



THE CORPORATION OF THE TOWNSHIP OF KING
Report to Committee of the Whole

Monday, December 12, 2022

Growth Management Services Department - Planning Division

Report Number [GMS-PL-2022-48](#)

Review of Changes to support Ontario's More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023 and Bill 23, the More Homes Built Faster Act, 2022

RECOMMENDATION(S):

The Director of Growth Management Services respectfully submits the following recommendation(s):

1. That Report Number [GMS-PL-2022-48](#) be received;
2. That Council endorse Planning Division Staff comments as outlined in Report [GMS-PL-2022-48](#) and Appendix A;
3. That Council direct Staff to submit Report [GMS-PL-2022-48](#) and any comments arising from the December 12, 2022, Committee of the Whole Meeting to the applicable Ministries before the applicable commenting deadlines;
4. That copies of Council's comments be provided to the Regional Municipality of York, local Conservation Authorities, and to all York Region local Municipalities, for their information.
5. That Council direct Staff to bring forward a Report on any proposed modifications to the Township's processes as a result of Bill 23 receiving Royal Assent.

REPORT HIGHLIGHTS:

- The Province of Ontario tabled Bill 23 on October 25, 2022, which proceeded to a second reading on October 26, 2022, and to a third reading and Royal Assent on November 28, 2022.
- Planning Division Staff brought forward a Report to Council on November 7, 2022, [GMS-PL-2022-39](#), which reviewed the Environmental Registry of Ontario (ERO) postings with commenting deadlines before December 12, 2022.
- This Report focuses on postings with commenting deadlines after December 12, 2022, that are related to Bill 23, the More Homes Built Faster Act and the related Action Plan.
- Bill 23 amends a variety of Acts and results in significant changes for upper- and lower-tier municipalities and Conservation Authorities.

PURPOSE:

The purpose of this Report is to summarize current Environmental Registry of Ontario (ERO) postings related to Bill 23 and provide Planning Staff's comments on the most significant of the changes. The Report focuses on the postings with commenting deadlines on or before December 30, 2022.

BACKGROUND:

The Province of Ontario introduced Bill 23, the *More Homes Built Faster Act, 2022*, to support More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023. The development of an annual Housing Supply Action Plan was announced through Bill 109, the *More Homes for Everyone Act, 2022*, as a tool to implement the recommendations of the Ontario Housing Affordability Task Force Report. The Province Plans to issue a Housing Supply Action Plan every year over four years, beginning with 2022-2023. The Report outlined 55 recommendations that the Task Force feels will positively impact housing supply in Ontario. Recommendations 1 and 2 set the goal of adding 1.5 million homes in Ontario by 2031 which is the primary goal of Bill 23.

Bill 23 amends 10 Acts, include the *Planning Act, Development Charges Act, Ontario Heritage Act, Conservation Authorities Act* and *Ontario Land Tribunal Act*, as well as several Ontario Regulations. Further, the Ministry of Municipal Affairs and Housing (MMAH) is undertaking a housing-focused policy review of A Place to Grow and the Provincial Policy Statement.

The amendments have been identified and summarized in a number of postings on the Environmental Registry of Ontario (ERO) and the Ontario Regulatory Registry (ORR). Planning Division Staff brought forward a Report ([GMS-PL-2022-39](#)) on November 7, 2022, that summarized the proposed legislative, regulatory and policy changes for postings with a commenting deadline before December 12, 2022. The comments supported by Council were forwarded to the corresponding Ministries November 14, 2022.

All of the remaining postings have a commenting deadline on/before December 30, 2022 and are summarized in this Report.

ANALYSIS:

As noted above, the Province has made a number of postings on the ERO and ORR for the consultations related to the More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023 and Bill 23. The following sections provide a summary of the remaining key Provincial postings, together with Staff's comments.

ERO Title:	Review of a Place to Grow and Provincial Policy Statement
ERO Number:	019-6177
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 – December 30, 2022

Summary:

The Province is seeking feedback on the concept of integrating the Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (A Place to Grow) into a single Plan. Both documents, discussed further below, currently provide comprehensive, policy direction on land use planning matters including growth management, housing, economic development, infrastructure planning, protection and management of resources and protection of public health and safety. At this time, the Province has not issued a draft Plan and it is not clear whether it will be open for consultation.

The integration has the goal of creating a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply by:

- Leveraging the housing-supportive policies of both policy documents;
- Removing or streamlining policies that result in duplication, delays or burns in the development of housing;
- Ensuring growth management and planning tools are available where needed to increase housing supply and support a range and mix of housing options;
- Protecting the environment, cultural heritage and public health and safety; and
- Ensuring that growth is supported with appropriate amounts and types of community infrastructure.

