



THE REGIONAL MUNICIPALITY OF NIAGARA REGIONAL DEVELOPMENT CHARGES POLICY TASK FORCE AGENDA

RDCPTF 1-2021

Thursday, March 25, 2021

4:00 p.m.

Meeting will be held by electronic participation only

Due to efforts to contain the spread of COVID-19 and to protect all individuals, there is no public access to Niagara Region Headquarters. If you are interested in viewing this meeting or would like to speak to an item listed on the agenda please contact the Office of the Regional Clerk at clerk@niagararegion.ca at least 24 hours in advance of the meeting.

Pages

1. CALL TO ORDER

2. DISCLOSURES OF PECUNIARY INTEREST

3. SELECTION OF COMMITTEE CHAIR AND VICE-CHAIR

3.1. Call for Nominations for Committee Chair

3.2. Motion to Close Nominations for Committee Chair

3.3. Voting for the Position of Committee Chair

3.4. Call for Nominations for Committee Vice-Chair

3.5. Motion to Close Nominations for Committee Vice-Chair

3.6. Voting for the Position of Committee Vice-Chair

4. PRESENTATIONS

4.1. Regional Development Charges - Updates to Legislation and Project Overview
Gary Scandlan, Managing Partner, Municipal Finance, Watson & Associates

3 - 18

5. DELEGATIONS

6. ITEMS FOR CONSIDERATION

- 6.1. RDCPTF 1-2021 19 - 22
Regional Development Charges Policy Task Force Meeting Schedule

7. CONSENT ITEMS FOR INFORMATION

- 7.1. RDCPTF-C 1-2021 23 - 27
Regional Development Charges Policy Task Force Terms of Reference
- 7.2. RDCPTF-C 2-2021 28 - 29
Key Considerations for Regional Development Charges By-law Update

8. OTHER BUSINESS

9. NEXT MEETING

The next meeting will be held on Thursday, May 6, 2021 at 4:00 p.m.

10. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).



The Regional Municipality of Niagara

Regional D.C. Policy Task Force Meeting #1

March 25, 2021

Agenda



- Introductions
- D.C.A. Overview
- Bill 108, Bill 138, Bill 197 and Bill 213 – Changes to the Development Charges Act
- Study Process and Timelines
- Next Steps
- Questions



D.C.A. Overview

Niagara Region 2021/2022
D.C. Background Study

Development Charges (D.C.)



Purpose:

- To recover the capital costs associated with residential and non-residential growth within a municipality
- The capital costs are in addition to what costs would normally be constructed as part of a subdivision (i.e. internal roads, sewers, watermains, roads, sidewalks, streetlights, etc.)
- Municipalities are empowered to impose these charges via the Development Charges Act (D.C.A.)

