



Township of Cavan Monaghan

Development Charges By-law Amendment Background Report

Introduction


On July 5, 2010, the Council of the Township of Cavan Monaghan approved By-law No. 2010-53 to implement a Development Charges By-law for the Township. The Development Charges By-law applies to residential and non-residential development. Township wide and Millbrook area specific services such as roads and related services, fire protection services, indoor and outdoor recreation services, library services, administration, and water and wastewater services.

Under the Development Charges Act, 1997, the By-law can remain in place for a maximum of five (5) years. The By-law will expire July 5, 2015.

In late 2012 and early 2013, Council received requests to eliminate the development charges for non-residential development in the Township. Sections 3.5 to 3.10 of By-law No. 2010-53 outline the exemptions to the collection of Township Development Charges. There are no provisions within these sections that permit Council to reduce or eliminate the development charges for new non-residential development. An amendment to the By-law is required.

In an effort to spur economic development within the Township and support the creation of jobs, Council directed Staff to review all non-development charges and proceed with the required process to amend the Township's Development Charges By-law.

The purpose of this Background Study is to identify the proposed amendment to By-law No. 2010-53.



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Development Charges By-law Amendment Process

The Development Charges Act, 1997 requires a municipality to follow the same process for an amendment to a by-law as it does for the consideration of a new by-law. Section 10 through 18 of the Act outlines this process and the governing roles and responsibilities. The requirements include:

1. completing a development charge background study;
2. passing of a Development Charge By-law (amendment) within one year of the completion of the background study;
3. providing notice of the public meeting at least 20 days in advance of the public meeting date;
4. making the background study available to the public at least two (2) weeks prior to the public meeting;
5. holding at least one public meeting prior to the passing of the by-law (amendment); and
6. providing notice of passage of the by-law (amendment) within 20 days of the passage of the by-law.

Section 10(2) sets out the requirement of a municipality to complete a background study prior to the passage of a by-law or amendment. The background study must:

1. include an estimate of the amount, type and location of development to which the development charges (amendment) applies;
2. establish the eligible growth-related costs and services to which the development charge by-law (amendment) relates;
3. examine each service to which the development charge by-law (amendment) relates; and
4. examine the long term capital and operating costs for the capital infrastructure required.

This document serves as the Background Study required under Section 10 of the Development Charges Act.

Commensurate with the requirements of the Development Charges Act, 1997, the Township of Cavan Monaghan completed a Background Study in April of 2010. An addendum was completed in May of 2010. The Study provided a summary of the residential and non-residential growth forecasts for the Township, a review of historic

service standards, identification of future capital requirements to service growth and related deductions and allocations, and a calculation of the development charges.

Staff of the Township of Cavan Monaghan determined that there have been no significant changes to the amount, type and location of anticipated development, historic service levels, or growth-related capital costs since the completion of the 2010 Background Study and the passage of By-law No. 2010-53. The 2010 Study is still applicable and supports the proposed amendment.

Scope of the Proposed Amendment

The proposed amendment will eliminate the non-residential development charge from By-law No. 2010-53. The proposed amendment does not alter the amount type and location of development to which the by-law applies, change the growth-related capital costs that form the basis of the charge, or alter the long term capital and operating costs

The proposed by-law will not alter or change any other provision of the By-law or result in any development in the Township being subject to higher development charges than those currently contained in By-law 2010-53.

Public Notice

The public meeting is scheduled for Monday, March 18, 2013 at 1:00 p.m. in the Council Chambers of the Municipal Office at 988 County Road 10. Notification of the public meeting was published in the Peterborough Examiner on Wednesday, February 27, 2013 and the Millbrook Times on Thursday, February 28, 2013. The Notice is also available on the Township website.

The Background Study is available to the public after 2 p.m. on Friday, March 1, 2013. If Council approves the proposed amendment, the Township will complete the remaining requirements outlined in the Development Charges Act.

Recommendations

It is recommended that the Township proceed to amend Schedule "B" of By-law No. 2010-53 to eliminate the non-residential development charge, consistent with the requirements of the Development Charges Act.

Appendix A

**The Township of Cavan Monaghan
By-law No. 2013-xx**

Being a by-law to amend By-law No. 2010-53

Whereas Section 19 of the Development Charges Act, 1997, S.O. 1997, c.27, (the “Act”), provides for amendment to development charge by-laws;

And Whereas the Council of the Township of Cavan Monaghan requires an amendment to By-law No. 2010-53;

And Whereas in accordance with the Act, a development charge background study has been completed in support of the proposed amendment to By-law No. 2010-53;

And Whereas Council gave notice to the public and held a public meeting pursuant to Section 12 of the Act on March 18, 2013, prior to and at which the Study and the proposed Development Charge Amendment By-law were made available to the public;

And Whereas the Council of the Township of Cavan Monaghan has permitted any person who attended the public meeting to make representations in respect of the proposed amendment;

And Whereas the Council of the Township of Cavan Monaghan has determined that a further public meeting is not necessary pursuant to Section 12(3) of the Act;

Now Therefore, the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Schedule “B” of By-law No. 2010-53, as amended, is replaced by the Schedule “B” attached to this By-law

Read a first, second and third time and passed thisday of, 2013.

John Fallis
Mayor

Elana Arthurs
Clerk

Schedule "B"
 Bylaw No 2010 - 53
 Schedule of Municipal-Wide Development
 Charges

Services	Residential					Non Residential
	Single-Detached & Semi-Detached Dwelling	Apartments 2 Bedroom +	Apartments Bachelor & 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	Non-Residential (per sq.ft. of Gross Floor Area)
Township-wide Services						
Services related to a highway	\$2,297	\$1,346	\$881	\$1,440	\$727	\$0.00
Fire Protection Services	\$1,063	\$623	\$407	\$666	\$337	\$0.00
Outdoor Recreation Services	\$1,441	\$845	\$553	\$904	\$456	\$0.00
Indoor Recreation Services	\$2,346	\$1,375	\$899	\$1,471	\$743	\$0.00
Library Services	\$499	\$292	\$191	\$314	\$158	\$0.07
Administration Services	\$199	\$116	\$75	\$124	\$63	\$0.00
Total Township Wide Services	\$7,845	\$4,597	\$3,006	\$4,919	\$2,484	\$0.00
Area Specific Services						
Stormwater Management - Springville						
Water Services (Millbrook)	\$106	\$62	\$40	\$66	\$34	\$0.00
Wastewater Services - Millbrook	\$2,714	\$1,591	\$1,040	\$1,702	\$860	\$0.00