



Report to: Development Services Committee

Meeting Date: December 12, 2022

SUBJECT: Comments on the More Homes Built Faster Act, 2022 (Bill 23) and Associated Registry Postings - Part 2

PREPARED BY: Duran Wedderburn, R.P.P, M.C.I.P, Manager, Policy

RECOMMENDATION:

- 1) That the report dated December 12, 2022 titled “Comments on the *More Homes Built Faster Act*, 2022 (Bill 23) and Associated Registry Postings - Part 2” be received;
- 2) That this report be forwarded to the Minister of Municipal Affairs and Housing and Natural Resources and Forestry, and York Region as the City of Markham’s comments on the *More Homes Built Faster Act*, 2022 (Bill 23) and Associated Registry Postings;
- 3) That the Province undertake an extensive review and public engagement program, should a new integrated province-wide policy planning document be released;
- 4) That the Province meet with municipalities to develop a transition plan should the Parkway Belt West Plan be revoked;
- 5) That any development of an ecological off-setting program by the Province be based on the TRCA model and ensure the long term protection of provincially significant features;
- 6) That Council not endorse the changes to the definition of ‘watercourse’ and ‘other areas’ in the proposed regulation under the *Conservation Authorities Act*; and
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides comments on the Environmental Registry of Ontario (ERO) and Ontario Regulatory Registry (ORR) postings associated with the *More Homes Built Faster Act*, 2022 with a consultation deadline of December 30th.

BACKGROUND:

The Province of Ontario (the “Province”) committed to 1.5 million homes being built over the next 10 years. To support this goal the Minister of Municipal Affairs and Housing released the [More Homes, Built Faster: Ontario’s Housing Supply Action Plan 2022-2023](#) (Housing Supply Action Plan) and introduced the [More Homes Built Faster Act, 2022](#) (Bill 23) on October 25, 2022.

The Housing Supply Action Plan and Bill 23 is the third initiative in recent years to focus on addressing housing, preceded by the [More Homes, More Choice Act, 2019](#) and [More](#)

[Homes for Everyone Act, 2022 \(Bill 109\)](#). This initiative further advances, and goes beyond, the recommendations from the Provincial [Housing Affordability Task Force Report](#), released earlier this year.

Staff previously reported to Council on November 22nd through a report titled, “[Comments on the More Homes Built Faster Act, 2022 \(Bill 23\) and Associated Registry Postings](#)”, the report and resolution were submitted to the Province as City of Markham comments. On November 28th, the Province approved Bill 23. Comments submitted by the City of Markham were not addressed.

Notwithstanding the approval of Bill 23, there are four (4) items that are open for consultation related to the Housing Supply Action Plan:

- [Review of A Place to Grow and Provincial Policy Statement](#)
- [Proposed Revocation of the Parkway Belt West Plan](#)
- [Proposed updated to the regulation of development for the protection of people and property from natural hazards in Ontario](#)
- [Conserving Ontario’s Natural Heritage \(Discussion Paper\)](#)

OPTIONS/ DISCUSSION:

The Province has proposed a series of legislative and policy changes under the Housing Supply Action Plan and Bill 23 to address the housing crisis. This report addresses the four (4) items noted above that have a consultation deadline of December 30th.

Detailed staff comments on the proposed changes are attached as Appendix A:

1. Review of A Place to Grow and Provincial Policy Statement

The Province is undertaking a housing focused policy review of the Growth Plan and PPS. The purpose of the review is to support the integration of the Growth Plan and PPS to create a streamlined province wide land use planning document to accelerate the development of housing and increase housing supply. The proposal outlines core elements for a new province-wide planning document including:

- Residential Land Supply;
- Attainable Housing Supply and Mix;
- Growth Management;
- Environment and Natural Resources;
- Community Infrastructure; and
- Streamlined Planning Framework.

Further, as a part of the consultation process, the Province has provided survey questions to inform the review. Staff responses to the survey are attached as Appendix B.

As there are no policy documents proposed with this consultation, there are no direct implications at this time. However, it should be noted that Markham will be undertaking an update to the 2014 Markham Official Plan in 2023. The release of an updated or integrated Growth Plan and PPS will impact the timing and scope of this review.

Staff support the elimination of duplication between the Growth Plan and PPS to create a more streamlined land use planning policy framework, but the geographic specific policies that are applicable to managing growth within the Greater Golden Horseshoe (i.e. coordinated infrastructure delivery, minimum densities and targets) must be preserved. Staff are also concerned that this review is solely focused on housing and there are other matters of provincial interest including but not limited to, the environment, climate change, public health and safety, cultural heritage, infrastructure planning, and employment opportunities that are critical to supporting the development of complete, vibrant, and healthy communities.

