



STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG

Report to:	Mayor and Council Members	Priority:	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
Submitted by:	Ian D. Davey, BBA CPA CA Treasurer / Director of Corporate Services	Meeting Type:	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	January 3, 2022		
Report No.:	Corporate Services-159-22		
Submit comments to Council			

Subject/Title: Development Charges - 2022

RECOMMENDATION:

THAT Council authorize the preparation of a resolution to adopt the Development Charges Background Study dated November 5, 2021 along with Addendum dated November 23, 2021 and Addendum #2 dated December 15, 2021 as prepared by Watson & Associates Economists Ltd. as well as the preparation of a Development Charges By-Law for presentation to Council on January 3, 2022 to be effective as of January 3, 2022, and

FURTHER THAT Council direct staff to continue to work with the development community in order to update all information required to ensure that the current Development Charge calculation is accurate and complete, and

FURTHER THAT Council direct staff to incorporate any additional or revised information by way of a formal Development Charges addendum process with a deadline of having an updated Development Charges Background Study and By-Law complete by September 30, 2022 at the latest.

1. STRATEGIC PLAN

Places – Manage sustainable and balanced growth.

2. PUBLIC ENGAGEMENT

The Development Charges Background Study was posted to the town website on November 5, 2021 with an addendum posted on November 23, 2021 and a second addendum posted on December 15, 2021.

A public meeting was held on December 6, 2021 and two additional meetings have been held with representatives of the development community to receive comments and concerns.

3. PURPOSE

The purpose of this report is to summarize the work that has been completed to date and request that Council adopt the Background Study and implement a new DC By-Law to be effective January 4, 2022.

4. ORIGIN AND LEGISLATION

The Town of Cobourg contracted with Watson & Associates Economists Ltd. to prepare an updated DC Background Study as required in accordance with the Development Charges Act, 1997 as amended. This study is required in order to support the implementation of a new DC By-Law to replace By-Law 087 – 2017 which expires on January 4, 2022.

5. BACKGROUND

The draft Background Study has been prepared based on the most current information available at this time specifically with respect to servicing in the Cobourg East Community however discussions are ongoing with the development community and changes may result which could impact the calculation of the charge. It is expected that these plans will be finalized within the next several months with construction to commence in the Cobourg East Community in the late fall of 2022 or spring of 2023.

6. ANALYSIS

The Development Charges Act requires that a Background Study be prepared and made available for public review and comment at least 60 days prior to the passing of a DC By-Law. The Draft Background Study was published on the Town website on November 5, 2021 and the required Public Meeting was held on December 6, 2021.

The results of the Background Study were presented to Council and the Public at the meeting on December 6, 2021. The proposed new DC for a single family

dwelling in the Existing Urban Services Area (EUSA) is \$22,260 and in the Cobourg East Community (CEC) is \$31,840.

The charges are higher in the CEC as a result of some very specific servicing requirements for that area with respect to water, wastewater and storm water services.

During the Public Meeting on December 6, 2021 some concerns were raised by Jeff Solly representing Tribute Communities who are developers of over 250 acres in the Cobourg East Community located at Elgin Street and Brook Road North. Mr. Solly spoke at the meeting representing some of the other developers in the CEC and expressed a “shared desire to ensure that the DC By-Law and the background information that forms the basis of the DC charge is accurate, comprehensive, fair and appropriate.” A copy of Mr. Solly’s comments have been appended to this report.

While we are confident that the study is comprehensive and complete based on the most current information available as of this date, we also can appreciate that some changes may be required as decisions are made and plans are finalized in the coming months.

