

REPORT FOR PUBLIC CONSULTATION

PREPARED BY HEMSON FOR MUNICIPALITY OF KINCARDINE



# AREA-SPECIFIC DEVELOPMENT CHARGES BACKGROUND STUDY – 9/21 BUSINESS PARK

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# EXECUTIVE SUMMARY

## A. PURPOSE OF AREA-SPECIFIC DEVELOPMENT CHARGES (ASDC) STUDY

The following summarizes the findings of the Municipality of Kincardine's Area-Specific Development Charges (ASDC) Background Study for the Highway 9 and Highway 21 (herein referred to as "9/21") Business Park lands. The development charges identified in this study update the Municipality's existing development charges levied under DC By-law 2020-048.

## B. THE STUDY IS CONSISTENT WITH DEVELOPMENT CHARGES LEGISLATION

This study calculates area-specific development charges for the Municipality of Kincardine's 9/21 Business Park lands in compliance with the provisions of the *Development Charges Act, 1997* (DCA) and its associated regulation (Ontario Regulation 82/98) and the recently amended provisions of the legislation.

This report identifies the development-related capital costs attributable to development that is forecast to occur in the identified 9/21 Business Park lands. The costs are apportioned and calculated on a net developable land area basis that reflect the increase in the need for service attributable to development occurring within the area.

The calculated charges are the maximum charges the Municipality may adopt. Although Council can approve lower charges, this requires a reduction in the capital plan, reduced service levels, or may require financing from other sources, most likely property taxes and utility rates.

## C. DEVELOPMENT FORECAST

A net developable land area forecast was prepared for the 9/21 Business Park lands and was informed based on information provided by the Municipality's engineering consultants and reviewed by staff. The total vacant land area of the 9/21 Business Park lands is 51.16 hectares (126.42 acres). After adjusting for non-developable land areas (e.g. road allowances, stormwater blocks, environmentally protected areas, etc.), lands that have been developed and paid DCs as well as future developable lands that will not benefit from the proposed infrastructure improvements, the total net developable land area amounts to 27.65 hectares (68.32 acres).

The following provides a summary of the total land area, non-developable land area and net developable land area.

Description	Land Area
Total Land Area of Site (less existing sites)	51.16 ha (126.42 acres)
Less: Lands Developed (Paid ASDC)	1.41 ha (3.49 acres)
Less: Future Developable Lands	19.51 ha (48.21 acres)
Less: Non-Developable Area	2.59 ha (6.40 acres)
<b>Total Net Developable Area</b>	<b>27.65 ha (68.32 acres)</b>

#### D. DEVELOPMENT RELATED-CAPITAL PROGRAM

The development-related capital program includes infrastructure costs relating to the increase in need for service arising from the future development of the identified 9/21 Business Park lands. Capital costs relating to the design and construction of roads and related, storm, water (including the construction of a booster pumping station) and wastewater infrastructure are included in the calculation. To date, the Municipality has debentured \$2.63 million (\$2.87 million with interest) to help fund capital works incurred. The financing costs related to this loan are eligible for DC recovery and are therefore included in the rate calculation.

In total, the capital program amounts to \$6.53 million, which is brought forward to the development charges calculation. The following is a summary of the development-related capital forecast for all services.

Area-Specific Costs 2025-Buildout	Gross Cost (\$000)	ASDC Eligible (\$000)
Recovery of Expenses Incurred	\$4,473.6	\$4,473.6
Other Engineering Infrastructure	\$1,560.6	\$1,560.6
Issued Debentures - Outstanding Principal and Interest 1	\$2,865.6	\$2,865.6
Financing Costs on Remaining Infrastructure	\$479.3	\$479.3
Studies	\$15.0	\$15.0
Adjustment for Funding Received for Projects	(\$2,864.9)	(\$2,864.9)
<b>Total</b>	<b>\$6,529.2</b>	<b>\$6,529.2</b>

## E. AREA-SPECIFIC DEVELOPMENT CHARGES CALCULATION

The calculated ASDC is based on a net developable land area and is applied uniformly to both residential and non-residential development. The table below sets out the identified area-specific rate calculation.