Should the Province choose to move forward with integrating the Growth Plan and PPS into a single document, City staff recommend province wide consultation be undertaken on the draft.

2. *Proposed Revocation of the Parkway Belt West Plan*

The Province is proposing to revoke the Parkway Belt West Plan (PBWP) to increase housing supply and streamline the development approval process. The PBWP and implementing Municipal Zoning Orders (MZO) was initially designed to protect transportation and utility corridors (e.g. Hwy 403, 407, hydro corridors, transit way). In recent years, new and updated provincial plans provide an updated policy framework for protection.

The Parkway Belt West stretches 120 km from the City of Hamilton to the City of Markham and currently covers approximately 12,070 hectares of land. Within Markham, there is approximately 568 hectares of land within the PBWP. Most of the lands are occupied by Highway 407, major electrical transmission corridors, a major hydro transformer facility and Milne Dam Conservation Park. Appendix C illustrates the Land Use Designation in Markham, including the PBWP overlay designation.

Section 8.11 of the 2014 Markham Official Plan (OP) provides policy direction on the Parkway Belt West through a land use designation overlay and MZO mapping (Map 7 – Provincial Policy Areas). The policy framework prohibits and protects for uses in accordance with the PBWP and provides direction on amendments to the OP should the province remove land from the PBWP.

Staff do not object to the proposed revocation of the PBWP to streamline and eliminate duplication in the land use planning decision-making process. As noted above, a significant amount of the PBWP lands in Markham contain infrastructure and conservation lands. The appropriateness of these lands to accommodate housing requires evaluation.

If the Province chooses to move forward with this proposal, City staff recommend the Province consult with municipalities on how to address transition related to MZOs and the on-going protection of provincial transit infrastructure as defined in the Greater Golden Horseshoe Transportation Plan.

3. *Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario*

The Province is proposing a regulation that outlines how conservation authorities permit development and other activities that may impact natural hazards and public safety.

Proposed changes would consolidate 36 individual regulations across each conservation authority in Ontario, into a single provincial regulation. The regulation would address matters related to the control of flooding and other natural hazards and the protection of people and property, while acknowledging local differences.

Staff have no concern with the creation of a single regulation as long as the scope of the matters to be addressed (i.e. natural hazards, alterations to watercourses and wetlands) are maintained.

Further changes, would amend and update the definition of ‘Watercourse’ and ‘Other Area’. The amended definitions may result in the removal of areas that are hydrologically connected to wetlands and streams. Staff recommend that Council not support the changes to the definition of ‘watercourse’ and ‘other areas’ as this reduces the scope of the Conservation Authority mandate on matters that may impact flooding and erosion hazards.

4. Conserving Ontario's Natural Heritage

The Province has released a discussion paper on how Ontario could offset development pressures on wetlands, woodlands, and other natural wildlife habitats. Natural heritage offsetting allows for the removal of natural heritage features subject to compensation works, which may include cash-in-lieu or ecological restoration works. Presently, provincially significant features are protected from development and offsetting is not permitted.

The Ministry of Natural Resources and Forestry is working to develop an ecological offsetting policy to support better land use decisions and help compensate for the loss of wetlands, woodlands, and other natural wildlife habitat in the province. The Ontario approach includes principles such as:

- Net Gain
- Avoidance First
- Informed
- Transparency and Accountability
- Limits to Offsets

The City of Markham already has an offsetting system implemented in partnership with the Toronto and Region Conservation Authority (TRCA). The City's process has allowed sufficient flexibility to remove habitats that are not provincially significant and allows the City to secure a net ecological gain to the Greenway System.

City staff recommend that a 'baseline' natural heritage system comprising of provincially significant natural features and appropriate connected areas should remain off limits for removal and compensation. Should the Province pursue an Offsetting Program, habitat removal and compensation should only be an option for simple habitats and those that are not provincially significant.

FINANCIAL CONSIDERATIONS

There are no financial implications associated with this report.

HUMAN RESOURCES CONSIDERATIONS

There are no human resource implications associated with this report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This report and staff comments are consistent with Goal 3.2 of Building Markham's Future Together, 2020-2023 (BMFT): "Build complete communities that offer a range of housing and employment opportunities, transportation options and outstanding community amenities" and "Protect and enhance our natural environment and built form".

BUSINESS UNITS CONSULTED AND AFFECTED:

The transportation, engineering, and planning and urban design departments were consulted on this staff report

RECOMMENDED BY:

Darryl Lyons, R.P.P., M.C.I.P.
Acting Director, Planning and
Urban Design

Arvin Prasad, R.P.P., M.C.I.P.
Commissioner of Development Services

ATTACHMENTS:

Appendix A – Detailed Staff Comments on Proposals

Appendix B – Staff Response to A Place to Grow and PPS Review Questions

Appendix C – Markham Official Plan – Land Use Designations