The following are identified as six core elements of the new Plan:

1. Residential Land Supply: policies regarding settlement area boundary expansions, rural housing and employment area conversions.
2. Attainable Housing Supply and Mix: policy direction to encourage a range in housing types and densities, policies for minimum density targets for major transit stations areas, and policies for municipalities to identify urban growth centres.
3. Growth Management: provide direction for population and employment forecasting, encouraging intensification in strategic areas and growth management policies that extend to large and fast-growing municipalities inside and outside the Greater Golden Horseshoe, including coordination with major provincial investments in roads, highways and transit.
4. Environment and Natural Resources: policies to provide for the continued protection of prime agricultural areas while providing for increased flexibility to enable residential development in rural areas, streamlined approach to natural heritage including more options for offsetting/compensation, streamlined and clarified policies for development in hazard areas, simplified policies to ensure access to aggregate resources close to where they are needed, and direction for the identification and conservation of cultural heritage resources while increasing housing supply.
5. Community Infrastructure: increased flexibility for servicing new developments (water and wastewater), policies to encourage municipalities to undertake long-range integrated infrastructure planning, and policies for school capacity to ensure that publicly funded school facilities are part of integrated municipal planning, including an urban schools' framework for rapidly growing areas.
6. Streamlined Planning Framework: proposed to be outcomes focused by being less prescriptive and requiring fewer studies, focusing only on land use planning, and reducing the complexity and increasing the flexibility of comprehensive reviews to enable municipalities to implement provincial policy direction faster and easier.

The posting on the Environmental Registry of Ontario (ERO) for the proposed integration of the PPS and A Place to Grow also identifies the following five questions:

1. What are your thoughts on the proposed core elements to be include in a streamlined province-wide land use planning policy instrument?
2. What land use planning policies should the government use to increase the supply of housing and support a diversity of housing types?
3. How should the government further streamline land use planning policy to increase the supply of housing?
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 policy document?

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?

Staff Comments:

Planning Division Staff have had an opportunity to review the proposed ERO posting on the conceptual integration of the PPS and A Place to Grow and have had an opportunity to review the five questions identified above. Responses to the five questions are detailed in Appendix A. Staff note that the Province has not provided a draft of the proposed integrated Plan, so Staff is unable to assess the changes that may result from this proposed integration.

The Provincial Policy Statement, 2020 (PPS) provides overall principles and policy direction for land use planning and development in Ontario under the Planning Act. The PPS provides policies that are primarily focused around building strong and healthy communities (housing, employment lands, infrastructure, public spaces, energy conservation, etc.), resource management and public health and safety. These policy areas generally align with the core elements identified above for the integrated Plan. However, the PPS generally provides high level goals and overarching policies which is in contrast with the structure of A Place to Grow.

A Place to Grow (Growth Plan) informs decision-making regarding growth management and environmental protection throughout the Greater Golden Horseshoe (GGH) region of southern Ontario. The Growth Plan builds upon the policy framework provided by the PPS, is to be read in conjunction with the PPS, and to the extent of any conflict, the Growth Plan takes precedence over the policies of the PPS (with the exception of policies related to the natural environment or human health where the more restrictive policies are to prevail). The Growth Plan provides detailed growth planning for municipalities within the GGH and is a geographic based Plan that provides land use planning policies specifically for the fastest growing area of the Province. The Growth Plan is to be read in conjunction with other Provincial Plans within the geographic area. In King Township, this includes the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, the Lake Simcoe Protection Plan, and the Source Protection Plans under the *Clean Water Act, 2006*. The Growth Plan is focused on building compact and complete communities, while protecting agricultural lands, water resources, and natural areas. The Plan establishes minimum intensification and density targets that are aimed at optimizing the use of land (a finite resource) and infrastructure.

The proposed integrated Plan would go beyond the GGH and is proposed to apply across Ontario. The impacts to Northern Ontario are unclear as the ERO posting does not identify if the Growth Plan for Northern Ontario is proposed to be impacted by the changes or if it is also proposed to be integrated into the new Plan. While there may be some benefit as this would provide clarity and consistency in applying growth targets to other larger, fast growing municipalities in Ontario including Ottawa, Kingston, London and Windsor that are outside of the GGH, it would not necessarily provide appropriate policies and growth targets for smaller, rural and/or northern communities.

As identified above, the Province identified 6 core elements for the proposed new Plan: 1) Residential Land Supply, 2) Attainable Housing Supply and Mix, 3) Growth Management, 4) Environment and Natural Resources, 5) Community Infrastructure, 6) Streamlining Planning Framework. Staff have identified questions and potential concerns with each of these core elements, however without a draft of the proposed Plan it is difficult to ascertain how these core elements will translate into policies.

The first core element, Residential Land Supply, proposes to include policies related to settlement area boundary expansions, rural housing and employment area conversions. Staff have questions about how these proposed policies would interface with the Greenbelt Plan and Oak Ridges Moraine Conservation Plan, specifically whether settlement area boundary expansions would be contemplated within the area of these Plans. Further, Staff also have questions as to whether “rural housing”

contemplates subdivision development within rural lands, increased opportunities for severances and/or additional dwelling unit permissions. While Staff are supportive of the Province's goal of providing additional housing, Staff are uncertain whether the increased residential permissions within the rural area as it may result in a loss of agricultural land and may place increased development pressures on rural and agricultural communities. Further, these policies appear to be supportive of sprawl rather than encouraging intensification which contradicts core elements of 2) Attainable Housing Supply and Mix and 3) Growth Management, which intends to encourage a range of housing types and intensification.

