

Friday, 09 December 2022

Re: Municipality of North Grenville – Response to Bill 23

Minister Clark,

Thank you for offering the Municipality of North Grenville the opportunity to provide comment on the proposed changes that are contemplated under Bill 23. The Municipality of North Grenville is an active partner in increasing our housing supply through encouraging a diversity of housing. Over the past three years the Municipality has undertaken an Affordable Housing Task Force and adopted an Affordable Housing Strategy and a Housing Strategy. These strategies have allowed the Municipality to adopt effective policies to increase our ability to support the creation of more affordable housing units and more diversified types of housing.

Municipal Staff have taken the time to review the proposed changes being brought in through the Building More Homes Faster Act. The Municipality recognizes that the proposed legislative changes bring positive impacts to meeting the Province's goal of creating 1.5 million new homes over the next 10 years.

There are also concerns with the ambitious goals as set out in the legislative and regulatory changes. We appreciate the Ford Government's steadfast commitment to delivering on its commitments, and we commend the significant effort that has been undertaken to create the conditions for more housing.

Our concerns, however, lie with how proactive Municipalities like ours that are focused on balanced and responsible growth may be limited in our ability to do so moving forward – which, unfortunately, may result in high degrees of cynicism within communities and a lack of municipal engagement.

In particular, we are concerned that Bill 23 will financially burden our local taxpayers through the proposed changes to the Development Charges Act and the Conservation Authorities Act.

Please find below some of the features of Bill C23 that we see as a positive, where we think the Bill will have significant negative impacts and areas you may wish to include. Thank you for taking the time to read our comments and concerns on proposed Bill 23 and the associated consultation. Please feel free to contact me should you have any further questions.

Yours Sincerely,

Mayor Nancy Peckford  
Municipality of North Grenville

## **Benefits of Bill 23 and Regulatory Changes:**

### **1. Creating Provincial Standards for Defining Affordable and Attainable Housing**

The Municipality recognizes the need for a standard approach to defining Affordable and Attainable Housing to ensure consistency across the Province. The Municipality relies upon the annual housing tables to assist in calculating annual affordable housing rates. The Municipality would appreciate clarity as to how Affordable and Attainable Rates will be defined. Will they be regionally? At the County or Municipal level? Clarification would be appreciated.

### **2. Provincial Policy Statement Changes**

The Municipality recognizes a need for more flexibility on settlement area boundary changes, rural housing, population forecasts, servicing, along with clarifying language on hazards. The flexibility to make minor amendments to our settlement boundaries outside of a comprehensive review will allow for efficient consolidation of lands within the Municipality.

### **3. Gentle Intensification – Creating more Opportunities for Housing**

The Municipality is amenable to the concept of gentle intensification where the footprint of a dwelling is not altered. The Municipality has enabled up to two additional residential units per property, in line with the Planning Act. The Municipality has enacted Zoning provisions to address on-site parking for additional residential units that align with the recommendations in Bill 23.

## **North Grenville's Recommendations to Support Housing Growth in the Context of Bill 23:**

### **1. Delegation of Authority for Minor Variances:**

The Province should consider amending Section 44 of the Planning Act to allow for minor variances to be delegated to staff, rather than a committee of at least three persons. This delegation was also a recommendation of the Ontario Housing Affordability Task Force.

### **2. Third Party Appeals**

The reduction of third-party appeals will reduce delays in approval and the administrative burden of processing appeals from parties not planning to present expert evidence. However, the Municipality would prefer the recommended approach from the Ontario Housing Affordability Task Force which preserved the right to appeal but reduced the amount of hearings by requiring "leave to appeal" and increasing the filing fee. Other changes to the Ontario Land Tribunal proposed in Bill 23 are supported with the caveat that guidance should be provided on when cost awards are appropriate. The award of costs should not be awarded in every case.

### **3. Major Investment in Municipal Infrastructure**

With a consistent growth rate around 10 percent over the past two census periods, North Grenville has demonstrated that it is willing to support new growth and create the right environment for developers to invest within the Municipality. The Municipality has identified many growth-related infrastructure projects required to support new development, including expansion of the Water Pollution Control Plant, a new Municipal Well, and upgrades to existing infrastructure to improve water flows and support higher density developments. The Municipality of North Grenville will require investment on the part of the Provincial Government to ensure that Municipal projects in light of reductions to the development charges that it can collect.

#### **Areas of Concern related to Bill 23 and proposed Regulatory Changes:**

##### **1. Reducing the Ability of Growth Paying for Growth**

North Grenville is a growing Municipality that relies upon the revenue brought in from Development Charges to support new and expanding infrastructure for future growth. This includes being able to support a new municipal well and the expansion to the Water Pollution Control Plant.

It is anticipated that the Municipality will see an increase in multi-residential developments over the next 10 years, equating to approximately 700 new multi-residential units. Approximately 300 of these units will be located in areas of the Municipality that will require infrastructure upgrades to support new residential growth.

The reduction of development charge revenue will establish a new burden on the municipal tax base, creating scenarios where Municipalities are required to increase their tax rate to cover the funding gap, or reduce the level of investment required for new or expanding infrastructure, including infrastructure required to support additional growth.

