontario Postings: 019-6162, 019-6163, 019-6161, 019-6160, 019-6172, 019-6177, 019-6192, 019-6196, 019-6197, 019-2927, 22-MAG011**

File No: PLN 1.1.28

Thank you for the opportunity to provide comments on the proposed *More Homes Built Faster Act, 2022 (Bill 23)*.

Clarington staff supports and is committed to working with our critical provincial, regional, conservation authority, and development industry partners to increase housing supply and affordability in our communities in an environmentally, socially, and fiscally responsible way.

The Municipality is currently working to implement process efficiencies and streamline development approvals to support the Province in its goal to construct 1.5 million homes by 2031. Over the last few years, Clarington has taken action to create an Affordable Housing Toolkit and introduced as-of-right zoning for additional residential units.

However, the changes to Ontario's land use planning regime proposed under Bill 23 are seriously concerning as they threaten (i) the loss of valuable environmental protections, public safety measures, and cultural heritage conservation, and (ii) to degrade residents' quality of life through cuts to the quality and quantity of parkland, and urban design oversight.

The proposed changes to development charge requirements will severely impact municipalities' financial sustainability by creating budget deficits, transferring the burden of the cost of growth onto taxpayers, and jeopardizing the long-standing principle of municipal finance that 'growth pays for growth'. Funds collected through development charges are used to pay for essential background studies, infrastructure improvements, and community facilities necessary to support new residents.

We welcome the recent amendments to Bill 23. However, we believe additional changes to Bill 23 are required. The Province is requested to defer the passing of Bill 23 to provide additional time for consultation with municipalities to determine how to best

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achieve this common goal to increase housing and affordability in Ontario, without compromising the quality and sustainability of our communities.

For your consideration, please find enclosed as Attachment 1 Clarington's draft Municipal Comments on Bill 23, subject to ratification by Council at its Planning and Development Committee meeting on December 5, 2022. We look forward to continuing to work together towards creating affordable and sustainable communities.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'CARLOS SALAZAR', with a stylized flourish at the end.

Carlos Salazar, MCIP, RPP
Director of Planning and Infrastructure Services

Attachment: (Draft) Municipal Comments on Bill 23

cc: Minister of Natural Resources and Forestry
Minister of Citizenship and Multiculturalism
Minister of the Attorney General
Mayor and Members of Council
Commissioner of Planning and Economic Development, Durham Region
CAO, GRCA
CAO, CLOCA
Durham Region Area Municipalities

Attachment 1

General Comments

1. Clarington recognizes the need to address the housing crisis in Ontario and supports provincial efforts to streamline and find efficiencies in process to address housing supply and affordability.
2. The proposed changes threaten significant adverse impacts on (i) our quality of life by reducing parkland requirements and eliminating good building design and landscaping from site plan (ii) the protection of our natural and built heritage (iii) and our fiscal ability to provide for parks, services, and infrastructure by eliminating development charges for many types of residential development.
3. The proposed changes are intended to remove perceived barriers identified by the province as impacting the ability to increase Ontario's housing supply. However, variables such as increasing interest rates, a slow-down of the construction market, and rising labour costs also influence when developers pull permits to advance approved housing units and are beyond the control of local councils.
4. In Clarington, there are currently over 4,000 residential units that have been approved to be built through the development application process, but for which building permits have not been pulled. This illustrates a valuable point about the extent to which municipalities have control over the development process, and one that has not been acknowledged as part of the Province's multi-part action plan to address the housing crisis.
5. The Province is requested to provide information on how the cost savings and approval process efficiencies afforded to developers as a result of the proposed changes will be passed onto consumers in the form of more affordable, better quality housing choices.

Site Plan Control and Urban Design

6. The Official Plan establishes a vision for Clarington as a place where buildings and landscaping are of high quality. Staff has concerns about the removal of urban design and landscape elements from the scope of site plan approval, given the significant contributions of design and landscape to neighbourhood and heritage character and the quality of our commercial and industrial areas, in addition to making us more resilient to climate change.
7. The Province is requested not to remove building quality, and landscaping from the scope of site plan. This removal will result in a deterioration of the quality of development in our communities. The proposed updates to Bill 23 that clarify elements relating to sustainable design and environmental standards are supported.

Mandatory Land Use Permissions for Major Transit Station Areas

8. The mandatory requirements to complete zoning for Major Transit Station Areas within one year of approval are aggressive. Clarington has two MTSA's currently involved in secondary planning studies. To implement these changes, Clarington will require additional and reallocation of resources, as well as the reprioritization of current projects.
9. The Province is requested to provide municipalities such as Clarington with the support and resources necessary to implement the requirements for MTSA's.