Core element 4) Environment and Natural Resources proposes to provide policies for the continued protection of prime agricultural areas while providing for increased flexibility to enable residential development in rural areas. Rural lands that are in the countryside are often adjacent to prime agricultural lands and are valuable to the agricultural and rural economy by providing for increased opportunities for tourism, agriculture-related uses, as well as accommodating agricultural uses themselves, such as equine operations, livestock farms and orchards. Opening up rural areas for residential uses may result in a loss of agricultural lands, and may result in difficulties in establishing agricultural operations or expanding existing agricultural operations due to minimum distance separation (MDS) requirements. Permitting low density rural development contradicts the proposed policies of core elements 2) and 3) which encourage intensification, specifically within major transit station areas and growth centres. Further, rural lands are not supported by the same range of services, including municipal servicing (water and wastewater), transit, roads, and have lower access to recreation, municipal programming, as well as other amenities such as grocery stores and medical facilities which renders them car dependent which also contradicts the current goals and policies of the PPS and A Place to Grow. Residents locating in these areas would increase service delivery expectations by the Municipality, which would in-turn potentially place undo burden on local taxes.

In terms of core element 4), Staff request clarification from the Province as to where these policies would apply and whether Greenbelt Plan and Oak Ridges Moraine Conservation Plan will take precedence. For core element 5) the proposed Plan would provide increased flexibility for servicing new developments (water and wastewater). The Growth Plan currently contains policies which prohibit the extension of water and wastewater services from a Great Lakes source for settlement areas in the Greenbelt Area that are serviced by rivers, inland lakes, or groundwater. Two of the Township's primary settlement areas in the Greenbelt, Nobleton and Schomberg are currently serviced by way of groundwater and rivers for water and wastewater. If the Province removes this policy, the extension of Great Lakes servicing would be an available option through a future Environmental Assessment. This could enable additional growth in those communities which are currently limited in size based on servicing and assimilative capacity. Staff request clarification as to what servicing policies are intended to be carried forward into the integrated PPS.

For the final core element 6) Streamlined Planning Framework, the policies propose to be less prescriptive and to require fewer studies, focusing only on land use planning. This provision is unclear as it does not specify which studies are proposed to be removed, and it does not qualify what is considered to be a study related to land use planning. Staff note that land use planning is a multi-disciplinary field in which a variety of aspects need to be reviewed to ensure that the development is appropriate, in the public interest and that it will not have negative impacts to health and safety. This may include a variety of studies including environmental reports, engineering reports, transportation studies, noise studies, parkland assessments and urban design and architectural review. Staff are unsure as to how any of these may be considered not to be land use planning related, and request clarification from the Province as to what studies they are proposing to permit, and what they are proposing to prohibit. Staff have concerns with the removal of the above-noted studies, as well as other studies that may be contemplated as part of the review of a development application, as detailed in the Township's Our King Official Plan.

The rationale for the integration of the PPS and A Place to Grow may have also been guided by the Value-for-Money Audit: Land-Use Planning in the Greater Golden Horseshoe, which was published by the Office of the Auditor General of Ontario in December 2021. The Audit found the following:

- Municipalities face challenges implementing the policies;
- Improvements are needed in the collaboration between the Province and Local partners;
- Insufficient data as to whether the Growth Plan policies controlled urban sprawl in the GGH;
- MZO's are undermining the land use planning process;

Overall, the Audit concluded that the Ministry of Municipal Affairs and Housing does not have effective procedures and systems in place to ensure that land use planning in the GGH is consistent with good land use planning practices, which are the purpose and objectives of the *Planning Act* and A Place to Grow. Further, the Audit found that the numerous changes to the policies of A Place to Grow have created instability in the planning process and challenge the ability of municipalities to implement Provincial Policies in local plans.

Based on the findings of the Audit it is possible that the Province determined that a consolidated Plan may be easier to implement and may improve clarity. Staff agree with the findings of the Audit that the many modifications to the Plan have made it difficult to ensure that the Township is able to adapt and respond to the changes in our Official Plan. However, further changes, including the proposed consolidation/integration of the PPS and A Place to Grow will continue to make it difficult for municipalities to adapt and respond to these changes. Should the Province proceed with the integration of the PPS and A Place to Grow into a single Plan, the draft Plan should be released prior to approval with sufficient time (4 to 6 months) for municipalities, stakeholders, and the public to review and provide comments. Staff recommend that no further amendments or changes be proposed to the new Plan for a substantial period of time to allow for municipalities to respond to the changes, and to provide for consistency in Provincial policy. When there are continual changes it is also difficult to ascertain which changes have been beneficial as there is not sufficient time to collect data and measure outcomes.

The Province has also posted ERO 019-6171 which is a bulletin identifying that the Province has assigned housing targets to 29 selected lower- and single- tier municipalities and that municipalities will work towards meeting these targets by 2031. It is unclear if the targets identified in this posting will inform the proposed integration of the PPS and A Place to Grow, or if additional growth measures will be identified in the proposed Plan. The Township is not identified on the list of 29 municipalities, however within York Region Vaughan, Richmond Hill, Markham and Newmarket have been assigned housing targets. The bulletin identifies that these municipalities are required to create a 'housing pledge' to implement housing targets by March 1, 2023 with reporting toward the target required annually. These housing targets do not appear to align with the population targets that were recently approved by the Province in the York Region Official Plan.

Staff note that the proposed integrated Plan appears to leave out key content from the PPS and a Place to Grow, and is proposed to introduce a variety of policies that are inconsistent with the current PPS and A Place to Grow and would generally encourage sprawl and the loss of rural lands. Further, both the PPS and A Place to Grow have been updated recently (2020 and 2019 respectively), and as such have not had an opportunity to be fully implemented by municipalities. It is premature to continue revising these policy documents as there has not been a sufficient amount of time to assess their impacts and whether their policies have been successful in increasing the housing supply, while also discouraging urban sprawl and residential development in rural areas.