In summary, questions and concerns were raised during the December 6, 2021 public meeting from the development community which require further consideration and discussions however it is critical that a new by-law be passed as of January 3, 2021 to replace the existing by-law which is set to expire. Therefore, it is the staff recommendation that the draft by-law as presented be passed by Council with the new rates which have been calculated in accordance with the information available at this date and that Council commit to amending the charges prior to September 30, 2022 should additional information become available that would materially alter the charges as calculated.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

The questions and concerns raised by the development community are mainly with respect to the Cobourg East Community and the area specific charge related to that area. The timeline for development in that area suggests that it will be later in 2022 before developers are in a position to proceed with construction and therefore it is unlikely that development charges will be imposed in that area before the late fall of 2022 or early 2023. This allows time to finalize the servicing plans and make any adjustments that may be required to the development charges.

The draft by-law has been attached to this report for your review and consideration.

8. CONCLUSION

The existing Development Charges By-Law will expire on January 4, 2022 and therefore it is important that a new by-law be in place as of that date.

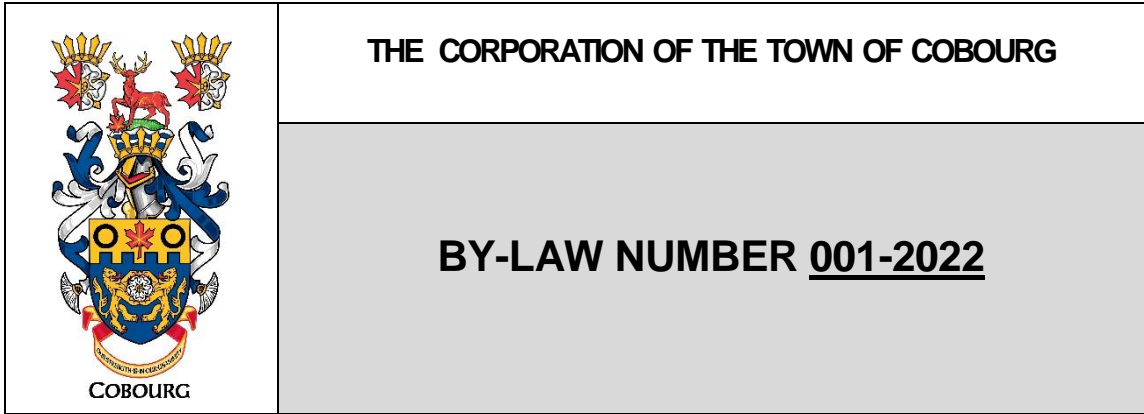
Staff will continue to work with the development community to update all information required to ensure that the information and calculations are accurate and complete and that any additional or revised information will be incorporated into an updated Background Study and By-Law which will come back to Council no later than September 30, 2022.

Report Approval Details

Document Title:	Development Charges - 2022 - Corporate Services-159-22.docx
Attachments:	- doc27356120211222125043.pdf - doc27356220211222125116.pdf
Final Approval Date:	Dec 22, 2021

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

Tracey Vaughan, Chief Administrative Officer - Dec 22, 2021 - 2:23 PM



A BY-LAW TO A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES

WHEREAS the Town of Cobourg will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the Town of Cobourg;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Town of Cobourg or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

AND WHEREAS the *Development Charges Act, 1997* (the “Act”) provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services;

AND WHEREAS a development charge background study has been completed in accordance with the Act;

AND WHEREAS the Council of The Corporation of the Town of Cobourg has given notice of and held a public meeting on the 6th day of December, 2021 in accordance with the Act and the regulations thereto;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. INTERPRETATION

1.1 In this By-law the following items shall have the corresponding meanings:

“Act” means the Development Charges Act, as amended, or any successor thereof;

“accessory use” means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;

“apartment unit” means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are

connected by an interior corridor. Despite the foregoing, an apartment includes Stacked Townhouse dwellings;

“bedroom” means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a bathroom, living room, dining room or kitchen;

“benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“board of education” has the same meaning as set out in the Education Act, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;

“bona fide farm uses” means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation;

“Building Code Act” means the Building Code Act, S.O. 1992, as amended, or any successor thereof;

“capital cost” means costs incurred or proposed to be incurred by the Town or a local board thereof directly or by others on behalf of and as authorized by the Town or local board,