Conservation Authorities and Wetland Protection

10. Clarington relies on Conservation Authority staff's technical expertise in the review of plans and development applications to (i) achieve optimal design (ii) minimize adverse impacts on public safety and property, and (iii) protect vital natural heritage and hydrological systems. The proposed changes would eliminate an established partnership of collaboration and resources that provides valuable expertise and efficiencies in the review of development applications and supporting technical studies.
11. The Province is requested not to pursue the proposed amendments as presented, and to continue to enable municipalities to work with their Conservation Authority partners for the provision of these services. Consideration should be given to identifying the Province as the approval authority for Memorandums of Understanding to ensure the scope of the relationship remains efficient and effective. The Province is also requested to provide the Municipality and the conservation authority with enough time to streamline and reduce any duplication in the development review process.
12. The proposed revisions to the Ontario Wetland Evaluation System will make wetlands vulnerable to development pressures and increase public safety risks associated with flooding and erosion that will have to be dealt with by municipalities, at considerable cost.
13. The Province is requested to maintain the existing Evaluation System and respect the integrity of wetlands complexes for the critical role they serve as part of the natural heritage system, and flood and climate change mitigation.

Regional Planning Framework

14. The Municipality welcomes the opportunity to streamline the development review function to avoid duplication and allow local councils more authority to shape the future of the community.
15. Regional planning provides a valuable role that integrates long-term land use planning and infrastructure. This also provides for intermunicipal cooperation and coordination.

16. The Province is requested to amend Bill 23 to maintain the regional planning role for the purposes of coordinating long-range land use planning and infrastructure.

Parkland

17. There are significant concerns with the proposed changes to the *Planning Act* to cut in half alternative parkland dedication requirements for all types of development. Parkland will become increasingly important for the health and wellbeing of residents as municipalities plan for increasingly dense residential development. Increased density means a need for more community parkland, not less.
18. Requiring municipalities to accept encumbered lands for parks purposes will detrimentally impact the Municipality's ability to deliver access to quality, safe and functional park spaces for residents.
19. The Province is requested not to change the parkland dedication ratios and continue to allow municipalities to determine what they will accept for parkland dedication.

Development Charges

20. The proposed reductions and exemptions from development charges requirements contradicts the long-standing pillar of municipal financial sustainability requiring growth to pay for growth.
21. The substantial municipal budget shortfalls resulting from these changes would shift the burden of the cost of growth from developers onto taxpayers, with the alternative being a reduction in overall service levels. The impact of reduced service levels would be felt more acutely as we plan for denser housing forms that would rely more heavily on public spaces and community services.
22. The Province is requested not to make changes to the current development charges framework. Should the Province pass Bill 23 as proposed, the Province is requested to provide alternative funding to municipalities to offset the substantial impact of the proposed reductions in development charges as well as additional funding for resource requirements resulting from any realigning of the functions of regional planning and the conservation authorities.

Cultural Heritage Conservation

23. The proposed changes will place significant pressure on Clarington Council and staff to review and update the Municipal Register in the short-term, so as to not risk losing valuable cultural heritage resources.
24. The Province is requested not to pursue the changes to the *Ontario Heritage Act*. However, should Bill 23 be passed as presented, the Province is requested to

provide additional resources to municipalities to implement the proposed changes to the *Ontario Heritage Act* on an ongoing basis to ensure (i) new properties added to the Municipal Register are adequately evaluated within the identified time window, and (ii) properties with potential cultural heritage value or interest within areas designated for development are added to the Municipal Register to ensure protection prior to the submission of *Planning Act* applications.

Resource, Time, and Transition Considerations

25. The removal of Durham Region and the Conservation Authorities from *Planning Act* processes, and the down- and off-loading of responsibilities to lower-tier municipalities means Clarington would have to assess and assume the cost of staffing resources to carry out these functions. This will place increased pressure on existing municipal staff and impact application processing timelines in situations where in-house expertise to complete adequate reviews is not currently present.
26. The situation noted in Comment 25 above will impede the achievement of new prescribed planning application timelines and processing requirements under Bill 109, currently scheduled to take effect January 1, 2023.
27. If passed, the Province is requested to add transition provisions in order to afford municipalities and stakeholders reasonable time to understand and assess how to best implement the new processes and requirements, particularly where it concerns new responsibilities for lower-tier municipalities that require additional resource acquisition and budget.