ERO Title:

[Proposed Revocation of the Parkway Belt West Plan](#)

ERO Number:

019-6167

Posted by: Ministry of Municipal Affairs and Housing
Comment period: October 25, 2022 – December 30, 2022

The Province is looking for feedback regarding the revocation of the Parkway Belt West Plan which was created in 1978 under the authority of the Parkway Belt Planning Act, 1978. The Plan is now under the jurisdiction of the Ontario Planning and Development Act, 1994. The Parkway Belt West Plan stretches 120 km from Hamilton to Markham, generally along the Highway 407 corridor and includes lands in York Region, specifically within Vaughan, Richmond Hill and Markham. The Plan aims to protect transportation and utility corridors, including Hwy 403, Hwy 407, transitways and hydro corridors.

Staff Comments:

Staff note that since the Plan came into effect in 1978 that over 160 amendments have been made to the Plan, resulting in the removal of approximately 9000 hectares, or 43% of the lands from the Plan area. The Plan area is located outside of the Township and as such the revocation of the Plan should not have an impact to the Township. However, the Plan does aim to protect transportation and utility corridors, so the revocation of the Plan may result in long-term impacts to the utility and transit corridors located within the Plan area.

ERO Title: [Conserving Ontario's Natural Heritage](#)
ERO Number: 019-6161
Posted by: Ministry of Natural Resources and Forestry
Comment period: October 25, 2022 – December 30, 2022

Summary:

The Province has prepared a discussion paper, *Conserving Ontario's Natural Heritage*, to seek feedback on how Ontario could offset development pressures on wetlands, woodlands and other natural wildlife habitat. The Ministry of Natural Resources and Forestry is considering developing an ecological offsetting policy that would require a net positive impact on these features. Ecological offsetting is an approach in which negative impacts of land use decisions on natural heritage are offset by the intentional restoration or creation of new natural heritage features like wetlands in order to compensate for the environmental impacts. A number of Provincial Plans and statutes provide specific protection for natural heritage features, however, none of these incorporate provisions for offsetting, although some Conservation Authorities have developed their own policies.

The Discussion Paper outlines that the offset policy is proposed to be developed based on the following principles:

1. Net Gain: with respect to the extent and quality of the natural heritage features or their functions, within a reasonable period of time.
2. Avoidance First: Offsetting should be the last step after other options to avoid and mitigate any impacts on natural heritage are considered.
3. Informed: Offsetting should consider the best available science and knowledge, including Traditional Ecological Knowledge.
4. Transparency and Accountability: Incorporate provisions for oversight, tracking and public reporting.
5. Limits to Offsets: Some wetlands like coastal wetlands, bogs and ferns and other areas that historically have been important for recreation and tourism should be ineligible for offsetting.

The Discussion Paper also provides details for the implementation of the offset policy. The first step would be to undertake an assessment of the natural heritage features that would be impacted. This baseline assessment would consider the area, location, scale, function and values of the feature. The policy would then apply an offset ratio to achieve a net gain in natural heritage. The Discussion Paper identifies that the policy would propose different ratios for different functions, and that higher ratios may be required for natural heritage features that provide multiple ecological, cultural and recreational benefits.

The offset ratios and baseline assessment are also proposed to be used to determine a compensation amount. The compensation payment has the potential to be paid into a fund where funds could be pooled to support large, strategic projects rather than developing smaller scale, isolated offsets. The payments are proposed to be able to be used for the construction, monitoring and adaptive management of an offset. Further, offsets should ideally be located within the same watershed, however, offsets may be considered outside of the watershed where there is an opportunity for greater conservation outcomes.

The Province has requested feedback on the proposed offsetting policy, as well as the following mechanisms that are used to conserve natural heritage to support development and the growing need of housing:

- Conservation of Land and Managed Forest Tax Incentive Programs
- Areas of Natural and Scientific Interest
- Provincial guidance including the Natural Heritage Reference Manual and Significant Wildlife Habitat Technical Guide

Staff Comments:

Planning Division Staff have concerns with the Province's approach to develop a uniform offsetting policy for all of Ontario. While the offset policy is proposed to be based on five principles, including avoidance first, having a Provincial offset policy sets a precedent that an offset is appropriate in all circumstances. Further, a uniform approach and general baseline assessment may not be appropriate for all municipalities and Conservation Authorities. A uniform approach does not take into consideration site-specific characteristics for each municipality and Conservation Authority or site-specific conservation goals. Staff specifically request clarification if the offset policy is proposed to only be used within urban areas and settlement areas, or if the offset policy is proposed to apply to all lands across Ontario, including within the Greenbelt Plan and Oak Ridges Moraine Conservation Plan areas.

