

Bill 23 impacts could cost the Township millions

By Mark PavilonsEditor

King Township staff are rising to the challenges brought about by Bill 23. While a realignment of staffing and resources will mitigate major impacts of the Bill, one area can't be streamlined. And that's in the levels of Development Charges the Township can collect from developers. Staff estimate it could cost King as much as \$4 million per year in lost revenue. More collaboration is needed in order to achieve the result of more homes. We welcome an opportunity to speak with the Province, said Mayor Steve Pellegrini. Councillor Jennifer Anstey pointed out the loss in revenue of between \$3- and \$4-million would require a 10+% increase in your municipal taxes to offset. Ontarians should be outraged at the additional expense that the loss of Development Charges will cost municipal taxpayers, she said. This policy will save developers billions over the next decade while municipalities will be forced to either reduce services perhaps fewer library hours, fewer camps, less park amenities or increase taxes. As a new councillor, Bill 23 has added an unexpected level of complexity to getting things done. I am so appreciative of the hard work Township staff are doing to analyze, explain and come up with solutions for how we move forward, added Councillor Mary Asselstine. Councillor David Boyd said the province has significantly revised the planning process in Ontario, essentially rewriting the rule book. From a municipal perspective, it serves as a reminder that, ultimately, the province sets the regulations that affect how the Township and other authorities must operate. King's planning staff have been working on preparing submissions to the province and keeping Council informed. I appreciate their efforts. Staff are developing a Wetland Offset Program in light of changes to the Ontario Wetland Evaluation System (OWES). Staff will also utilize outside agencies to conduct ecological and natural heritage peer reviews where necessary, when the local Conservation Authority is unable to carry out their review. Bill 23, passed back in November, amends 10 provincial acts, including those relating to Conservation Authorities, Development Charges, Ontario heritage planning and the Ontario Land Tribunal. Staff pointed out that process enhancements and updates to the Township plans and policies are needed to lessen the financial impacts that Bill 23 brings. King also has to make sure its policies align with the directions from the Province. Parts of the Bill are still being worked on, and staff are closely monitoring those and will respond and report to council when more directives come down. The changes have scaled back the roles of Conservation Authorities (CAs) relating to land use planning. They can now only appeal matters relating to natural hazard policies. MNRF has been directed to tell CAs to freeze program and service fees at current levels. The CAs can't partner with the Township or offer its input on matters of ecology, natural heritage, wetlands or biodiversity. The Township also can't ask CAs to participate in appeals. Staff pointed out that King relied heavily on the CAs to provide natural heritage and ecological review of both larger development applications and smaller ones, including Oak Ridges Moraine Conservation Plan and Greenbelt site plan applications. The Township will need to evaluate other options in order to fill this gap, in its technical reviews. At this time staff recommend that a third-party be utilized to undertake ecological and natural heritage peer-reviews when necessary, and this be commenced immediately in instances where the Conservation Authority is unable to provide the review, and that the costs of these reviews be recovered from the applicant. Staff will monitor the number of consulting peer-review hours, in addition to costs, work quality, response times, etc., to inform future actions and/or staffing recommendations. The Bill also amended the Ontario Heritage Act, introducing changes for how municipalities identify and conserve heritage properties. Criteria used to evaluate properties have been changes and there are new requirements and limitations for inclusion of non-designated listed properties on the municipal Heritage Register. Staff noted King currently has 166 properties that are listed on the register. They point out a listed property is somewhat protected from demolition as council is given 60 days to consider whether the property should be designated under the OHA. In addition to both designated and non-designated properties on the register, there are more than 300 on King's Built Heritage Inventory. New changes dictate that listed properties remain on the register for a maximum of two years, and if they're not designated in that time, they will be removed for good. Staff point out that properties removed from the register will be vulnerable to demolition and may result in the loss of local heritage resources. As a result of the modifications to the OHA, non-designated properties that are listed on the Township's Heritage Register will be removed after Jan. 1, 2025, if not designated. As such, there is a deadline to designate the 166 properties that are currently on the Township's Heritage Register. If these 166 properties are not designated by Jan. 1, 2025, the properties will be automatically removed from the Register and cannot be added again for a minimum of 5 years. Once the properties are removed from the Register they become vulnerable to alterations and demolition, which would result in the loss of cultural heritage. Staff