Total Development-Related Cost	Net Developable Area	Cost per Net Developable Area
\$6,529,181	27.65 ha 68.32 acres	\$236,151/ha \$95,568/acre

## F. PROPOSED ASSETS ARE DEEMED TO BE FINANCIALLY SUSTAINABLE

In accordance with the DCA, a long-term capital and operating impact analysis as well as an asset management plan has been undertaken for the identified servicing works. In total, the net operating costs related to the proposed area-specific projects are estimated to be similar to other DC eligible services provided by the Municipality. Any increase in assessment growth driven by the forecast development will be able to offset any operating impacts and related long-term capital costs.

From an asset management perspective, the calculated lifecycle costs are considered financially sustainable as it is expected that the increased operating, maintenance and capital asset management requirements can be absorbed through the Municipality's tax and utility rates over time.

# 1. INTRODUCTION AND BACKGROUND

The Municipality of Kincardine's Area-Specific Development Charges (ASDC) Background Study for the 9/21 Business Park lands is presented as part of a process to lead to the approval of a new ASDC By-law in compliance with the *Development Charges Act, 1997* (DCA) and its associated *Ontario Regulation 82/98 (O. Reg. 82/98)*.

As designated by Kincardine's Official Plan, the Business Park includes the first four farm lots east of Highway 21 and south of Highway 9. The northern two-thirds of the western-most lot has been serviced and developed. In the summer of 2017, a Servicing Master Plan to identify the infrastructure needs associated with the continued development of the Kincardine Business Park was completed by BM Ross. As part of this ASDC Background Study, BM Ross and staff have updated costs to reflect changes to the proposed scope of work, recent tenders and construction prices.

Zoning policies for the Business Park will permit highway commercial, large format retail and light industrial land uses. There is significant potential for commercial and light industrial development within the Business Park; however, development potential is contingent on the availability of municipal services. The Municipality wishes to continue to use ASDCs to fund development-related capital projects so that development may be serviced in a fiscally responsible manner.

## A. LEGISLATIVE CONTEXT

The study is prepared in accordance with the DCA and associated regulations, including the amendments that came into force most recently on November 28, 2022 as per *Bill 23: More Homes Built Faster Act, 2022*. Prior to the publishing of this Consolidated DC Study, *Bill 185: Cutting Red Tape to Build More Homes Act, 2024* came into force which reversed the 5-year mandatory phase-in of DCs enacted under Bill 23 and also provided exemptions for Affordable and Attainable housing projects that meet the legislative requirements. Key legislative changes incorporated into this study include:

- Historical service level standards have been extended from a 10 to 15-year planning period;
- DC by-laws now expire every 10 years instead of 5 years;
- The amount of interest paid on DC deferrals and freeze is capped at prime plus 1%;

- Costs associated with affordable housing services are now ineligible for recovery through DCs;
- Municipalities must spend or allocate 60% of available DC reserve funds per year for roads, water and wastewater services;
- Discounts for purpose-built rentals based on the number of bedrooms; and
- Exemptions for Affordable and Attainable housing developments which meet the definitions under the DCA.

## A. STAKEHOLDER CONSULTATION & KEY DATES

In accordance with the DCA, a statutory public meeting will be held to solicit feedback on ASDC study and associated By-law. Input received from the statutory public meeting will be considered prior to the passage of the ASDC By-law. The draft ASDC By-law is provided in Appendix A of this report.

A summary of legislative requirements and proposed dates are summarized below. The dates are subject to change as part of the ongoing ASDC Study process.