The five principles identified in the Discussion Paper detail that limitations on offsetting would only be placed where the key natural heritage feature has historically been important for recreation and/or tourism. This does not take into consideration features that have important ecological considerations and as such severely limits what features would be eligible for protection. The Discussion Paper is also unclear as to the administrative and implementation of the offset policy. The Discussion Paper notes that there is an opportunity for the compensation payment to be applied to a larger project outside of the watershed or in a different geographic area. Based on this proposal, it is unclear as to how the compensation amounts would be determined; how the payments are proposed to be collected; and whether this system would be administered by the Conservation Authority, Municipality or Province. Further, it is unclear who would be approving the offsetting plan for a proposed development, and whether this would fall under the jurisdiction of the Municipality, or if it would become a Provincial responsibility.

As such, Staff recommend that the offsetting policy not proceed as currently contemplated in the Province's Discussion Paper. The proposed policy would result in negative impacts to key natural

heritage features, and the lack of clarity for its administration may result in delays in its implementation, as well as the potential for it to be implemented inconsistently. Should the Province wish to proceed with a policy relating to offsetting, Staff recommend that the Province require each Conservation Authority and municipality develop their own offset policy that responds to their area-specific requirements, rather than the Province developing a one size fits all approach.

ERO Title:	Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario
ERO Number:	019-2927
Posted by:	Ministry of Natural Resources and Forestry
Comment period:	October 25, 2022 – December 30, 2022
Act	Conservation Authorities Act, R.S.O. 1990

Summary:

A new regulation is proposed governing the activities that require permits under the Conservation Authorities Act. The proposed regulation would amend the Conservation Authorities Act to focus permitting decisions only for matters related to the control of flooding and other natural hazards and the protection of people and property. Currently, there are 36 individual regulations under the Conservation Authorities Act, one for each Conservation Authority in the Province that set out the activities and associated requirements for permits or permissions. These 36 regulations are proposed to be revoked through the amendments to the Conservation Authorities Act, and in their place the Ministry is proposing a single provincial regulation to ensure clear and consistent requirements. The regulation is proposed to streamline rules for development and increase coordination between Conservation Authority permitting and municipal planning approvals.

The ERO posting for the proposed amendments also details that the Ministry is considering the proposed legislative amendments in the context of the Lake Simcoe Protection Plan (LSPP). The posting identifies that portions of the proposed singular regulation may apply differently to the Lake Simcoe Region Conservation Authority so that the objectives of the LSPP can continue to be advanced, which may include adjustments to areas where permits are required or to the criteria considered in a permit decision.

The Ministry of Natural Resources and Forestry has also prepared a Regulatory Proposal Consultation Guide which provides an overview of the proposed regulation and details the proposed amendments to Section 28 of the Conservation Authorities Act (Activities Prohibited under the Conservation Authorities Act and Issuance of Permits under the Conservation Authorities Act). The updated Section 28 would prohibit the following activities within the jurisdiction of a Conservation Authority:

1. Activities to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or change or interfere in any way with a wetland.
2. Development activities in areas that are hazardous lands, wetlands, river or stream valleys (the limits of which shall be determined in accordance with the regulation), and areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake that may be affected by flooding, erosion or dynamic beach hazards, subject to the regulation, and any other areas in which development may be prohibited or regulated, as determined by the regulations.

Other key changes in the proposed regulation include updating the definition of watercourse, revising the limit for the area in which prohibitions on development apply to within 30 metres of wetlands from

120 metres, and streamlining approvals for low-risk activities, which may include an exemption from the need for a permit if certain conditions are met. The streamlined approach is proposed to include the following activities:

- non-habitable accessory structure 10 m² or less that is not within a hazardous land, watercourse or wetland;
- An unenclosed detached deck or patio 10 m² or less that is not placed adjacent or close to the shoreline of a lake or within hazardous lands and does not utilize any method of cantilevering;
- One-time placement of fill that does not exceed 10 m³ that is not within a hazardous land, watercourse or wetland;
- A seasonal or floating dock 10 m² or less that does not require permanent support structures and can be removed in the event of flooding;
- Installation of a fence with a minimum of 75 mm of space between panels;
- Well installation that is not within hazardous lands or a wetland, including private drilled or bored water well installation, and the installation of municipal water monitoring wells;
- Certain agricultural erosion control measures and offline ponds where not connected with or within a watercourse or wetland, or steep slope;
- Certain utility works, including the installation of a utility pole and anchor and maintenance and repair activities for existing municipal drains, including pipes, junction boxes and catch basins;
- Maintenance or repair to existing driveways/accesses or public roads, provided they are outside of a wetland and that they are not extended or widened.

As identified above, changes are also proposed to the requirements for permit applications and the issuance of permits. A key change is that the proposed regulation would include complete application requirements. The Conservation Authority would only be able to request information or studies needed for their review prior to the confirmation of a complete application. The regulation also proposes to set out what can be requested as part of a complete application. Changes are also proposed to the issuance of permits, including that the maximum period for validity for a permit would be changed to 60 months, and that conditions associated with the issuance of the permit shall be limited to the following:

- Effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- Conditions or circumstances created by the development project that in the event of a natural hazard may jeopardize the health or safety of persons or result in the damage or destruction of property; and
- Any conditions to support the implementation or administration of the permit.

Finally, the Consultation Guide identifies that the regulation will require the following service delivery standards related to the administration of permits:

- A Conservation Authority Policy that outlines complete application requirements, pre-consultation requirements, timelines for permit application review, additional technical details on regulatory requirements and review procedures;
- Mapping of areas within their jurisdiction where a permit is required and for the mapping to be made available to the public, as well as notice requirements to the public where modifications are proposed to the extent of the regulated area where permits are required;
- Pre-Consultation Process requirements and guidelines for the Conservation Authority and permit applicants.

