

Special Council Presentation

Bill 109, More Homes for Everyone Act, 2022

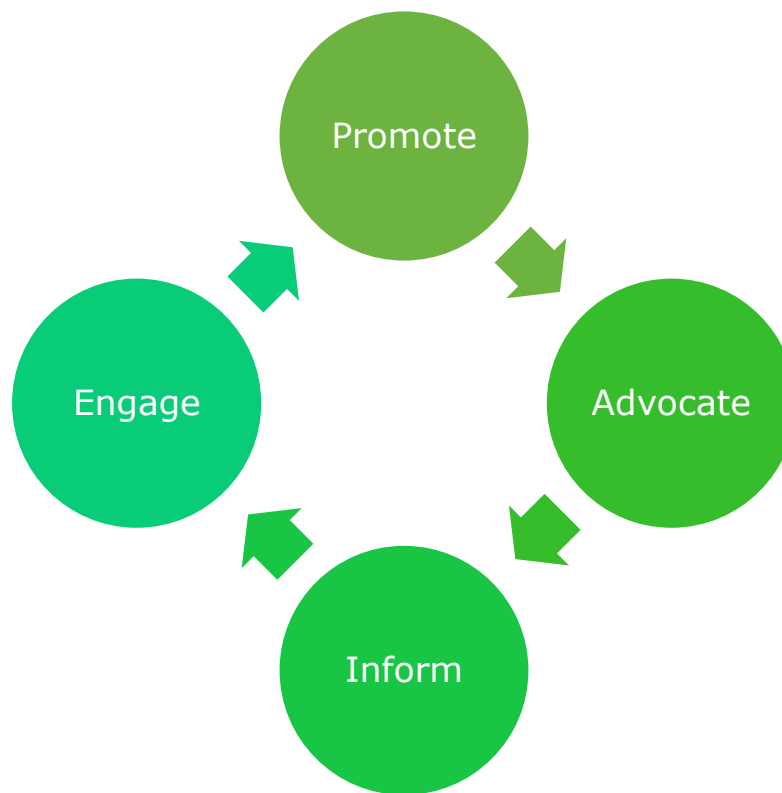
Bill 23, More Homes Built Faster Act, 2022

