



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Melissa Osborne	Report Date: November 8, 2024
Author's Phone: 519 736-0012 ext. 2137	Date to Council: November 25, 2024
Author's E-mail: mosborne@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Development Charges Background Study and By-law 2024-085

1. RECOMMENDATION:

It is recommended that:

1. The assumptions contained in the 2024 Development Charges Background Study, dated September 16, 2024 **BE ADOPTED** as an anticipation with respect to capital grants, subsidies and other contributions;
2. The Development Charges approach to calculating wastewater charges on the wastewater serviced area and on a uniform Municipal-wide basis for all services **BE CONTINUED**;
3. The capital projects set out in Chapter 5 of the 2024 Development Charges Background Study dated September 16, 2024 **BE APPROVED**, subject to annual review during the capital budget process;
4. The 2024 Development Charges Background Study, dated September 16, 2024 as prepared by Watson & Associates Economists Ltd. **BE APPROVED AND ADOPTED** and no further public meeting be required with respect to the 2024 Development Charges Background Study and By-law; and,
5. Administration **ENSURE** wherever appropriate, grants, subsidies and other contributions be clearly designated by the donor as being to the benefit of existing development or new development, as applicable;
6. **By-law 2024-085** being a By-law for the imposition of Development Charges, to be effective January 1, 2025 for the ten (10) year period ending December 31, 2034, be taken as having been read three times and finally adopted and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. BACKGROUND:

Development Charges (DCs) are fees established under By-law and collected, in accordance with the *Development Charges Act, 1997* (the DC Act), from developers at the time of building permit issuance to pay for the cost of infrastructure and capital assets required to provide municipal services to the new development (often referred to as “growth”). The recovery of these costs is a way to ensure that current residents do not pay for capital investment required to support new residents; or in other words that “growth pays for growth”.

The DC Act requires the preparation of, and stipulates the methodology for, preparation of a Background Study to provide for the recovery of growth-related capital expenditures. The DC Act further stipulates that the Background Study and related By-law for the imposition of DCs be updated periodically. The timeframe for the updates was recently amended in Bill 23, transitioning from every five (years) to every ten (years). The current DC By-Law 2019-083 was set to expire October 4, 2024, however By-Law 2024-063 extended this to December 31, 2024 to provide time for completion of the new DC By-Law. Should the new DC By-Law 2024-085 be approved at the November 25, 2024 Council meeting, with an effective date of January 1, 2025, its expiry date will be December 31, 2034.

The Town engaged Watson & Associates Economists Ltd. (Consultant) to prepare the 2024 DC Background Study (Study) and a new DC By-law for consideration by Council. A workshop was held on April 9, 2024 to ensure that Council was briefed on the requirements for the Study based on current legislation, as well as the potential impacts of proposed legislation.

The draft DC By-law and Study were released to the public on September 16, 2024 and a statutory Public Meeting of Council was held on October 15, 2024 to review the DC proposal and to receive public input on the proposed policies and charges.

The minutes of the Statutory Public Meeting on October 15, 2024 regarding the DC Study reflect the following:

Daryl Abbs provided an overview of the 2024 Development Charges Background Study. The Chair, Mayor Prue invited the public to comment and the following individuals provided comments:

- Drew Coulson

Moved By Deputy Mayor Gibb

Seconded By Councillor Pouget

That the presentation **BE RECEIVED.**

The Mayor put the Motion.

Motion Carried.

3. DISCUSSION:

The Consultant has worked with Administration from all Town departments over the past several months to prepare for, to compile and to review all of the necessary information for completion of the draft Study and DC By-law.

The Study identifies the allowable DC charges based on the identified needs for capital investment required to support services to both residential and non-residential growth.

The services eligible for cost recovery through DCs include:

- Municipal-Wide Services: Services Related to a Highway, Water Services, Policing Services, Fire Protection Services and Administration Studies – Engineering and Protection Services
- Wastewater Serviced Area Services: Wastewater Services
- Community Based Services: Parks & Recreation Services and Administration Studies – Community Based Services

A summary of the DCs under the current By-law 2019-083 in comparison to those justified under the Study and recommended DC By-law 2024-085 for single-detached residential and non-residential development is as follows:

Type of Development	2024 Current Charge	2024 Calculated Charge
Residential (Single Detached):		
Municipal Wide Services	\$12,846	\$22,393
Municipal Wide plus Wastewater Services	\$25,692	\$34,744
Non-residential (per sq. ft.):		
Municipal Wide Services	\$5.87	\$4.77
Municipal Wide Services plus Wastewater Services	\$11.74	\$11.29

The full schedule of proposed DC rates is included in the recommended DC By-law 2024-085.