Future regulations are proposed by the Ministry to implement an exemption tool to provide for the ability to exempt development authorized under the *Planning Act* from requiring a permit under the *Conservation Authorities Act*. This exemption would apply in certain municipalities as set out in a future

regulation and could be subject to conditions. The Ministry has provided four questions regarding the consideration for the use of this tool:

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

Staff Comments:

The ERO posting details a number of changes to the *Conservation Authorities Act* that would result in substantial changes to all Conservation Authorities. Portions of the ERO posting, specifically those related to Section 28 of the *Conservation Authorities Act* have already been amended through Bill 23 and other provisions are proposed through future regulation. Responses to the four questions posed by the Province through this ERO posting are detailed in Appendix A.

The amendments propose to revoke the regulations for each of the Province's 36 Conservation Authorities and to introduce one new standardized regulation for all Conservation Authorities. A uniform regulation does not take into consideration site-specific and area-specific considerations. Should the regulation proceed, Staff are supportive that the provisions of the Lake Simcoe Protection Plan are being considered, and that there may be separate provisions of the regulation that apply to the Lake Simcoe Region Conservation Authority. Staff also have concerns with other changes proposed for the regulation, including updating the definition for watercourse and revising the setback requirement for development from wetlands. These changes may result in development being permitted in lands that are not conducive for construction and may impact the integrity of natural heritage features. Staff are supportive of the goal of building more houses and recommends that the Province consider opportunities for intensification within built areas rather than introducing changes that are conducive to sprawl and that may have environmental impacts.

Other changes proposed through the regulation relate primarily to the operations of Conservation Authorities and items that require a permit from the Conservation Authority. As detailed above, a streamlined approach is required for activities that would no longer require a permit if certain criteria were met. These are proposed to include freestanding decks and accessory structures that measure less than 10 square metres, certain types of fencing, some utilities, etc. Staff have no concerns with these items not requiring a permit from the Conservation Authority as proposed as these types of activities and structures are generally exempt from municipal approvals as well (i.e., building permit and site alteration permit). Planning Staff are also supportive of the proposed changes to introduce a Complete Application process for Conservation Authority permits. The Complete Application process is beneficial as it ensures clarity as to submission requirements and can help provide certainty in the costs associated with proposed development and construction activities.

FINANCIAL CONSIDERATIONS:

The proposed amendments through Bill 23 will result in significant financial impacts due to the loss of revenue from development charges, reduced parkland contributions, and the potential transfer of various responsibilities currently delivered by York Region and the Conservation Authorities to local municipalities. Township Staff resources will also be impacted based on the compounding effects of Bill 109, this proposed Bill 23 and future anticipated further Bills. Funding shortfalls will need to be managed and may impact tax levy rate based charges or service level adjustments to ensure sufficient funding and staff resources are available for infrastructure, parkland and service delivery.

ALIGNMENT TO STRATEGIC PLAN:

The 2019-2022 Corporate Strategic Plan was formally adopted by Council on September 21, 2020 which emphasizes all of the ICSP Pillars (Financial, Economic, Socio-Cultural and Environmental) and is also aligned with the long-term vision defined in the Official Plan. The 2019-2022 Corporate Strategic Plan aims to ensure staff initiatives focus on current Term of Council priorities in support of the Township's long-term vision to 2031.

This report is in alignment with the CSP's Priority Area(s), associated Objective(s) and/or Key Action(s):



Service Delivery Excellence and Innovation

Developing Innovative "King-Centric" Policy Frameworks

- Respond to Emerging Municipal Trends and Pressures

The purpose of this Report is to provide a summary of the changes proposed by the Province to support the Ontario's More Homes Built Faster Ontario's Housing Supply Action Plan: 2022-2023 and Bill 23, the More Homes Built Faster Act, 2022, and to provide Staff's comments on the most significant of the proposed changes. This report aligns with the Strategic Plan to Develop Innovative 'King-Centric' Policy Frameworks by responding to emerging trends and pressures.

CONCLUSION:

Bill 23 and the associated ERO postings outlined in this Report detail significant changes with the aim of increasing the supply of housing across Ontario. The changes will have considerable impacts on local municipalities. It is unclear whether the changes will achieve the intended outcomes of constructing more homes faster, or improving affordability. Approvals do not always equate to shovels in the ground as there are many factors that impact construction timing, many of which are not within the Municipality's control. The planning policy framework in the Province may change again with the introduction of an integrated PPS and A Place to Grow, it is unclear at this time what policies will be included in this proposed Plan, and as such Staff requests that the Province provide sufficient time to municipalities, stakeholders, and the public to review and provide comment the proposed Plan.

Staff recommend that the comments outlined in this Report and as summarized in [Appendix A](#), in addition to any comments of Council be submitted to the province before the commenting deadlines. Staff recommend that a subsequent Report be presented to Council in Q1 of 2023 detailing Staff's response to Bill 23 and proposed modifications to the Township's processes.

ATTACHMENTS:

[Appendix A](#)

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Appendix 'A'

Review of a Place to Grow and Provincial Policy Statement ERO Posting 019-6177

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

Township of King Planning Staff have questions and concerns regarding the core elements as detailed in the ERO posting. The ERO Posting identified 6 core elements for the proposed new Plan. Staff have identified potential concerns with most of these core elements, however without a draft of the proposed Plan it is difficult to ascertain how these core elements will translate into policies.