1. to acquire land or an interest in land, including a leasehold interest,
2. to improve land,
3. to acquire, lease, construct or improve buildings and structures,
4. to acquire, construct or improve facilities including,
 1. furniture and equipment other than computer equipment, and
 2. material acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof; and
 3. rolling stock with an estimated useful life of seven years or more, and
5. to undertake studies in connection with any matter under the Act and any of the matters in clauses (1) to (5) above, including the development charge background study required for the provision of services designated in this by-law within or outside the Town, including interest on borrowing for those expenditures under clauses (1) to (5) above that are growth-related;

“commercial” means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;

“Council” means the Council of the Town;

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;

“development charge” means a charge imposed with respect to this by-law;

“dwelling unit” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and may be provide with culinary and sanitary facilities for their exclusive use;

“existing” means the number, use and size that existed as of the date this by-law was passed;

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

“gross floor area” means:

1. in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
2. in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
 1. a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 2. loading facilities above or below grade; and

3. a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

“industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

“institutional” means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;

“Institutional” means development of a building or structure intended for use,

- a) as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- b) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
- c) by any of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 - ii. a college or university federated or affiliated with a university described in subclause (i), or
 - iii. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
- d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- e) as a hospice to provide end of life care.

“Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Town of Cobourg or any part or parts thereof;

“local services” means those services, facilities or things which are under the jurisdiction of the Town and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

“multiple dwellings” means all dwellings other than single-detached, semi-detached, apartment, and special care dwelling units;

“Non-profit housing development” means development of a building or structure intended for use as residential premises by,

- a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
- b) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
- c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.

“Town” means the Corporation of the Town of Cobourg;

“non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;

“Official Plan” means the Official Plan adopted for the Town, as amended and approved;

“owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed’

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

“rate” means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

“regulation” means any regulation made pursuant to the Act;

“Rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.

“residential dwelling” means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

“residential use” means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;

“row dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an

independent entrance from the outside and is vertically separated from any abutting dwelling unit;

“semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;

“service” means a service or class of service designated in Section 2 by-law, and “services” shall have a corresponding meaning;

“servicing agreement” means an agreement between a landowner and the Town relative to the provision of municipal services to specified land within the Town;

“single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure;

“special care dwelling unit” means a building not otherwise defined herein containing more than four dwelling units: where the occupants have the right to use in common, halls, stairs, yards, common room and accessory buildings; which dwelling units may or may not have exclusive sanitary and/or culinary facilities; that is designed to accommodate individuals with specific needs, where meals are provided within the development on a regular basis and includes a bedroom, student residence, retirement home and lodge, nursing home, granny flat, accessory dwelling and group home.

“stacked townhouse dwelling unit” means two row dwellings, one on top of each other.

2. DESIGNATION OF SERVICES

2.1 The categories of services and classes of service for which development charges are imposed under this By-law are as follows:

1. Transportation Services;
2. Fire Protection Services;
3. Police Services;
4. Transit Services;
5. Parks and Recreation Services;
6. Library Services;
7. Administrative Services;
8. Water Services-Existing Urban Serviced Area
9. Wastewater Services-Existing Urban Serviced Area
10. Water Services-Cobourg East Community Serviced Area
11. Wastewater Services-Cobourg East Community Serviced Area; and
12. Storm Water Management Services-Cobourg East Community Serviced Area.

3. APPLICATION OF BY-LAW RULES

3.1 Development charges shall be payable in the amounts set out in this By-law where:

- a) the lands are located in the area described in Section 3.2 and identified in Schedule B; and
- b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which By-law Applies

- 3.2 Subject to Section 3.3, this By-law applies to all lands in the Town of Cobourg whether or not the land or use thereof is exempt from taxation under s. 13 or the Assessment Act.
- 3.3. Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:
 - a) the municipality or a local board thereof;
 - b) a board of education;
 - c) the Corporation of the County of Northumberland or a local board thereof; or
 - d) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development is intended to be occupied and used by the university.