Item	Proposed Timeline
Release ASDC Background Study to Public & Draft ASDC By-law	January 24, 2025
Notice of Public Meeting (20 days before Public Meeting)	February 6, 2025
Statutory Public Meeting	February 26, 2025
<b>By-law Passage</b>	<b>March 26, 2025</b>
Notice of By-law Passage	April 15, 2025
Appeal Period Ends	May 5, 2025

## B. KEY STEPS IN DETERMING AREA-SPECIFIC DEVELOPMENT CHARGES FOR FUTURE DEVELOPMENT-RELATED PROJECTS

Section 10(1) of the DCA, sets out the requirement for a municipality to complete a Background Study prior to the passage of a DC By-law. Subsection 10(2) identifies what is to be included in the DC Background Study. These legislative requirements are shown in Figure 1 and are discussed below as well as in subsequent sections:

- s.10(2)(a) – estimate the amount, type and location of development to which the development charge is to apply;

s.10(2)(b) – establish the eligible growth-related costs and services (as determined under *paragraphs* 2 to 8 of subsection 5(1) of the DCA) to which the development charge by-law would relate;

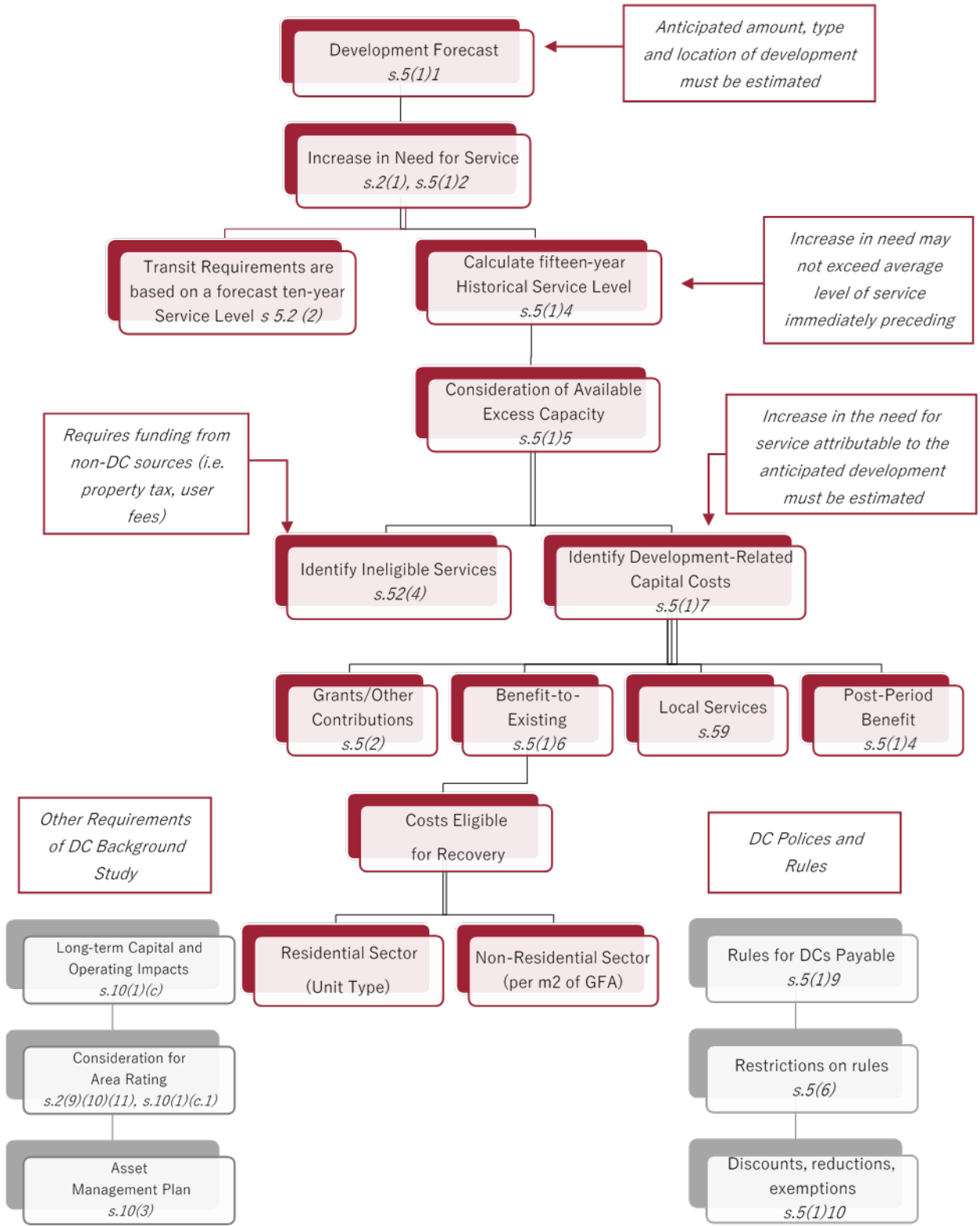
s.10(2)(c) – examine, for each service to which the development charge by-law relates, the long term capital and operating costs for the capital infrastructure required.