November 22, 2022

A changing policy landscape

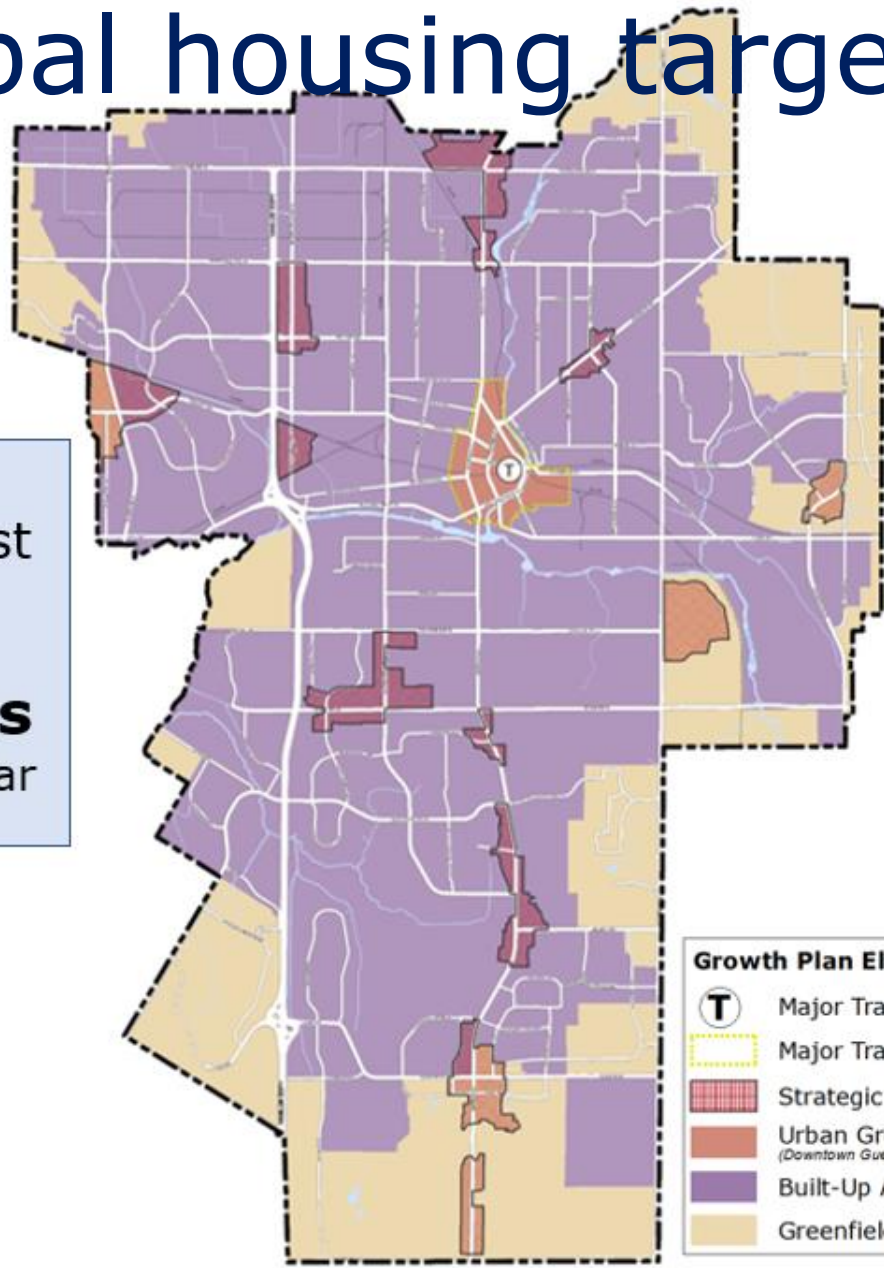
- Bill 108, More Homes, More Choice
- Bill 109, More Homes for Everyone
- Bill 3, Strong Mayors Act
- Bill 23, More Homes Built Faster
- Proposed amendments to the Greenbelt Plan
- Bill 39, Better Municipal Governance Act