Approvals for Development

3.4

- a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
 - i. the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
 - ii. the approval of a minor variance under section 45 of the *Planning Act*;
 - iii. a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - iv. the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - v. a consent under section 53 of the *Planning Act*;
 - vi. the approval of a description under section 50 of the *Condominium Act*, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - vii. the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- b) No more than one development charge for each service designated in Section 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions

described in Subsection 3.4(a) are required before the lands, buildings or structures can be developed.

- c) Despite Subsection 3.4(b), if two or more of the actions described in Subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect or increasing the need for services.

Exemptions

3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:an enlargement to an existing dwelling unit;

- a) The creation of a maximum of two additional dwelling units in an existing single detached dwelling or structure ancillary to such dwelling. The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the existing residential building/dwelling;
- b) The creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units. The additional dwelling units may be within the existing residential rental building or within a structure ancillary to such residential building;
- c) The creation of one additional dwelling unit in any other existing residential building/dwelling or within a structure ancillary to such residential building/dwelling. The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the existing residential building/dwelling;
- d) The creation of a second dwelling unit in a proposed new Single Detached, Semi-Detached or Row Townhouse dwelling or in a building ancillary to such dwelling, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.</p>

3.5 For the purposes of Section 3.5 “existing residential building/dwelling”, means:

- a) A residential building/dwelling, containing at least one dwelling unit, that existed on a parcel of land as of January 4, 2021 and which was not exempt from the payment of development charges pursuant to Section 2(3)(b) of the Act; or
- b) The first residential building/dwelling, containing at least one dwelling unit, constructed on a vacant parcel of land after October 1, 2021 and for which development charges were paid.

3.7 In addition to the restrictions outlined in Subsection 3.5(e), for the purposes of the exemption for an additional residential unit in a building ancillary to a proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling, the proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling must be located on a parcel of land on which no other Single Detached, Semi-Detached or Row Townhouse dwelling is or would be located.

3.8 For the purposes of Subsection 3.5(e), “parcel of land” means a lot or block within a registered plan of subdivision or draft plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 50 (3) (b) or clause 50 (5) (a) of the Planning Act.

3.9 Exemption for Industrial Development:

3.9.1 Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.

3.9.2 If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- a) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;

b) divide the amount determined under subsection 1) by the amount of the enlargement

3.9.3 For the purpose of Section 3.9 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.

3.9.4 The exemption for an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law.

3.10 Other Exemptions:

Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:

a) Industrial developments within the Existing Urban Service Area.

Amount of Charges

Residential

3.11 The development charges set out in Schedule “A” shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

3.12 The development charges described in Schedule “A” to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.

Reduction of Development Charges for Redevelopment

3.13 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.11 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable

development charges under subsection 3.12, by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

- 3.14 Notwithstanding Section 3.13 of this By-law, If longer than 60 months is required to allow for redevelopment, the owner may make a written request to the Town for an extension to the period between that date of demolition permit and redevelopment for which redevelopment credits will be granted. The Town's Treasurer or designate, in his or her sole discretion and upon such terms and conditions as he or she considers necessary or appropriate, may extend the time in which the building permit for the redevelopment must be issued.

Time of Payment of Development Charges

- 3.15 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the development.
- 3.16 Notwithstanding Section 3.15, development charges for rental housing and institutional developments are due and payable in 6 equal installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 3.17 Notwithstanding Section 3.15, development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 3.18 Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Sections 3.15, 3.16 and 3.17 shall be calculated on the rates set out in Schedule "A" on the date the planning application was made, including interest. Where both planning applications apply, Development Charges under Sections 3.15, 3.16 and 3.17 shall be calculated on the rates, including interest, set out in Schedule "A" on the date the later planning application was made, including interest.
- 3.19 Interest for the purposes of Sections 3.16, 3.17 and 3.18 shall be determined as defined in the Town's Council approved Development Charge Interest Rate Policy.
- 3.20 Notwithstanding Sections 3.15, 3.16, 3.17, and 3.18, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4. PAYMENT BY SERVICES

- 4.1 Despite the payment required under subsections 3.11 and 3.12, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

5. INDEXING

5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on January 1st, in accordance with the prescribed index in the Act.

