

## Bill 23 Questions /Answers

#	Question	Answer	Councillor
1	With respect to Development Charges (DC's), has there been any feedback from the provincial government regarding reimbursement of those costs to the municipality?	As of today (Jan 16/23) we are not aware of any commitment made by the provincial government to compensate municipalities for DC revenue foregone due to Bill 23. I understand, however, that AMO and others have been lobbying for such compensation. We will remain abreast of developments on this front and update Council as needed.	Councillor Ashmore
2	It says in your presentation that site plan control is lifted for less than or equal to ten residential lots. Where can these lots be? Can it be only near the four larger urban areas or can it be rural?	This provision pertains to units and not individual lots. An example would be blocks of townhouses where the blocks have less than 10 units or an apartment building with 10 or less units. It's not meant to apply to individual lots.	Councillor Ashmore
3	How does this Bill affect our Official Plan and By-Law consolidation plans?	These Bills don't affect either of these two projects.	Councillor Ashmore

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4	I saw in the presentation that municipalities cannot now pass by-laws to designate future parkland until a parks plan is in place. Would this include the Juniper Park proposal in Fenelon?	<p>The work described is more about completing the background study needed to justify the need for parkland and provide parkland standards based on City growth projections, throughout the City is various communities and by the types of parkland needed throughout the City. The Study would lead to an updated parkland dedication by-law, which would allow the City to ask for parkland or cash-in-lieu, as needed, through planning applications.</p> <p>The background study could also assist the Planning Department when we're updating the Official Plan and the Secondary Plans, documents where we include park policies and where we designate the approximate locations of new parks. This is where any discussion about Juniper Park would start to occur - whether or not it is needed.</p> <p>As far as Bill 23, it is still under review from a Parks impact perspective. That said, the Director of Development Services' presentation was specific to how Bill 23 would impact Parks from a DC perspective. It does not, pending further review, impact what properties the City develops or declares as Parks Space, only if DC funding would be available for the property in question. The decision to develop a park is solely that of the City; how it gets funded would be impacted by Bill 23 and others. Our Parks and Recreation Strategic Plan, funding requested for 2023 completion, would certainly assist in identifying properties for future development.</p>	Councillor Perry

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5	If a development application is considered, the only means necessary to let neighbouring constituents know is now through the PAC. Is this correct? (i.e. no large sign posted, and not way of knowing unless they choose to check the City website for Committee agendas).	<p>Our practice is to post a sign for Official Plan Amendment and rezoning applications on the property and the notice is also mailed out to all properties within 120 metres in urban areas and 500 metres (as per Council policy) in rural areas. These applications will continue to go through PAC and then Council in their normal course.</p> <p>Under Bill 23, public meetings are no longer required for <u>plans of subdivision or condominium</u> only; however, these applications would go through PAC and Council for approval of conditions of draft plan approval.</p> <p>For consents and minor variances, the public notice is mailed out to all property owners within 60 metres and a small sign is posted for minor variances on the property. These two applications go through the Committee of Adjustment ; however, consents can be dealt with by staff if they are not contested by the applicant, an agency , or a neighbour. Under Bill 23, consents and minor variances can no longer be appealed by third parties (i.e., a neighbour, etc).</p> <p>Public notice is not required for site plan applications currently, and the decision as per Bill 109 rests with the Director of Development Services.</p>	Councillor Smeaton
6	Would Senior Admin agree that there is a pattern of encouraging (mandating...) surplus usage to cover costs - and will we see this trend trickle into other departments? I guess I'm wondering if we're heading into budget discussions with a proposed framework that will realistically be altered soon? Or (assuming this potential trend is even a truth), is there a "coconut shell" approach in place (transfer here/move there, etc.)? Just seeing thoughts before we begin Tuesday.	These are good questions for budget purposes. Will refer to the operating budget Q&A.	Councillor Smeaton