conducted a review of the designation process and found it takes 4-6 weeks to review a possible designation. As such, with one full-time staff member dedicated to heritage, that person will be able to prepare roughly eight designation reports per year, or only 14-15 by 2025. A realignment of resources, including that of the heritage coordinator will be required. The Township may also have to hire a heritage consultant or contract staff to help evaluate properties. The Township could also consider creating a "Heritage Conservation District" as outlined in Bill 23. This would enable the Township to cover several properties that are geographically clustered. Criteria for this have not yet been released by the Province. Staff are taking action and will continue to work with the Heritage Advisory Committee to develop rankings to narrow the focus of heritage properties. The Bill also brings major changes to local planning. Upper-tier governments like York Region will no longer adopt municipal official plans or amendments. The Minister of Municipal Affairs and Housing becomes the approval authority. York's 2022 Official Plan becomes the governing document here, in conjunction with King's OP. Staff pointed out it's currently unclear how cross-jurisdictional issues will be addressed, specifically roads, servicing, environmental protection and more. King will be making updates to the OP, but it's also unclear how these will interact with York's OP. Staff said depending on when these changes come into effect, the Minister may very well approve King's next Official Plan. Local minor variance committees have more power as their decisions can't be appealed to the OLT. This removal of third-party appeals may result in limited public engagement from the community. The Bill also exempts residential developments for 10 units or less from site plan control. Many of these changes remove King's ability to require plans and drawings related to exterior design and landscaping, limiting the Township's ability to ensure urban design guidelines. With regards to plans of subdivision, statutory public meetings are no longer mandatory. But staff are committed to ensuring that all proposed plans of subdivision are subject to PIMs, unless it's deemed unnecessary. Multiple additional residential units are permitted under Bill 23 changes. The Bill also impacts parkland contributions, transit station areas, wetlands and the OLT. The biggest impact comes in how much the Township can collect in Development Charges (DCs). The financial implications of the changes introduced by Bill 23 may modify the Township's funding mechanism for growth related infrastructure. Staff have attempted to quantify the financial implications at a high level, based on the information available to date, however it is unclear how some of the changes will be implemented as the Province has indicated these charges are to be clarified through future regulations. Further, it is difficult to predict the uptake of certain types of developments in light of the new development incentives. However, evaluating the potential financial impacts of Bill 23 will provide Staff and Council with the information needed to prepare for the changes in revenue and develop a strategy that balances the achievement of the Township's growth targets, maintain current service levels, and minimize the impact on the existing taxpayer. Bill 23 amended 10 separate Provincial Acts. The changes made to The Development Charges Act 1997 (DCA) have the most significant financial impact to Township. Preliminary analysis by the Watson and Associates and York Region estimate that the reduction in the amount of Development Charges (DCs) could be as high as 20% to 30% over the next 10 years. This would equate to approximately \$3,000,000 to \$4,000,000 in lost DC revenues a year. These are high level estimates based on the Official Plan, growth targets and estimates from consultants and York Region. The projected shortfall in DC revenues may result in long-term funding challenges for growth related infrastructure if there is no intervention from other levels of government. Without a new funding source, municipalities will have to make up the difference through increased tax levies or a reduction in service levels, staff noted. Citizens are also concerned with some of the changes. Concerned Citizens of King Township (CCKT) advocates for the long-term protection and conservation of the Oak Ridges Moraine and the Greenbelt. They also support the preservation of significant cultural heritage structures in King Township and planning for vibrant, healthy, sustainable communities in Settlement Areas. Bruce Craig of CCKT pointed out cultural heritage conservation is an important priority that will be addressed through providing more time for planning staff to review listed heritage properties and to engage the Heritage Advisory Committee in the process. The Our King Official Plan permits up to two secondary residential units per lot, except within portions of the Oak Ridges Moraine Conservation Plan Area. CCKT supports this opportunity for "gentle density" in existing subdivisions providing the design and placement of additional residential units on lots respects the character of a neighbourhood, and doesn't result in the excessive removal of mature healthy trees on lots. While CCKT appreciates the pro-active action of staff to establish a wetland offset program in response to changes to the Ontario Wetland Evaluation System, "we encourage the Township to do all that is possible to sustain the present-day wetlands found throughout King Township. Wetlands are an integral part of local eco-systems and are connected to many natural features. They support a great variety of inter-connected flora and fauna, sequester great amounts of carbon and are effective in mitigating both flood and drought events providing important services within King Township." Craig pointed out that Ontario Nature reports that offsetting of wetlands for the most part is not a very successful practice. It can take many years to replicate a naturally occurring wetland and often with a net loss. We need to do all we can to preserve our wetlands in place.