s.10(2)(c.1) – consideration for the use of more than one development charge by-law to reflect different needs for services in different areas.

s.10(2)(c.2)(3) – an asset management plan deals with all assets proposed to be funded under the development charges by-law that demonstrates that assets are financially sustainable over their full life cycle.



**Figure 1: Statutory Requirements of Development Charge Calculation and Study Process**



## **2. AREA-SPECIFIC APPROACH IS USED TO ALIGN DEVELOPMENT-RELATED COSTS AND BENEFITS**

Several key steps are required when calculating any development charge. However, specific circumstances arise in each municipality that must be reflected in the calculation. Therefore, Hemson has tailored the approach to the unique circumstances in the Municipality of Kincardine. The approach to the proposed ASDC is focused on providing a reasonable alignment of development-related costs with the development that necessitates them.

### **A. AREA-SPECIFIC DEVELOPMENT CHARGES HAVE BEEN CALCULATED**

The DCA provides municipalities with flexibility to define services included in development charge by-laws, if other provisions of the Act and its associated regulations are met. The DCA also requires that the by-laws designate the areas within the Municipality for which the by-laws shall be imposed. The development charges may apply to all lands in the Municipality or to other designated development areas as specified in the by-laws.

The Municipality of Kincardine currently levies an area-specific development charge for the 9/21 Business Park lands to recover for various infrastructure works including roads, storm, water and wastewater. As the identified infrastructure requirements provide a localized benefit specific to a distinct geographic boundary, area-specific development charges continue to be more appropriate than a Municipal-wide charge.

It is important to note that both the Municipal-wide development charges and the calculated area-specific development charges would apply to development on the 9/21 Business Park lands.

A map of the 9/21 Business Park lands is included in Section III.

#### **i. Developable Land Area Forecast**

A land area based development charge is proposed for the purposes of calculating an ASDC for the 9/21 Business Park lands. As such, a land area forecast has been prepared with

input from the Municipality and its engineering consultants, BM Ross, to determine the total available developable land from 2025 to buildout.

For the purposes of the ASDC calculation, the total developable land area, net of developed areas, land areas such as road allowances, stormwater blocks, environmentally protected etc., lands which have already developed and paid DCs, as well as future developable lands not contemplated in this Study, is used for the purposes of the calculation.

## ii. **Service Categories and Historical Service Levels, If Applicable**

The DCA provides that the increase in the need for service attributable to anticipated development:

... must not include an increase that would result in the level of service exceeding the average level of that service provided in the municipality over the 10-year period immediately preceding the preparation of the background study...(s. 5. (1) 4.)

This provision of the DCA is typically applicable to general services and requires a detailed review of capital service levels for buildings, land, vehicles and related and facilities. For engineered services, such as water, wastewater, stormwater management and roads (including road-related works), historical service levels are less applicable as municipalities must build to minimum standards required by Provincial health and environmental requirements.