1) Residential Land Supply

- Staff have questions about how these proposed policies would interface with the Greenbelt Plan and Oak Ridges Moraine Conservation Plan, specifically whether settlement area boundary expansions would be contemplated within the area of these plans.
- Staff have questions as to whether “rural housing” contemplates subdivision development on rural lands, increased opportunities for severances, additional dwelling unit permissions, or all of these options.
- While Staff are supportive of the Province’s goal of providing additional housing, Staff have concerns with increased residential permissions within the rural area as it may result in a loss of agricultural land and may place increased development pressures on rural and agricultural communities.
- These policies appear to be supportive of sprawl rather than encouraging intensification which contradicts core elements 2) and 3).

2) Attainable Housing Supply and Mix

- Staff are generally supportive of policies that provide a greater variety of housing types, including ground-related housing, missing middle housing and housing to meet demographic and employment-related needs; however, a ‘one-size-fits-all’ approach should not be taken Province-wide. Taking the local context into account, municipalities should be able to develop height and density policies that are generally in alignment with this goal.
- Staff are supportive of intensification being directed to major transit station areas and urban growth centres as these areas have access to transit and services that are not generally available in rural areas.

3) Growth Management

- Staff are generally supportive of policies to increase housing supply through intensification in strategic areas, such as along transit corridors and major transit station areas, as is also identified in core element 2).
- There may be value in including municipalities that are outside of the current geographic area of the Growth Plan within the Growth Plan. However, it would be more beneficial to update the Growth Plan to look at certain municipalities beyond the Greater Golden Horseshoe rather than integrating the PPS and Growth Plan.

4) Environment and Natural Resources

- Rural lands that are in the countryside are often adjacent to prime agricultural lands and are valuable to the agricultural and rural economy by providing for increased opportunities for tourism, agriculture-related uses and tourism, as well as accommodating agricultural uses themselves, such as equine operations, livestock farms and orchards. Opening up rural areas for residential uses will result in a loss of agricultural lands, and may result in difficulties in establishing agricultural operations or expanding existing agricultural operations due to minimum distance separation (MDS) requirements.
 - These policies encourage sprawl and contradict the proposed policies of core elements 2) and 3) which encourage intensification, specifically within major transit station areas and growth centres.
 - Rural lands are not supported by the same range of services, including municipal servicing (water and wastewater), transit, roads, and have lower access to recreation, municipal programming, as well as other amenities such as grocery stores and medical facilities which renders them car dependent which also contradicts the current goals and policies of the PPS and A Place to Grow.
 - Staff also request clarification from the Province as to where these policies would apply, and request confirmation that the Greenbelt Plan and Oak Ridges Moraine Conservation Plan will continue to take precedence over the proposed integrated Plan to ensure that the integrity of the rural areas within the Greenbelt and Oak Ridges Moraine are not fragmented by residential development.
- 5) Community Infrastructure
- The Growth Plan currently contains policies which prohibit the extension of water and wastewater services from a Great Lakes source for settlement areas in the Greenbelt Area that are serviced by rivers, inland lakes, or groundwater. Two of the Township's primary settlement areas in the Greenbelt, Nobleton and Schomberg are currently serviced by way of groundwater and rivers for water and wastewater. If the Province removes this policy, the extension of Great Lakes servicing would be an available option through a future Environmental Assessment. This could enable additional growth in those communities which are currently limited in size based on servicing and assimilative capacity.
 - Staff request clarification as to what servicing policies are intended to be carried forward into the integrated PPS.
- 6) Streamlining Planning Framework
- This provision is unclear as it does not specify which studies are proposed to be removed, and it does not qualify what is considered to be a study related to land use planning.
 - Land use planning is a multi-disciplinary field in which a variety of aspects need to be reviewed to ensure that the development is appropriate, in the public interest and that it will not have negative impacts to health and safety. This may include a variety of studies including environmental reports, engineering reports, transportation studies, noise studies, parkland assessments and urban design and architectural review.
 - Staff are unsure as to how any of the above-noted studies may be considered not to be land use planning, and request clarification from the Province as to what studies they are proposing to permit, and what they are proposing to prohibit. Staff have concerns with the removal of the above-noted studies, as well as other studies that may be contemplated as part of the review of a development application, as detailed in the Township's Our King Official Plan.

2. What land use planning policies should the government use to increase the supply of housing and support a diversity of housing types?

Instead of proposing to integrate the PPS and the Growth Plan, Staff recommend broadening the geographic area of the Growth Plan to include other larger municipalities where rapid population growth is being experienced (i.e., Ottawa, Kingston, London and Windsor). Further, more stringent intensification targets could be proposed within urban centres and major transit station areas to encourage higher density development.

Consideration should also be given to the appropriateness of zoning for single detached dwellings within urban centres. It may be appropriate to consider as-of-right permissions for semi-detached dwellings, duplexes and/or triplexes within an urban area where there is access to transit and a variety of services. Staff note that these permissions are not appropriate throughout the entire Growth Plan area, and that consideration should be given to ensure that rural communities and the Greenbelt Plan area are not the target of rapid intensification as there is limited access to services and transit which makes them not conducive for higher density development.