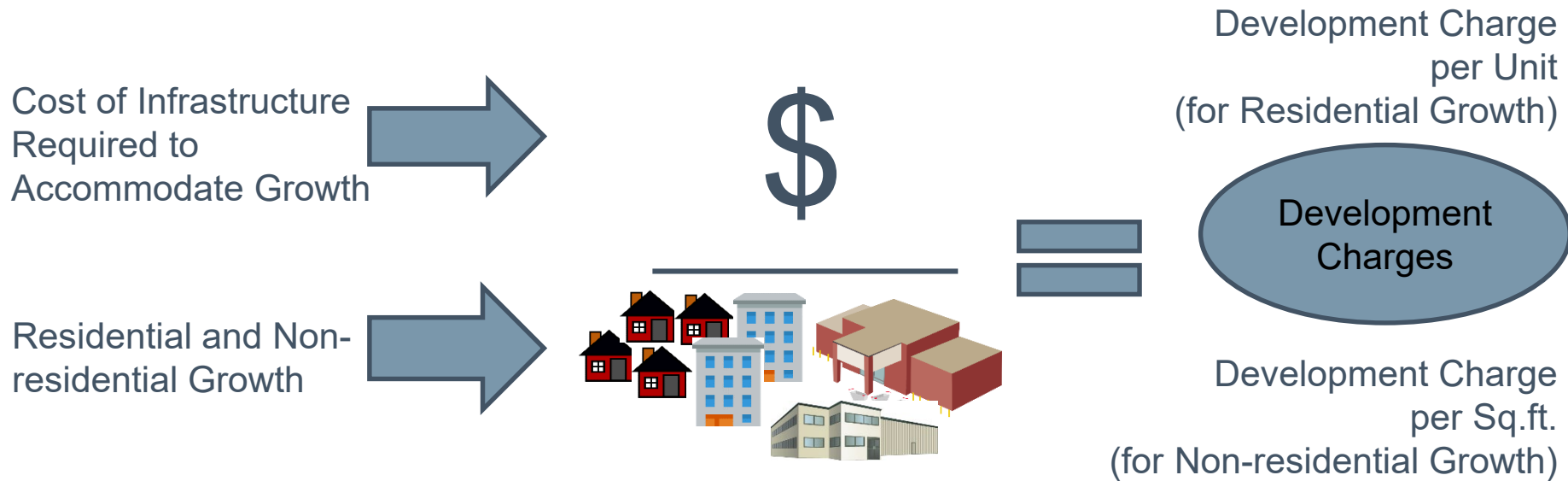
D.C. Eligible Services



- Prior to Bill 197 (discussed later in this presentation), the D.C.A. identified a number of ineligible services. As per the amendments to the Act, the D.C.A. now lists the eligible services. These are:
 - **Water**
 - **Wastewater**
 - Stormwater
 - **Services related to a highway**
 - Electrical power
 - Toronto-York subway extension
 - Transit
 - **Waste Diversion**
 - **Policing**
 - Fire
 - **Ambulance**
 - Library
 - **Long-term Care**
 - Parks and Recreation
 - **Public Health**
 - **Childcare and Early Years***
 - **Housing**
 - **Provincial Offences Act**
 - Airports (only for the Region of Waterloo)

*Note: Currently⁷ combined with Social Services (no longer eligible) 5

Overview of the D.C. Calculation



Exemptions




Mandatory Exemptions:

- Upper/Lower Tier Governments and School Boards
- for industrial building expansions (may expand by 50% with no D.C.)
- May add up to 2 apartments in a single as long as size of home doesn't double
- Add one additional unit in medium & high-density buildings
- Residential development (additional unit or ancillary dwelling) in new dwelling units (as per Bill 108)
- University that receives operating funds from the government (as per Bill 213)

Discretionary Exemptions:

- Reduce in part or whole D.C. for types of development or classes of development (e.g. industrial or churches)
- May phase-in over time
- Redevelopment credits to recognize what is being replaced on site (not specific in the Act but provided by case law)



Changes to the D.C.A Bills 108, 138, 197 & 213

Niagara Region 2021/2022
D.C. Background Study

Changes to the D.C. Legislation since 2017



There were a number of changes to the D.C.A. since the completion of the previous background study. These changes were provided through:

- Bill 108: More Homes, More Choice Act, 2019
- Bill 138: Plan to Build Ontario Together Act, 2019
 - Removed instalment payments for commercial and industrial developments (identified in Bill 108)
- Bill 197: COVID-19 Economic Recovery Act, 2020
- Bill 213: Better for People, Smarter for Business Act, 2020



Bill 108: “More Homes, More Choice: Ontario's Housing Supply Action Plan”

- On May 2, 2019, the Province introduced Bill 108, which proposed changes to the D.C.A.
 - The Bill received Royal Assent on June 6, 2019
- The following provisions are effective as of January 1, 2020:
 - Rental housing and institutional developments will pay D.C.s in 6 equal annual payments
 - Non-profit housing developments will pay D.C.s in 21 equal annual payments
 - The D.C. rate is frozen for Site Plan or Zoning By-law amendments until 2 years after approval
 - Interest may be charged on the instalments and rate freeze

Bill 197 (COVID-19 Economic Recovery Act, 2020)



The Province tabled legislation on July 8, 2020 in response to the COVID-19 global pandemic. Many of the changes proposed in Bill 108 that were not yet in effect have now been revised. All sections of Bill 197 were proclaimed on September 18, 2020. The following changes are provided in Bill 197:

- Eligible services: the list of eligible services has now been expanded from the original list under Bill 108.
- The mandatory 10% deduction is removed for all D.C.-eligible services
- The mandatory 10-year planning horizon for soft services has been removed (except for transit)
- Community Benefits Charge: eligible for **lower-tier and single-tier** municipalities only – limit 4% of market value of land
 - Can only be applied to higher density development (where there are more than 10 residential units and 5 or more storeys)



Study Process & Timelines

Niagara Region 2021/2022 D.C.
Background Study



Proposed Timelines for Study Process



Note: Stakeholder meetings to be held throughout process (i.e. local municipal stakeholders & development community)



Next Steps

Niagara Region 2021/2022 D.C.
Background Study

Next Steps



- Regional staff and Watson preparing Service Standard and Capital worksheets
- Regional staff and Watson to prepare outline of Policy Document for discussion at next DC Task Force meeting. Policies may include:
 - Timing of Collection – Instalment payments and DC rate freeze (Bill 108);
 - Calculation Methodology;
 - Discretionary Exemptions – DC By-law vs. Grant Program;
 - Area-rating;
 - Definitions in the By-law;
 - Treatment of Secondary Units in New Homes; and
 - Other areas determined by staff and the DC Task Force.



Questions?

Subject: Regional Development Charge Policy Task Force Meeting Schedule

Report to: Regional Development Charges Policy Task Forces

Report date: Thursday, March 25, 2021

Recommendations

1. That the Regional Development Charge Policy Task Force schedule of regular meetings for 2021 and 2022, attached as Appendix 1, **BE APPROVED**.

Key Facts

- The purpose of this report is to seek the Regional Development Charges Policy Task Force (RDCPTF) approval of the schedule of regular meetings for 2021 and 2022.
- As per the Terms of Reference, a meeting schedule, following a six week cycle, shall be set for the Regional Development Charges Policy Task Force during the 18 months preceding the expiry of the Regional Development Charges By-Law (RDC By-law expiry is August 31, 2022).
- Additional meetings may be scheduled at the call of the RDCPTF Chair as required.

Financial Considerations

There are no financial considerations associated with this report.

Analysis

Staff have prepared a draft 2021 and 2022 Regional Development Charge Policy Task Force (RDCPTF) meeting schedule for consideration attached as Appendix 1.

As per the Terms of Reference, a meeting schedule, following a six week cycle, shall be set for the Regional Development Charges Policy Task Force during the 18 months preceding the expiry of the Regional Development Charges By-Law (RDC By-law expiry is August 31, 2022). As per Appendix 1, all regular scheduled meetings will occur at 4 pm on the day of the meeting. Meetings may also be called if required by the RDCPTF Chair.

The draft RDCPTF meeting schedule was developed with consideration to the previously adopted 2021 legislative schedule for regular meetings (i.e., Committee and Council Meetings) in order to minimize added meeting days for task force members.

Alternatives Reviewed

Not applicable.

Relationship to Council Strategic Priorities

Not applicable.

Other Pertinent Reports

None.

Prepared by:

Rob Fleming, MBA
Senior Tax & Revenue Analyst
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Margaret Murphy, Associate Director, Budget Planning & Strategy, and reviewed by Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer.

Appendices

Appendix 1 Schedule of Regular Meetings

2021 RDC POLICY TASK FORCE SCHEDULE OF REGULAR MEETINGS - DRAFT

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 Regional Development Charge Policy Task Force

Meeting Times

Regular Meetings of the RDCPTF to start at 4 pm.

2022 RDC POLICY TASK FORCE SCHEDULE OF REGULAR MEETINGS - DRAFT

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 Regional Development Charge Policy Task Force

Meeting Times

Regular Meetings of the RDCPTF to start at 4 pm.

MEMORANDUM

RDCPTF-C 1-2021

Subject: Regional Development Charges Policy Task Force Terms of Reference

Date: March 25, 2021

To: Regional Development Charges Policy Task Force

From: Rob Fleming, Senior Tax & Revenue Analyst

For information, attached as Appendix 1 is the Regional Development Charges Policy Task Force Terms of Reference. The terms of reference were updated June 2018.