Given that the increase in need for service identified for the 9/21 Business Park lands relate to engineered services, the ASDC calculations are not subject to the same service level restrictions applied for general services, thus no funding level caps have been applied.

## iii. **Development-Related Capital Program and DC Eligible Costs to be recovered through the ASDCs**

The development-related capital program has been prepared by the Municipality's engineering consultants and reviewed by staff. The program identifies development-related projects and their gross and net costs, after allowing for capital grants, subsidies or other contributions as required by the Act (DCA, s. 5. (2)). The capital forecast provides another cornerstone upon which development charges are based. The DCA requires that the increase in the need for service attributable to the anticipated development may include an increase:

... only if the council of the municipality has indicated that it intends to ensure that such an increase in need will be met. (s. 5. (1) 3.)

The development-related capital program prepared for this Study ensures that development charges are only imposed to help pay for projects that have been or are intended to be purchased or built in order to accommodate future anticipated development. It is not sufficient in the calculation of development charges merely to have had the service in the past. There must also be a demonstrated commitment to continue to emplace facilities or infrastructure in the future. In this regard, *Ontario Regulation 82/98*, s. 3 states that:

For the purposes of paragraph 3 of subsection 5 (1) of the Act, the council of a municipality has indicated that it intends to ensure that an increase in the need for service will be met if the increase in service forms part of an Official Plan, capital forecast or similar expression of the intention of the council and the plan, forecast or similar expression of the intention of the council has been approved by the council.

For some projects in the development-related capital program, a portion of the project may confer benefits to existing residents. As required by the DCA, s. 5. (1) 6., these portions of projects and their associated net costs are the funding responsibility of the Municipality from non-development charges sources. The amount of municipal funding for such non-development shares of projects is also identified as part of the preparation of the development-related capital program.

#### **iv. Attribution to Net Developable Land Area**

Once the total gross capital project costs have been identified and all necessary reductions and adjustments have been made, the ASDC is calculated based on the net developable land area and expressed as a rate per net hectare (or net acre).

### 3. AREA-SPECIFIC DEVELOPMENT FORECAST

This section provides the basis for the total net developable land area forecasts used in calculating area-specific development charges on the 9/21 Business Park lands. The total developable land area was informed based on data provided by the Municipality’s engineering consultants and through discussions with Municipal staff. This practice aligns with the provisions of the DCA, which require that development charges be determined with reference to *“the amount, type and location of development for which development charges can be imposed...”* (s.5.(1)1.).

#### A. TOTAL NET DEVELOPABLE LAND AREA

The developable land area included in this Study excludes the development of some parcels in the 9/21 Business Park. This adjustment was made in recognition that these properties will not develop in the immediate future and that subsequent phases of the Business Park will require new infrastructure as it is built out. These lands are referenced as “future development” in Table 1 below. Lands that are already occupied in the Business Park have also been excluded from the analysis.

After this adjustment, the net developable land area is determined by removing land that is used for the purposes of roads allowances, stormwater blocks, environmentally sensitive areas etc. The total net developable land area has been determined for the purposes of calculating the total applicable ASDCs payable on a per net hectare basis.

Table 1 provides a summary of the total developable and net developable land areas. In total, the net developable land area of the 9/21 Business Park lands used for the purposes of the ASDC calculation is 29.06 hectares or 71.81 acres.

**Table 1 – Summary of Net Developable Land Area**

Description	Land Area
Total Land Area of Site (less existing sites)	51.16 ha
Less: Lands Developed (Paid ASDC)	1.41 ha
Less: Future Developable Lands	19.51 ha
Less: Non-Developable Area	2.59 ha
<b>Total Net Developable Area</b>	<b>27.65 ha</b>

## **B. MAP OF AREA-SPECIFIC DEVELOPMENT CHARGES AREA**

Figure 2 provides an outline of the area to which the proposed ASDCs will apply. As noted above, existing properties and properties related to future development are not included in the calculation and are therefore not required to pay the calculated ASDC rate.