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7	Your responses to various Councillors suggest significant 'Needs to review new processes' - which I totally get! Because there is so much careful review needed, are current projects on hold? Is the Riverwalk MZO request still on the table for January 31st? Or is there need to reconsider things within their proposal as a result of any new legislation?	Yes, we will be bringing an information report forward on January 31st on this MZO request.	Councillor Smeaton
8	Dr. Found's response to Mayor Elmslie regarding Development Charges and the possibility of them not being in place at all indicated that there were ideas being considered around this. Could this be expanded upon a bit as we head into budget discussions?	We are exploring ways to mitigate the negative financial and administrative impacts of Bills 108 and 23, and possible alternative funding and revenue structures. Once some viable options emerge from the exploration, staff will update council with recommendations.	Councillor Smeaton
9	There is a deal with Flato to supply 10% affordable housing. The province is now saying only 5%. Will the 10% hold? Can we make deals with other MZO's for 10% precedent?	The City Solicitor will update council at a future meeting respecting Framework Agreements entered into to implement development approved through MZOs. The affordable housing contributions in these agreements were negotiated and agreed to above and beyond any prescribed and applicable legislation as "community benefits".	Councillor Warren
10	When the review on the site plan approval process is complete, are we able to develop a step by step process that will help with education and communication on the changes?	Yes, we will revise our site plan process to now include preconsultation. The associated site plan process guide would also be updated and posted on our website as well. We would likely send out some type of communication on the new process to developers and consultants to advise of the new process.	Councillor Richardson
11	Do you have a timeline on when the Standard Operating Procedure update for Council will be ready to review? This will outline the process and required background information for obtaining a Council Support Resolution for an MZO or a CIHA.	We need to review this process further and report back to you as part of a comprehensive report on process changes. A road map to addressing various matters associated with the legislation changes is provided in a staff report on the January 31 council agenda.	Councillor Richardson
12	With the removal of third party appeals on minor variance or consent decisions, this will remove the existing posting process, is anything else put in its place?	While Bill 23 removes the appeals rights for third parties, we will still need to advertise these applications and hold public meetings through Committee of Adjustment where required.	Councillor Richardson

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13	Do we currently have staff in place to complete natural heritage review on development applications and planning policy documents, based on the changes with the Conservation Authorities?	No we do not have the capacity in the Planning Department to undertake these types of reviews. We will be having further discussions with our CA partners to determine what the best approach is to deliver this service. This change may have direct budget implications where we either, through staffing needs or establishing a peer review, contract for the service.	Councillor Richardson
14	So many changes for urban development areas. Do you see a need for some flexibility to expand rural settlement areas?	We will be looking at some minor rounding outs of our hamlets where appropriate to allow for some rural/hamlet growth opportunities.	Councillor Richardson
15	I am wondering if we yet have a costing projection on the revenue losses from reduced DC's and any update on whether the province is committed to making municipalities whole on this?	We are reviewing, and in consultations with Watson and Associates to estimate the potential loss in DC revenue. As can be appreciated, this is a complicated exercise which requires time, and several inputs are unknown at this time. As stated above, we are not aware of any commitment on the part of the Province to compensate municipalities for losses in DC revenue arising from Bill 23.	Councillor Perry
16	What is gentle intensification? Will tiny homes be included as the third unit on a property?	<p>Gentle intensification refers to the as of right permissions for a single detached dwelling to have an additional dwelling unit within the main building and a second dwelling unit in an accessory structure (such as over a garage).</p> <p>Tiny homes will not be viewed in the context of a third home at this time. They require more review to ensure that permanent living is permissible.</p>	Councillor Warren

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17	Please describe alternative dedication?	We typically take 5% for low density development. For higher density development (townhouses and apartment units), we can use the alternative parkland dedication provisions which gives us more parkland and/or cash-in -lieu of parkland because there are more units being developed. The previous rate was 1 hectare for every 300 dwelling units and we could take both land and cash at this rate. This has now decreased to 1 hectare per 600 dwelling units if we take land and 1 hectare per 1000 dwelling units if we take cash.	Councillor Warren
18	What does the 60% park reserve need to be spent on?	At this time, it is unknown as to what expenses are permitted within this allocation. Previously, Parks Reserves, have been allocated for the purpose of Capital Development/Enhancement of existing parkland or the acquisition of the land to be utilized for Parks purposes. Funds could also be allocated for Parks Planning purposes or studies.	Councillor Warren
19	The Land Tribunal will have increased powers to order costs. What is the policy now?	They will consider costs if asked but typically award minimal costs. Costs previously were only awarded if one party has acted improperly. Costs can now be awarded like they are in civil claims, where the unsuccessful party pays the successful party its costs. In civil claims, this is usually around 6-% of the legal fees and 100% of the disbursements (such as expert witness costs).	Councillor Warren
20	Please explain land for prescribed services?	Bill 23 enables the Province to designate certain services for which the land component of capital costs would be DC-ineligible. It is unknown which services will be so designated as the designation is to be done through regulation.	Councillor Warren
21	How can a municipality plan for infrastructure when 60% of DC reserves for water, waste water, roads, etc., must be spent or allocated annually?	We can use the annual Treasurer's report, which is already required, to satisfy the allocation requirement. Our capital planning abilities should not be impacted.	Councillor Warren