6. SCHEDULES

6.1 The following schedules shall form part of this By-law:

Schedule "A" - Residential and Non-Residential Development Charges

Schedule "B" - Map of Existing Urban Service Area and Cobourg East Community

7. CONFLICTS

7.2 Where the Town and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

7.3 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8. SEVERABILITY

8.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. DATE BY-LAW IN FORCE

9.1 This By-law shall come into effect at the time of by-law passage.

10. DATE BY-LAW EXPIRES

10.1 This By-law will expire at 12:01 AM on January 4, 2027 unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

11.1 By-law Number 087-2017 is hereby repealed as of the date and time of this By-law coming into effect.

By-law read and passed in Open Council on this 3rd day of January, 2022.

MAYOR

MUNICIPAL CLERK

SCHEDULE "A"
BY-LAW 001-2022
SCHEDULE OF DEVELOPMENT CHARGES

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Class of Service:						
Fire Services	785	627	546	401	357	0.46
Police Services	870	694	606	445	396	0.51
Transportation Services	8,347	6,663	5,811	4,268	3,796	4.94
Transit Services	-	-	-	-	-	-
Parks and Recreation	7,140	5,700	4,971	3,651	3,247	1.00
Library Services	1,398	1,116	973	715	636	0.20
Growth-Related Studies	44	35	31	23	20	0.05
Total Municipal Wide Services/Class of Services	18,584	14,835	12,937	9,503	8,451	7.16
Existing Urban Serviced Area						
Wastewater Services - Existing Urban Serviced Area	1,214	969	845	621	552	0.78
Water Services - Existing Urban Serviced Area	2,454	1,959	1,708	1,255	1,116	1.57
Growth-Related Studies	8	6	6	4	4	0.01
Total Existing Urban Serviced Area	3,676	2,934	2,559	1,880	1,672	2.36
Cobourg East Community Serviced Area						
Stormwater - Cobourg East Community Serviced Area	3,383	2,701	2,355	1,730	1,538	1.86
Wastewater Services - Cobourg East Community Serviced Area	5,852	4,671	4,074	2,993	2,661	3.22
Water Services - Cobourg East Community Serviced Area	3,990	3,185	2,778	2,040	1,814	2.20
Growth-Related Studies	31	25	22	16	14	0.02
Total Cobourg East Community Serviced Area	13,256	10,582	9,228	6,779	6,028	7.30
Total Municipal Wide and Existing Urban Serviced Area	22,260	17,769	15,496	11,383	10,122	9.52
Total Municipal Wide and Cobourg East Community Serviced Area	31,840	25,417	22,166	16,282	14,479	14.46