Respectfully submitted and signed by

Rob Fleming, MBA
Senior Tax & Revenue Analyst

Terms of Reference for Regional Development Charges Policy Task Force

Preamble

The Regional Development Charges Policy Task Force is a policy advisory committee established by Niagara Region in accordance with the following terms of reference. The Regional Development Charges Policy Task Force has been established to advise Regional Council, reporting through the Corporate Services Committee, on municipal requirements contained in the Development Charges Act, 1997 and matters related to the Region's Development Charges Study and By-law.

Mandate

To advise Niagara Region regarding the matters related to development and implementation of policy to be incorporated within the Region's Development Charges Study and By-law including, but not limited to: alignment of development charge policy with the Region's servicing policy, planning and phased infrastructure, and financing of growth related infrastructure and alignment with the Niagara 2041 growth strategy.

Complaints submitted pursuant to the Development Charges Act, 1997, will be heard at a special meeting of Regional Council.

Goal / Purpose

The Regional Development Charges Policy Task Force will advise on capital costs required for infrastructure including:

- How to recover costs and aligning growth with servicing needs
- How development charge policies impact the Region's ability to recover growth related capital costs, and the necessity for these costs to be recovered by new growth
- Provide guidance on development charge policy updates.

The Regional Development Charges Policy Task Force will oversee grant programs that exempt development charges (both mandatory and discretionary) and support the budget request of replacement funding for those development charges exempted.

Reporting Structure

The Regional Development Charges Policy Task Force will report to Regional Council through the Corporate Services Committee.

Work Plan

The task force will provide guidance to staff in the development of the work plan related to the Development Charges By-Law renewal, identifying the specific initiatives and activities to be undertaken within each of the areas of focus, inclusive of budget needs, to further guide decision-making and resource management.

Budget

Not applicable

Membership

Composition

Membership for the Regional Development Charges Policy Task Force shall be a minimum of 16 members of Council, and shall include:

- Chair and Vice Chair
- Other Council members

Term

The term of membership shall be four years, concurrent with Regional Council's elected term of office, and the membership shall be approved by Council in accordance with membership requirements in the terms of reference.

Current Regional Development Charges Policy Task Force Committee members shall indicate their desire to be re-appointed to the Committee no later than the last meeting prior to the change in Council.

Privacy

The meetings of the Regional Development Charges Policy Task Force are public unless confidential matters are discussed.

Roles and Responsibilities

Chair and Vice Chair

A Chair and Vice Chair will be elected from Regional Development Charges Policy Task Force Committee members on a biannual basis at the first meeting of the New Year to preside over meetings and Committee business.

It is the role of the Chair to preside over Regional Development Charges Policy Task Force Committee meetings so that its business can be carried out efficiently and effectively, and to act as a liaison between the Regional Development Charges Policy Task Force Committee, the Corporate Services Committee and Regional Council.

It is the role of the Vice Chair to preside over Regional Development Charges Policy Task Force Committee meetings in the absence of the Chair and to perform any other duties delegated by the Chair or as assigned by the Committee through a majority vote.

Committee Members

All Regional Development Charges Policy Task Force members, including the Chair and Vice Chair, have the responsibility to help achieve its mandate and goals / purposes. Committee members are also responsible for:

- Reviewing meeting materials in advance of the meetings and arriving prepared to provide a broad perspective on the issues under consideration

- Working diligently to complete assigned activities
- Participating on working groups, as appropriate
- Agreeing to describe, process and resolve issues in a professional and respectful manner
- Providing input to help identify future projects or strategic priorities for future years' work
- Communicating activities of the Committee to groups represented or those who may have an interest and offer information back to the Committee

Working Groups

To fulfill its mandate and accomplish its goals, the Regional Development Charges Policy Task Force may establish working groups to deal with specific issues or projects. The working groups will meet, as needed, to review specific issues referred to them by the Regional Development Charges Policy Task Force and otherwise complete their assigned tasks.