##### **2. Limitations on Development Charges Services and Development Charges Timelines**

Administratively, the Municipality recognizes the benefit of a ten-year Development Charges By-law compared to a five-year By-law. The Municipality will require clarification on the Phase-In of Development Charges in the event that the Municipality amends the Development Charges By-law within the ten-year period.

North Grenville is concerned on lengthening the historical level of service from 10 years to 15 years. There is less accuracy around the financial costs of an infrastructure project the further out the Municipality is required to project.

The Municipality also relies upon development charges to fund in full or in part various studies associated with managing new growth. This includes the Development Charges Background Study, Master Servicing Plan, Stormwater Master Plans and Parks Planning. Removing studies as eligible services will push the costs onto the general tax base, requiring the Municipality to identify alternative funding sources (e.g., grants) or increase the general levy.

### 3. Reduction of parkland requirement may have unintended consequences and equity concerns

Section 51's 5% parkland requirement is standard for subdivision approvals to provide adequate recreational and amenity space for new communities. Reducing the ratio of parkland based on the proposed ratio of units that are not affordable/attainable/non-profit units to all units will have unintended consequences and raises equity concerns regarding the lack of greenspace in new communities with affordable housing (which are also likely to have smaller private amenity spaces than higher-end development). Further, North Grenville is concerned about the impacts of utilizing encumbered land as parkland.

### 4. Limiting the Role of Conservation Authorities

The Municipality works closely with its Conservation Authority partners within the development process. The Conservation Authorities bring a watershed approach to their review. The Municipality relies on the Conservation Authorities within our boundaries to support us in the review of technical documents such as Environmental Impact Studies, Headwater Drainage Reports, Species and Risk, and Wetland Evaluations. This reduces the need for the Municipality to retain in house or third-party consultants to review these technical documents.

The loss of service from the Conservation Authority could result in the Municipality needing to hire additional staff to review these technical documents or lead to longer review times on technical documents where the municipality does not have in house expertise. In an already competitive market, it is unlikely that the Municipality will be able to attract and retain the in-house expertise required to support the review of technical documents that were previously reviewed by the Conservation Authority.

It is recommended that the proposed changes allow municipalities to work with the Conservation Authorities to establish memorandums of understanding to define the scope of work and involvement within the development process. This is in line with the changes that were brought in under Bill 39.

The Municipality of North Grenville has provided their support on a letter from the Rideau Valley Conservation Authority on November 15<sup>th</sup>, 2019 as part of the Bill 23 consultation process.

## 5. Limited Opportunities for Residents to Address their Concerns

The Municipality recognizes that neighbourhood opposition can have a negative impact on new residential developments, including plans of subdivision and residential infill and intensification. Resident concerns can range from outright 'I just don't want it', to legitimate concerns related to impacts of traffic, grading and drainage, stormwater runoff and site buffering concerns.

Through the consultation process, the Municipality has been effective in addressing resident concerns, leading to improved site design. Council relies on the public process to better understand and respond to community concerns. The loss of a public meeting for a Plan of Subdivision diminishes legitimate concerns of neighbouring property owners. This is further exacerbated by the limitation of third-party appeals to the Ontario Land Tribunal.

## 6. Further Restrictions on Site Plan Control Processes

Restrictions to Site Plan Control as it relates to multi-residential developments under ten (10) residential units creates a new challenge for the Municipality. There are many areas within the urban area where road networks are built to rural standards and will require significant upgrades to integrate storm sewers. As development becomes denser, which is encouraged by the Municipality, ensuring adequate stormwater management controls on site is imperative. Site Plan Control is an important mechanism in ensuring stormwater management is accommodated on site. There could be significant impact to Municipal infrastructure (or lack thereof), in areas of the Municipality that require significant infrastructure investment to accommodate increased stormwater runoff.

## 7. Environmental Impacts through Diluted Environmental Policies

North Grenville prides itself on its natural assets, including the Rideau River and Kemptville Creek, Ferguson Forest Centre and Limerick Forest, and many predominant ecologically sensitive features such as wetlands. These natural areas are imperative in areas that are hydro geologically sensitive. The proposed changes through Bill 23 will negatively impact the natural assets that North Grenville holds dear. This includes weakening wetland policies and reducing buffer zones necessary to maintain the health and function of these wetlands/natural areas.

It is recognized that land alteration is required to allow for development to proceed, however, it needs to be done in a balanced approach that protects ecologically sensitive areas. This is especially true for areas that need wetlands to maintain and balance hydro geologically sensitive areas, such as the North-West Quadrant in the Urban area of Kemptville.

## 8. Loss of Cultural Heritage

The proposed changes to the Heritage Act will have an impact on the ability of Municipality's to manage cultural and historical assets within the Municipality. The proposed legislative changes would limit a properties time on a Heritage Registry for a period of two years, followed by a five-year prohibition from the property being reconsidered should the property not be designated within the two year timeframe. Furthermore, the legislation will prohibit the designation of a property in the event a development application is received.

The Municipality would be required to hire additional staff resources to effectively manage properties that may have cultural or heritage value.