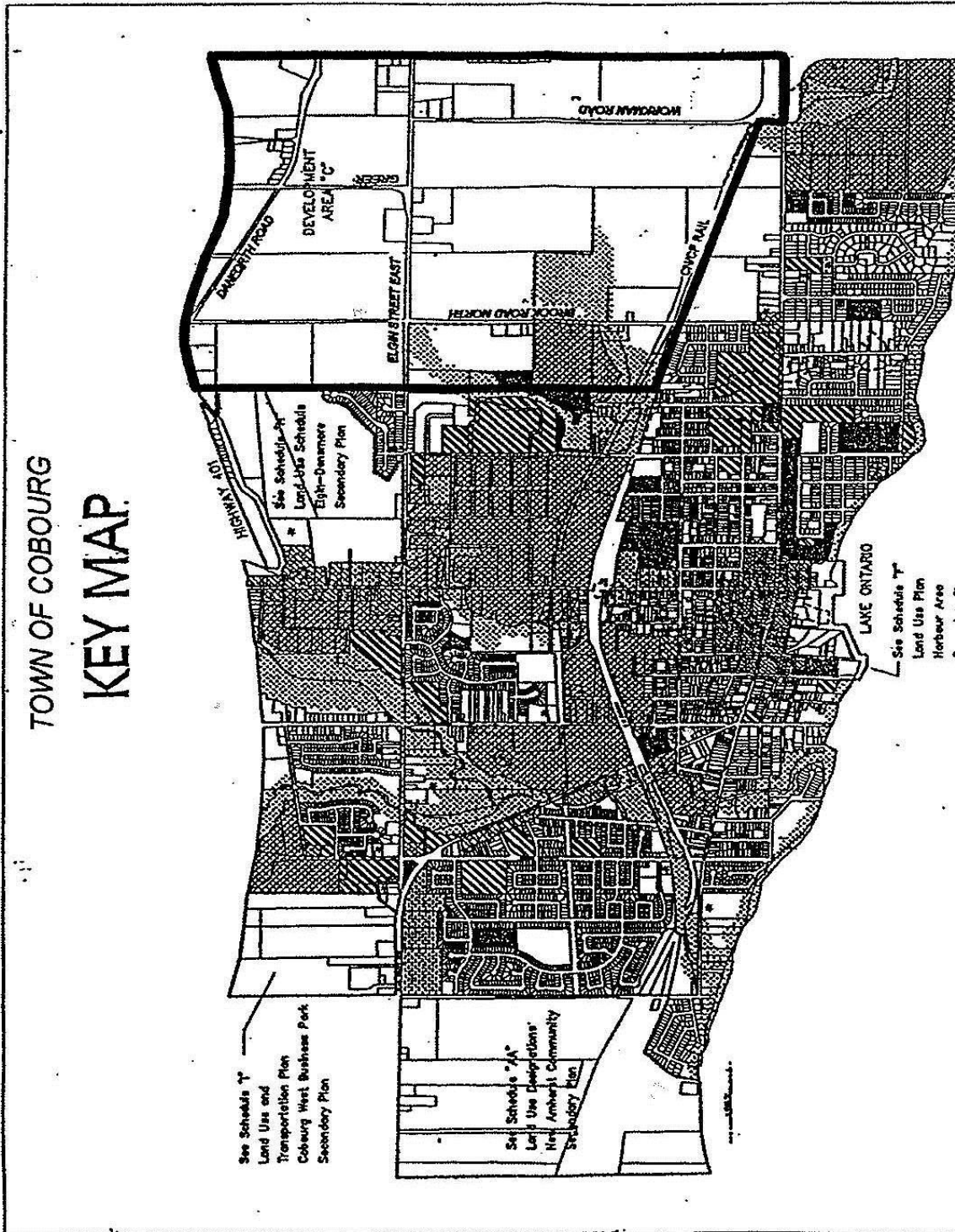
SCHEDULE B

BY-LAW 001-2022

SCHEDULE OF DEVELOPMENT CHARGES

MAP OF EXISTING URBAN SERVICE AREA AND COBOURG EAST

COMMUNITY SERVICED AREA



Speaking Notes

Presentation to Cobourg Council – December 6, 2021

Introduction

My name is Jeff Solly

I represent Tribute Communities, developers of over 250 acres in the Cobourg East community at Elgin Street and Brook Rd. I am here to provide comments regarding the proposed Development Charges by-law.

Context

Since acquiring the former Rondeau lands in early 2021, Tribute has successfully launched phase 1 of its Cobourg Trails project at a new a sales centre and has commenced site works. New residents will move into their new homes in Phase 1 towards the middle of 2023.

Tribute has commenced the planning and design process for the next phases of the project. Those additional phases will trigger the implementation of the substantial infrastructure improvements that have been long planned for the Cobourg East Community.

Tribute are not the only developers active in the Cobourg East Community. We have spoken to other builder / developers who are active in the community, such as Stalwood Homes and Mistral Land Developments and there is a shared desire to ensure that the DC By-law, and the background information that forms the basis of the DC charge, is accurate, comprehensive, fair and appropriate.