Working groups are considered to be time-limited, project specific, sub-committees of the Regional Development Charges Policy Task Force in that they are convened to accomplish a specific task (or tasks) in a narrowly defined time period.

Resources

The Corporate Services department is the designated lead department providing resource support for the Regional Development Charges Policy Task Force. However, the Committee also has access to the technical expertise of staff from other Regional departments as may be required. It is recognized that staff time and the level of participation will be dependent on other departmental priorities as determined by senior management and/or Regional Council. As required, additional resources may be sought. Additional resourcing may be required for projects with senior levels of government.

The Regional Development Charges Policy Task Force Committee shall receive administrative support from the Office of the Regional Clerk for meeting and agenda management.

Meetings

A meeting schedule, following a six week cycle, shall be set for the Regional Development Charges Policy Task Force during the 18 months preceding the expiry of the Regional Development Charges By-Law or at the call of the Chair, should a time sensitive matter arise during this time. The schedule will be circulated to the members for approval prior to the 18 month time period. Meetings held outside this 18 month time period will be at the call of the Chair.

The Regional Development Charges Policy Task Force meetings will be held at Regional headquarters at a time as determined by the members. All meetings will be open to the public unless confidential information is presented.

Meetings shall be governed by the Region's Procedural By-law, being a by-law to govern the calling, place and proceedings of the meetings of Council and its Committees, as may be amended from time-to-time.

If necessary, a schedule setting the due dates for materials to be included on the agenda will be circulated to each member pending adoption of a meeting schedule or the scheduling of a meeting date.

A committee member who is unable to attend a meeting, shall forward their regrets to the Office of the Regional Clerk as soon as possible. Should the Office of the Regional Clerk not have confirmation of quorum 24 hours prior to the meeting, the meeting shall be cancelled.

Absenteeism

Members who miss three consecutive meetings without authorization, shall be deemed to have resigned from the Committee and will be notified of this in writing by the Committee Chair.

Amendments to the Terms of Reference

The terms of reference should be reviewed and refined at a minimum of every four years to ensure that they remain current and meaningful.

Proposals to amend the terms of reference shall require the approval of a majority of the members present. Proposed amendments to the terms of reference shall be submitted to Regional Council for approval through the Corporate Services Committee and shall take effect only upon the approval of Council.

MEMORANDUM

RDCPTF-C 2-2021

Subject: Key Considerations for Regional Development Charges By-law Update

Date: March 25, 2021

To: Regional Development Charge Policy Task Force

From: Rob Fleming, Senior Tax & Revenue Analyst

During the 2022 Regional development charge (RDC) background study and by-law project staff will be working towards and report to the Task Force on the following key considerations:

- Preparation of a complete RDC background study and by-law in accordance with legislative requirements ensuring the full cost recovery of growth related expenditures.
- Ensuring consistency and alignment between the RDC background study, Water/Wastewater Master Servicing Plans (MSP), Transportation Master Plans (TMP) and Niagara Region Official Plan (OP).
- Ensuring sufficient engagement with key stakeholders throughout the RDC background study/By-law process including the LAMs and various business associations.
- Clarifying definitions and language from 2017 RDC By-law to eliminate ambiguities and to increase clarity.
- Reviewing existing/proposed RDC incentives against the Council approved incentive pillars of brownfield redevelopment, affordable housing, employment in key sectors and public realm to ensure alignment, sustainability and efficacy.
- In coordination with the incentive review, creating incentive programs through policy and procedures instead of embedding in the 2022 RDC by-law.

To date staff have initiated work required for achieving the above key considerations including:

- Awarding RDC background study/by-law consulting services to Watson and Associates Economists Ltd. (Watson) within approved project budget (Watson was lead consultant on 2017 DC background study and by-law and has significant experience in completing projects of a similar size and scope with other municipalities)
- Holding first kick-off meeting between Watson and Region staff on March 5, 2021. Project leads from other area of the Niagara 2051 project were present including the TMP, MSP and OP.
- Actively reviewing RDC related incentive with the Region's incentive review team.

Respectfully submitted and signed by

Rob Fleming, MBA
Senior Tax & Revenue Analyst