Intergovernmental Services



Bill 23: Overview and preliminary impacts

Municipal housing target



OPA 80
Housing Forecast
To 2031

10,850 units
1205 units per year

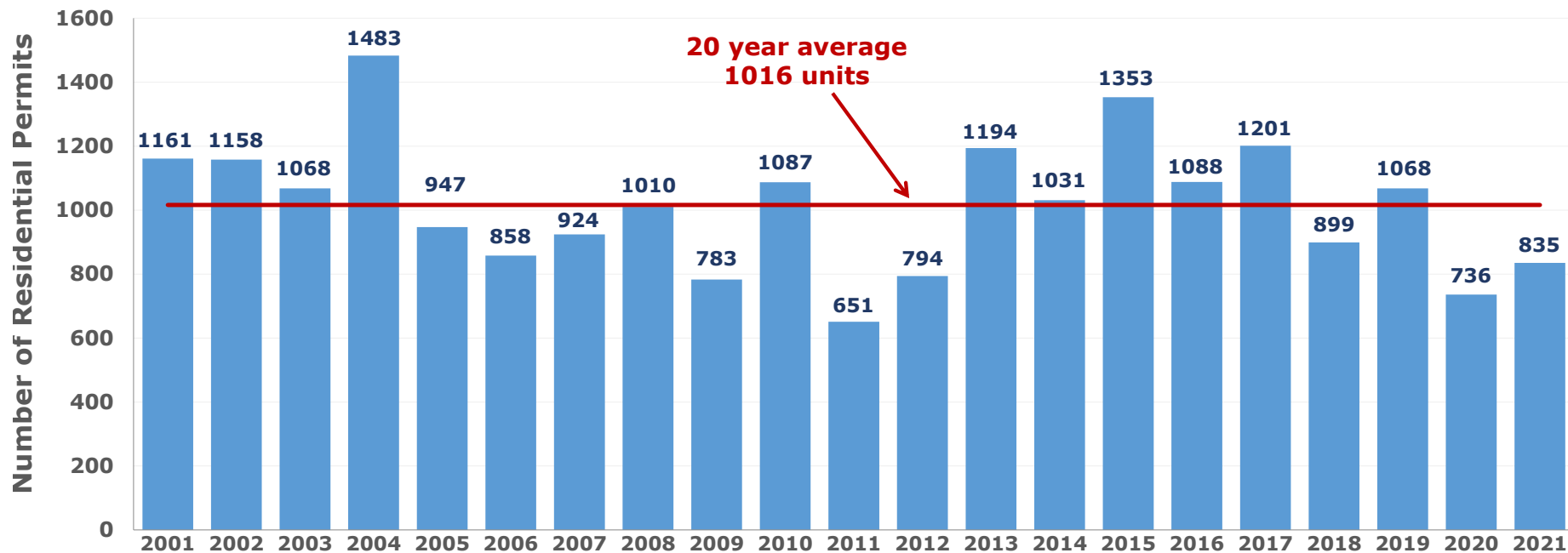
New Provincial
Housing Forecast
To 2031

18,000 units
2000 units per year

Growth Plan Elements

-  Major Transit Station
-  Major Transit Station Area
-  Strategic Growth Areas
-  Urban Growth Centre
(Downtown Guelph)
-  Built-Up Area
-  Greenfield Area

Historic building permit volumes



- Over the last 20 years, the greatest number of residential permits issued in a single year was 1483 units in 2004.
- The average number of residential permits issued per year over the last 20 years is 1016 units

Ontario Land Tribunal

Guelph has advocated for changes to the Ontario Land Tribunal (OLT) for some time.

Concerns:

- elimination of most third-party appeals
- order costs based on the “success” of the proceeding
- does not address bringing new information

Conservation Authorities (CAs)

Legislative and regulatory proposals to support Housing Supply Action Plan 3.0

Proposed changes	Potential impacts
Focus conservation authorities on the protection of people and property (Natural Hazards) and away from natural heritage.	Loss of valuable expertise and services. Increased costs and responsibilities for City.
Remove 'Conservation of Land' and 'Pollution' from matters considered in permits decisions.	Loss of GRCA regulatory oversight on wetlands and loss of input on water quality issues, resulting in impacts to Natural Heritage System.
Enable exemption of GRCA permit requirements for development authorized under the Planning Act.	Increased municipal costs, liability and administrative burden.
Require conservation authorities to review their land holdings to identify lands for development.	Development of GRCA lands could lead to loss of and/or impacts to the City's Natural Heritage System.
Enable the Minister to freeze conservation authority fees for service.	Increased costs to the City and taxpayers through increased municipal levy.

Conservation Authorities

Regulation of development for the protection of people and property from natural hazards in Ontario

Proposed changes	Potential impacts
<p>Implement a new single province wide regulation for all Conservation Authorities that focuses on the control of flooding and other natural hazards.</p>	<p>Likely lead to significant wetland loss in the City.</p>
<p>Change regulated area to 30m from all wetlands; currently 120m from Provincially Significant.</p>	<p>No change to the City, provided that the protection of wetlands may continue to be addressed through our Official Plan.</p>
<p>Unspecified changes to streamlined approval process.</p>	<p>Depending on specifics of the changes, impacts to wetlands or watercourses in the City's Natural Heritage System may result.</p>