Public Meeting:

Pursuant to the DC Act, the public was invited to attend a special meeting of Council on October 15, 2024 regarding proposed DC rates and policies that will be applied in the Town of Amherstburg and to make written or verbal representation either in support of or in opposition to the proposal.

The Consultant made a presentation at the outset of the public meeting to provide an overview of the proposed DCs and the draft DC By-law.

No formal written comments were received prior to the meeting or formally received by Council as part of the public meeting. No submissions were received in respect of the 2024 Development Charge Background Study or proposed DC By-law at or before the

public meeting and no formal comments from the public have been received for Council's consideration. One delegation was heard at the meeting on October 15, 2024, Mr. Drew Coulson. Mr. Coulson's comments were heard and received by Council with no further direction. Therefore no further public meeting is required to meet the statutory requirements of the DC Act.

Legislation:

The Town is obligated to comply with current legislation and the recommendations of this report meet those obligations.

As Council has been advised, since the 2019 D.C. by-law was implemented there have been a number of changes to DC Act. Administration will continue to be diligent in their role to monitor future changes to legislation and act to ensure that the Town is compliant with legislation. The D.C. background study incorporates the recent changes to the DC Act including changes via Bills 108, 138, 197, 213, 109, 185 and 23.

Chapter 1 of the DC Background Study dated September 16, 2024 as well as the Consultant's public meeting presentation identified the various legislations which informed the updated DC Study and resulting By-Law 2024-085.

4. RISK ANALYSIS:

Failure to adopt a new DC By-law prior to the expiry the current DC By-law would eliminate the Town's authority to collect DCs. As a result, the obligation to fund the cost of growth-related capital investment both for current debt obligations and future capital works and purchases would shift to current ratepayers of the Town. This would increase the pressure on tax, water and wastewater rates for current ratepayers and negatively impact the Town's efforts toward financial sustainability.

5. FINANCIAL MATTERS:

Approval of the recommendations contained in this report will allow the Town to continue to collect DCs for new development. The DC charges are required toward funding both existing growth-related debt obligations and the cost of future capital investment required to service new growth.

6. CONSULTATIONS:

Watson and Associates Economists Ltd.

7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

Amherstburg Community Strategic Plan 2022 - 2026

<p align="center">PILLAR 1 Deliver Trusted & Accountable Local Government</p> <ul style="list-style-type: none"> <input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures. ✓ Deliver transparent and efficient financial management. <input type="checkbox"/> Increase effective communication and engagement with residents. <input type="checkbox"/> Develop our staff team, resources, and workplace culture. ✓ Continue to deliver strong core municipal services. <input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation. 	<p align="center">PILLAR 3 Encourage Local Economic Prosperity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Encourage development of commercial and industrial lands. <input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation. <input type="checkbox"/> Continue to facilitate downtown development for residents and visitors. <input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p align="center">PILLAR 2 Invest in Community Amenities and Infrastructure</p> <ul style="list-style-type: none"> <input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities. <input type="checkbox"/> Increase access to recreation opportunities for all ages. <input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy’s site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront <input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change. 	<p align="center">PILLAR 4 Shape Growth Aligned with Local Identity</p> <ul style="list-style-type: none"> ✓ Define and communicate a vision for the Town’s future and identity. <input type="checkbox"/> Promote and plan for green and “climate change ready” development. <input type="checkbox"/> Review and implement policies that promote greater access to diverse housing. <input type="checkbox"/> Protect the Town’s historic sites and heritage. <input type="checkbox"/> Preserve the Town’s greenspaces, agricultural lands, and natural environment.

8. CONCLUSION:

Council is advised to proceed with enactment of DC By-law 2024-085 and adoption of the policy, assumptions, calculations and capital project listing contained in the Development Charge Background Study.

Upon the passing of the DC By-law 2024-085, the Clerk will give written notice of the statutory forty (40) day appeal period which will end January 6, 2025. Notice of Passing must be provided within twenty (20) days of passing the By-law. Any person or organization may appeal a DC By-law to the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal, LPAT) by filing with the Clerk a notice of appeal setting out the objection to the By-law and the reasons supporting the objections.



Melissa Osborne
Deputy CAO/Director of Development Services

Report Approval Details

Document Title:	Development Charges Background Study and By-Law 2024-.docx
Attachments:	- 2024-063 - Development Charges By-law - RM.pdf - Final 2024 DC Report - RM.pdf
Final Approval Date:	Nov 13, 2024

This report and all of its attachments were approved and signed as outlined below:



Tracy Prince



Valerie Critchley



Kevin Fox