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

The Province should provide additional funding to municipalities to allow for increased staffing and to encourage the retention of Staff. This would enable municipalities to respond to changes to Provincial legislation in a timely manner, and would allow for development applications to be reviewed and processed more expeditiously.

The Ontario Professional Planners Institute (OPPI) also prepared a letter to the Minister of Municipal Affairs & Housing dated February 10, 2022 to address housing supply and affordability in the Province of Ontario. The top 10 recommendations were identified as the following:

- 1) Create a Chief Planner of Ontario with oversight of municipal implementation of provincial plans.
- 2) Encourage Community Planning Permit Systems in Strategic Growth Areas.
- 3) Require RPP sign-off on Planning Justification Reports to ensure completeness of applications.
- 4) Establish a Planning Modernization Fund to align outdated zoning with Official Plans.
- 5) Align provincial infrastructure funding with growth planning to address service gaps.
- 6) Lead development of a single data standard for planning and development applications.
- 7) Enhance delegation framework for technical planning implementation approvals.
- 8) Drive more affordable units into the mix of new housing supply.
- 9) Promote innovative approaches and provide rehabilitation funding for social housing.
- 10) Provide provincial policy stability in land use planning once upcoming changes are in place.

Staff recommend that the Province review the letter from OPPI, and the above-noted recommendations should further changes be proposed with the goal of increasing the supply of housing.

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 policy document?

The following sections of the PPS would be beneficial to include in the new policy document to ensure that there is a sufficient supply and mix of housing.

- Part III: How to Read the Provincial Policy Statement – specifically the subsection “Relationship with Provincial Plans”.
- 1.1.3.3 – transit supportive development
- 1.1.3.5 – minimum targets for intensification and redevelopment, based on local conditions
- 1.1.5 – Rural Lands in Municipalities
- 1.6.6 – Sewage, Water and Stormwater
- 1.8 – Energy Conservation, Air Quality and Climate Change

All of Section 2.0, Wise Use and Management of Resources, and Section 3.0, Protecting Public Health and Safety, should be carried forward into the new policy document as they provide overarching goals to ensure environmental protection and to protect public health and safety.

The following sections of the Growth Plan would be beneficial to include in the new policy document to ensure that there is a sufficient supply and mix of housing:

- 1.2.3 – How to Read this Plan – specifically the subsection for “Relationship with Other Provincial Plans”
- 2.2.1 – Managing Growth
- 2.2.3 – Urban Growth Centres
- 2.2.4 – Transit Corridors and Station Areas
- 2.2.6 – Housing
- 2.2.8 – Settlement Area Boundary Expansions
- 2.2.9 – Rural Areas

Sections 3 and 4 of the Growth Plan also provide valuable policies for infrastructure, the environment, cultural heritage, stormwater management and climate change. While these topics do not directly correlate with housing, they indirectly support the provision of housing to ensure that new housing is sustainable and adequately serviced, while ensuring long-term protection and viability of natural and cultural heritage. These policies should be carried forward in the integrated policy document.

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?

Staff generally have no concerns with the PPS and note that the PPS only came into effect in 2020. Staff are of the opinion that it is premature to consider additional amendments and modifications to the PPS as there has not been sufficient time to implement the current policies and assess their success.

The policy concepts within the Growth Plan are generally appropriate and should not be removed as they work together to encourage housing while ensuring the protection of rural and agricultural lands, as well as environmental features. However, there may be a benefit in modifying some of the density targets within the Growth Plan to encourage intensification and a

variety of housing types. For example, subsection 2.2.7 – Designated Greenfield Areas: this section could be modified to include locally appropriate density targets and to require a certain mix of housing types to encourage a diversity of housing types and higher density development.

**Proposed Updates to the Regulation of Development for the Protection of People and
Property from Natural Hazards in Ontario
ERO Posting 019-2927**

1. In which municipalities should this exemption apply? How should this be determined?

Staff are generally not supportive of the proposed exemption.

2. Which *Planning Act* authorizations should be required for the exemption to apply?

As a result of the amendments to the *Planning Act* through Bill 23 Conservation Authorities are no longer permitted to be commenting agencies on applications submitted under the *Planning Act*. As such Staff are not supportive of the exemption applying to any *Planning Act* authorizations, unless the ability for Conservation Authorities to review *Planning Act* applications is reinstated.

However, should the proposed exemption be developed through regulation, the exemption should only apply to applications that increase the supply of housing, and where the development is located a minimum of 30 metres from a key natural heritage feature to ensure that the minimum vegetative buffer zone is maintained.

3. Should a municipality be subject to any requirements or conditions where this type of exemption is in place?

Should the proposed exemption come into effect, municipalities should be required to have a qualified ecologist/biologist/hydrologist confirm that there are no negative environmental impacts associated with the proposed development. The municipality should also be required to keep an inventory of all developments that were exempted from requiring a permit from the Conservation Authority and should be required to undertake reviews every 2-5 years to ensure that there were no negative impacts resulting from the development. Funding to support monitoring should be provided by the Province.

4. Are there any regulated activities to which this exemption shouldn't apply?

Staff have no concerns with the proposed streamlined approach for certain activities as specified in the ERO posting. However, any activities that go beyond the list identified in the posting should not be subject to the proposed exemption.