Proposed updates to the Ontario Wetland Evaluation System

Proposed changes	Potential impacts
<p>MNRF removed from oversight of the Ontario Wetland Evaluation System and all responsibilities given to wetland evaluators (i.e. consultants hired by landowners).</p>	<p>Wetland status would be determined solely by evaluators with no provincial or municipal oversight.</p>
<p>Removal of Endangered and Threatened species from the OWES scoring system.</p>	<p>Result in less Provincially Significant Wetland and reduced protection for Endangered and Threatened species.</p> <p>Majority of Provincially Significant Wetlands would no longer be identified as such through development approvals over time, leading to degradation and loss.</p>
<p>Removal of wetland complexing without adapting the scoring mechanism.</p>	<p>Developers will reevaluate many wetlands in Guelph, adding to costs and development approval delays.</p>

Conserving Ontario's natural heritage

Proposed changes	Potential impacts
<p>Develop a 'net gain' offsetting policy to allow for removal and 'replacement' of woodlands, wetlands and other wildlife habitats.</p>	<p>If imposed on the City would result in loss of Natural Heritage features and functions. Replacement of complex features and functions is not supported by science.</p>
<p>Allow for cash-in-lieu to fund projects elsewhere in the watershed.</p>	<p>Removal of a natural feature in Guelph may result in 'replacement' outside of city limits.</p>
<p>Ecological offsetting schemes could occur on public lands and rely on public staff resources.</p>	<p>The use of City-owned lands and/or City staff resources for offsetting could result in cost to the City and a subsidy for private development.</p>
<p>Requirements for oversight tracking and public reporting.</p>	<p>Administrative burden for the City.</p>

Heritage Act

Proposed changes	Potential impacts
<p>Non-designated properties listed in the Register will be removed on the second anniversary of their listing, or on the second anniversary of Bill 23 coming into force.</p>	<p>This removes a valuable tool for conservation.</p>
<p>Property removed from the register will not be eligible for re-listing for a period of five years.</p>	<p>This could lead to the loss of significant heritage resources and alter the character of our community.</p>
<p>Notice of Intention to Designate only if the property is listed in the register.</p>	<p>This limits Council’s ability to conserve cultural heritage resources that have not previously been assessed.</p>
<p>Part IV designations must meet 2 of the criteria outlined in O.Reg 9/06.</p>	<p>The requirement for properties to meet two of the O.Reg 9/06 criteria will thwart initiatives to designate the heritage resources of marginalized communities and continue to overvalue the architecture and well-documented histories of wealthy European settlers.</p>

Planning Act changes

Proposed changes

New powers for the Minister to make amendments to an official plan and the power to make amendments based on Minister's opinion that the plan is likely to adversely affect a matter of provincial interest.

Amend the Additional Residential Unit regulations of the Planning Act and Ontario Regulation 299/19.

Residential development proposals with less than 10 units are exempt from site plan approval.

Potential impacts

Minister will be the approval authority for Guelph's OP but it is unclear how it will use this power e.g. (ad hoc in between MCR processes).

As-of-right permission for three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land.

A future zoning bylaw amendment would be required to conform to the changes introduced through Bill 23.

In reduced built form quality and negative impact to accessibility, sustainability and tree canopy targets. Less ability to mitigate potential impacts of development.

Planning Act changes

Proposed changes	Potential impacts
<p>Matters of exterior design, landscape architecture, streetscape and sustainable design will be removed from site plan control.</p>	<p>Cumulative impacts on accessibility, tree canopy, storm water.</p>
<p>Requires zoning to be updated to include minimum heights and densities within approved Major Transit Station Areas (MTSA) and Protected MTSA's within one year of MTSA/PMTSA being approved.</p>	<p>The City has one MTSA, downtown, which has current zoning in place that conforms to the Downtown Secondary Plan.</p>
<p>Amendment to affordable residential units definition. The update for rents to no greater than 80% of market rate.</p>	<p>Affordability would now be determined solely based on market rents and market purchase price and does not have consideration for incomes.</p>