Where Are We

Since the DC Background report was released on November 5, 2021, Tribute has

- reviewed the DC Background Study, prepared by Watson + Associates,
- participated in an information session hosted by the Town on November 23,

- provided a written submission that includes a comprehensive set of question and comments related to the November 5 Background Study and
- participated in a follow up meeting with staff that was also attended by other builder/developers.

We want to thank staff for making themselves available to us as we review this very lengthy and technical document.

In our written submission, and confirmed in our most recent meeting with staff and Watson, we have

- identified some suggested changes to the assumptions in the DC background study that more accurately reflect the proposed build-out of Cobourg East
- requested additional information required to support the assumptions used in the calculation of the charge and
- indicated that some of the information used to support the calculation of the charge is significantly out of date and not reflective of the reality in terms of implementation of the Council approved Cobourg East Secondary Plan

Staff have indicated that they are reviewing our submission and

- they will provide additional information as requested
- will provide an addendum to the Background Study based on the comments that have been made.

Upon receipt of that information, we will need time to review and digest this new information. Further comments or question may arise and we request staff's continued availability to assist our review and understanding of the inputs into the DC Background Study and charge.

Where Do We Go From Here?

As we have noted previously, some of the information within the DC Background study, as it relates to the Cobourg East Service Area, is out of date or is inconsistent with current municipal practices.

For example, the scope and estimated costs of the sanitary sewer works for Cobourg East are based on studies from 2004. No update to the previous study has been undertaken. It is now 2021 and the needs and requirements to service East Cobourg have changed in the intervening 17 years.

Tribute, and other developers in the Cobourg East community, are currently working with municipal staff on an update to the study that is required to implement the long-planned infrastructure improvements in the area. The recommendations within this study, including updated cost estimates, will not be available until after this current DC By-Law expires.

While we acknowledge that an Addendum is expected in response to the comments made to date, there will not be enough time between now and when the current DC By-Law expires, to properly update all of the background information. The resulting by-law – to be passed on January 4, 2022 - will already be out of date.

There is more work to do and, notwithstanding the tight time frames, we are prepared to continue the dialogue with staff.

In order to update the information that forms the basis of the proposed DC charge, it is likely that a formal amendment to the new by-law will be required in 2022. This amendment will properly account for information that will be available after the current DC by-law expires.

Tribute, and other developers in the Cobourg East Community, are prepared to continue to work with staff to update all of the background information.

Our request of Council is

1. direct staff to continue to work with ourselves and the development community in order to update all information required to ensure the current DC calculation and by-law is accurate and complete.

2. where up-to-date and accurate information is not available for input into the DC calculation prior to the expiration of the current DC by-law, that Council direct staff to commence a formal DC addendum process with a deadline of having an updated DC Background Study and DC By-Law complete before October 2022.

I am happy to answer any questions that Council may have.

Thank you for your attention.



Moved By

SUZANNE SEGUIN

Resolution No.:

Last Name Printed

SEGUIN

001-22

Seconded By

NICOLE BEATTY

Council Date:

Last Name Printed

BEATTY

January 3, 2022

WHEREAS the Committee of the Whole has considered a memo from the Treasurer/Director of Corporate Services, regarding the Development Charges Background Study as well as the Development Charges By-Law for the Town of Cobourg;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the Development Charges Background Study dated November 5, 2021 along with Addendum dated November 23, 2021 and Addendum #2 dated December 15, 2021 as prepared by Watson & Associates Economists Ltd; and

FURTHER THAT Council direct staff to continue to work with the development community in order to update all information required to ensure that the current Development Charge calculation is accurate and complete, and

FURTHER THAT Council direct staff to incorporate any additional or revised information by way of a formal Development Charges addendum process with a deadline of having an updated Development Charges Background Study and By-Law complete by September 30, 2022 at the latest.