Inclusionary zoning

Proposed changes	Potential impacts
<p>An upper limit on the number of units that would be required to be set aside as affordable, set at 5% of the total number of units (or 5% of the total gross floor area of the total residential units, not including common areas).</p>	<p>Exempt affordable housing (generally defined as being priced at no greater than 80% of the average price/rent in the year a unit is rented or sold) and attainable housing and inclusionary zoning units from DC, CBCs and parkland dedication.</p>
<p>Maximum period of 25 years over which the affordable housing units would be required to remain affordable.</p> <p>80% of the average market rent (AMR) for rental units.</p>	<p>Introduce a category of “attainable housing” which will be defined in future regulations.</p>

A Place to Grow and Provincial Policy Statement

Proposed changes	Potential impacts
<p>The merging of the PPS and Growth Plan.</p>	<p>No details are released.</p> <p>Staff are supportive of reducing duplication, removing potentially conflicting policy directions, and providing clarity on matters of provincial interest.</p>

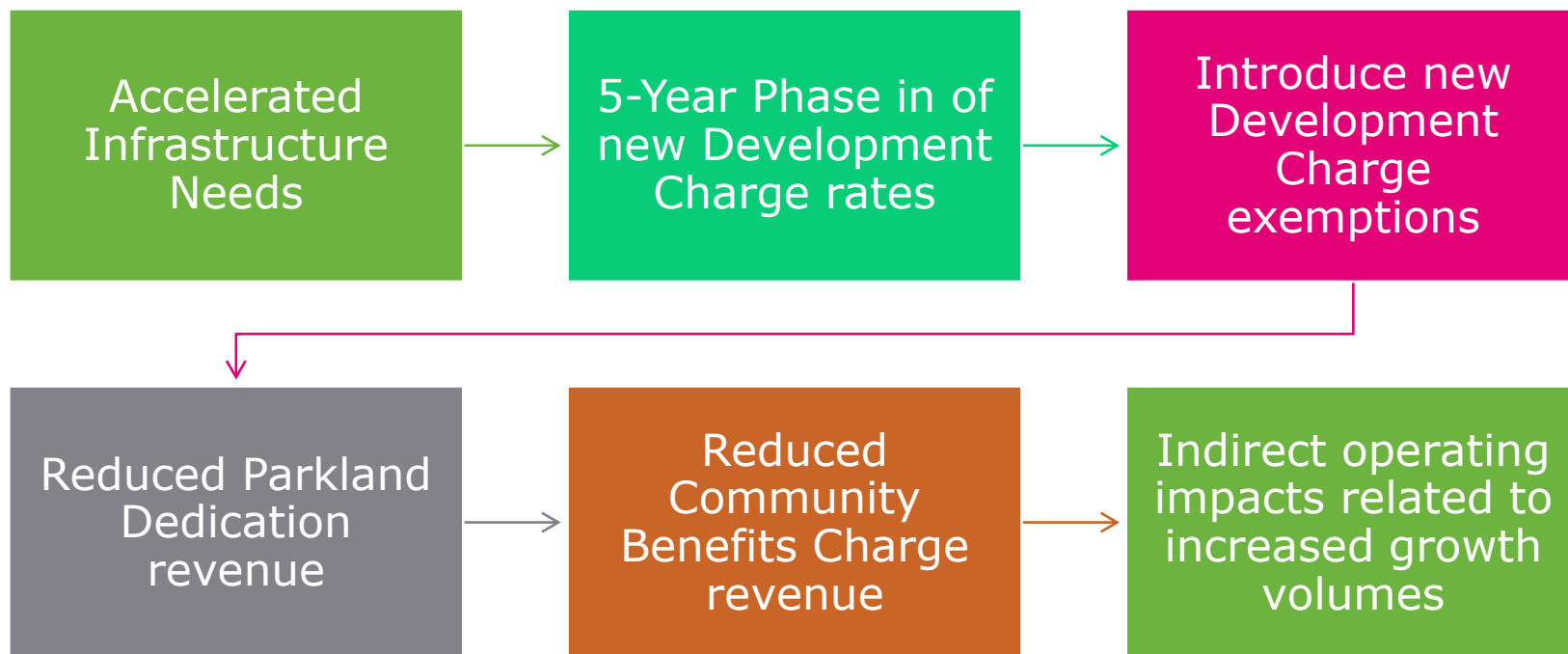
Ontario Building Code (OBC)

Proposed changes	Potential impacts
<p>Harmonize the Ontario Building Code with the National Building Code (NBC).</p>	<p>Generally supportive of harmonization.</p>
<p>To change some requirements related to mass timber construction, mid-rise wood construction and stacked townhouses.</p>	<p>Life safety concerns with the proposed exemption for standpipe installation in combustible four storey sprinklered stacked townhouse units.</p>

Bill 23 financial impacts



Key financial impacts



Accelerated infrastructure needs



Growth will require new infrastructure at a more rapid pace

Planning documents based on former provincial targets

This will accelerate our capital program

Pace and capacity is an existing issue

Cash flow and funding will be a concern

Mandatory phase-in of a development charge

Any time the Development Charge rate changes we need to phase it in

Applies to the MAXIMUM rate

Year 1 – 80%

Year 2 – 85%

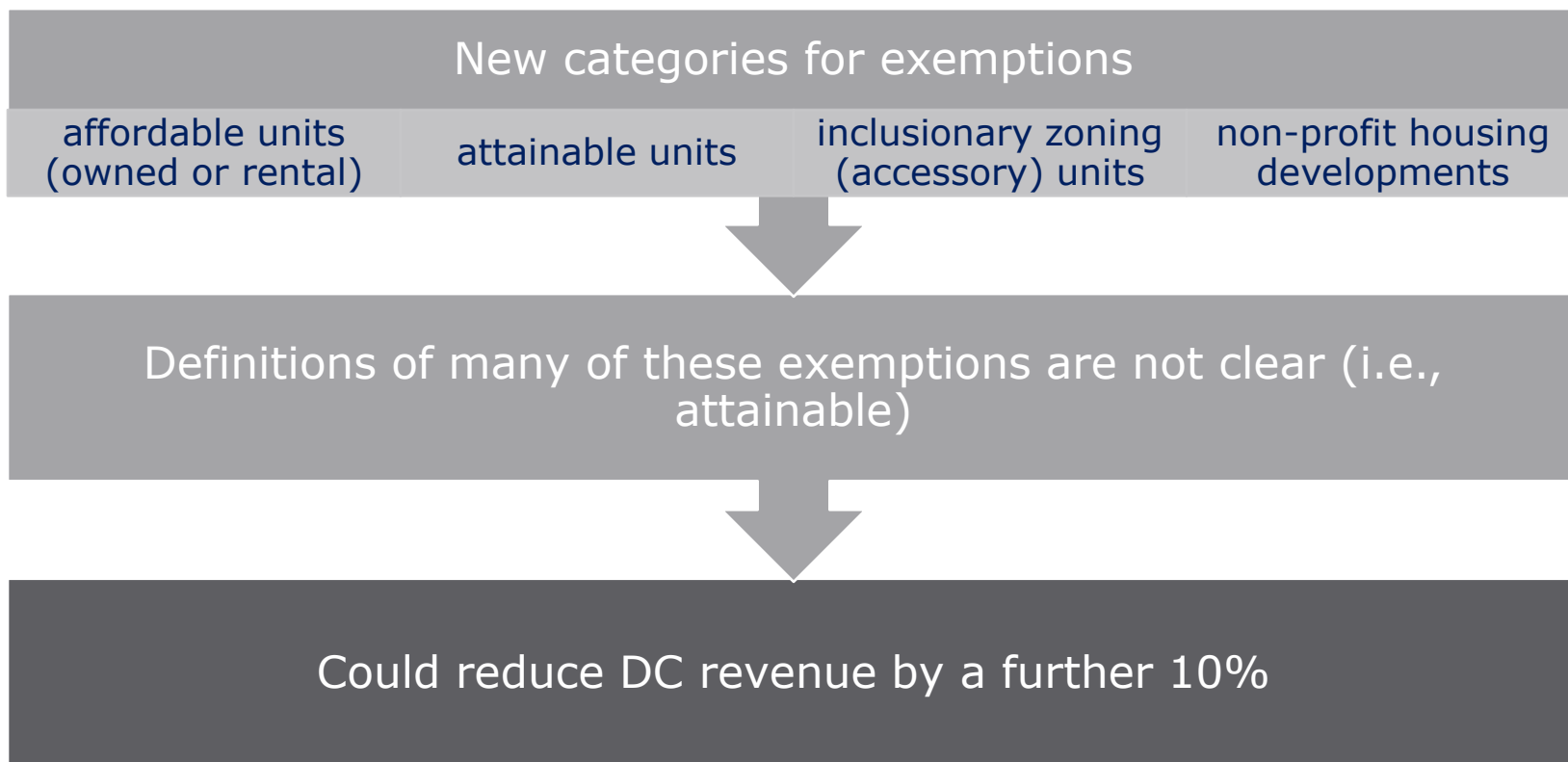
Year 3 – 90%

Year 4 – 95%

Year 5 – 100%

Could reduce DC revenue by 10-15% over phase in period

Changes to development charge exemptions



Changes to parkland dedication

Alternate Parkland Dedication (non-subdivision rate) is reduced by 50%

Maximum cap of 10% / 15% land value

- City previously had 30% only for downtown

Similar exemptions as Development Charges

Could reduce Parkland Dedication revenue by over 60%

Changes to community benefits charges

Community Benefits Charges on the incremental parcel of land under development or redevelopment.

New statutory exemptions for affordable, attainable and inclusionary zoning units.

Relatively minor impact since CBC is not a large revenue stream

Other indirect impacts



Increased staffing requirements



Availability of staff and contractors



Willingness of developers to build at this pace



Increased assessment growth revenue

Recommendations to the Province:

Development charges

Parkland dedication

Community benefit charges



Review the pace of growth and allow time to ramp up



Growth pays for growth: remove reductions to growth revenue streams



Review if the changes will reduce the cost of housing



Carefully and clearly define exemptions



A broader view: Bill 23 impacts across the province

**Gary Scandlan, Managing Partner
Watson & Associates**

Bill 23 across the province

- Previous legislation: historical perspective
- Provincial direction with new legislation
- Consultation and feedback from the development community
- Thoughts on future direction

Bill 109: Changes and financial impacts

Bill 109

Refund	Planning application		
	Zoning Bylaw amendment	Combined OP and Zoning Bylaw amendments	Site plan application
No refund	Decision made within 90 days	Decision made within 120 days	Decision made within 60 days
50% refund	Decision made within 91 and 149 days	Decision made within 121 and 179 days	Decision made within 61 and 89 days
75% refund	Decision made within 150 and 209 days	Decision made within 180 and 239 days	Decision made within 90 and 119 days
100% refund	Decision made 210 days or later	Decision made 240 days or later	Decision made 120 days or later

Development application fees

High level proposed fee changes - Full details can be found in Attachment 1:

Increased fees for initial pre-consultation based on cost recovery

- Current mandatory pre-consultation: \$485.00
- Proposed mandatory pre-consultation: \$3,000.00
- Add fees for a pre-submission meeting: \$5,000.00 per review
 - Reduce fee for ZBL and OP by \$5,000.00
 - Reduce the max site plan fee by \$5,000.00

Annual increase to planning fees: bench to Consumer Price Index of 6.9% rather than Non-Residential Construction Price Index of 15.6%.

Bill 109 financial impacts

- Potential loss of development planning fee revenue (\$840,000 at risk).
 - Mitigation strategy: proposed change to Planning and Development fees (staff recommendation #3).
- Investment of \$1,010,000 in staff to support increased service levels and consulting services for development planning fee review (recommendation #5)
 - Monitor and report on impact
 - Undertake Planning and Development fee study (recommendation #4)

Final thoughts