Figure 2: Map of Highway 9/21 Business Park Lands



## 4. THE DEVELOPMENT-RELATED CAPITAL PROGRAM AND CALCULATED AREA-SPECIFIC DEVELOPMENT CHARGES

### A. A DEVELOPMENT-RELATED CAPITAL FORECAST IS PROVIDED FOR COUNCIL'S APPROVAL

The DCA requires the Council of a municipality to express its intent to provide future capital facilities. As noted above in Section II, *Ontario Regulation 82/98*, s. 3 states that:

For the purposes of paragraph 3 of subsection 5 (1) of the Act, the council of a municipality has indicated that it intends to ensure that an increase in the need for service will be met if the increase in service forms part of an official plan, capital forecast or similar expression of the intention of the council and the plan, forecast or similar expression of the intention of the council has been approved by the council.

One of the recommendations contained in this study is for Council to adopt the development-related capital forecast related to the ASDC calculation. It is assumed that future capital budgets and forecasts will continue to bring forward the development-related projects contained herein, consistent with the growth occurring in the Municipality. It is acknowledged that changes to the forecast presented here may occur through the Municipality's normal capital budget process.

### B. PROPOSED DEVELOPMENT-RELATED CAPITAL FORECAST

The following provides a detailed discussion of the analysis undertaken to establish the area-specific capital program for the 9/21 Business Park lands. The projects identified in the capital program are driven by the need to provide infrastructure to the proposed commercial, large format retail and light industrial land uses that are permitted by the Municipality's zoning policies.

The development-related capital program is based on updated cost estimates prepared by the Municipality's engineering consultant, BM Ross, and further reviewed by staff. Outstanding debenture payments, including financing costs are also included in the calculation along with financing costs for future infrastructure.



## i. **Summary of Development-Related Capital Program Costs**

As shown in Table 2, the 2025-buildout engineered services capital program totals \$6.53 million and includes for design work, construction of roadwork, storm, water and wastewater related infrastructure, the cost of undertaking the ASDC Study as well as financing costs. The total cost of the capital infrastructure, \$6.53 million, is related to new development occurring within the 9/21 Business Park lands and therefore is fully attributable to future development and included in the calculation.

The following provides a brief discussion of the identified infrastructure needs to service the 9/21 Business Park lands.

- **Recovery of Expenses Incurred** – includes roads, water and sanitary infrastructure and Kincardine’s share of the design and construction costs associated with the Ministry of Transportation (MTO) project for the Hwy 21 at Russell Street Intersection. Financing costs related to this work are also included in the calculation.
- **Other Engineering Infrastructure** – Includes design and construction costs related to engineering works as well as a water booster pumping station. There is also an additional \$200,000 related to the design and construction costs associated with the Hwy 21 at Russell Street Intersection MTO project which has yet to be incurred.
- **Issued Debentures - Outstanding Principal and Interest** – in total the Municipality will incur \$2.87 million in principal and interest costs related to DC eligible infrastructure over the 2025-2029 period. The issued debt relates to projects which have previously been incurred.
- **Financing Costs on Remaining Infrastructure** – relates to costs which have not yet been debentured financed. Financing costs are estimated based on 5-year loan at a 3.48% interest rate.
- **Studies** – relates to the cost of undertaking the ASDC Background Study.
- **Adjustment for Funding Received for Projects** – the capital costs are reduced by funding received for projects to date. This includes \$2.63 million in debentures and \$238,900 in ASDC collections received to date.

TABLE 2  
MUNICIPALITY OF KINCARDINE  
DEVELOPMENT-RELATED CAPITAL PROGRAM  
9/21 BUSINESS PARK LANDS  
2025 TO BUILDOUT

Project Description	Gross Project Cost	Grants/ Subsidies/Other Recoveries	Net Municipal Cost	Replacement/ Benefit to Existing		Total Growth-Related Costs	Other Non-DC Eligible Costs		Total ASDC Eligible 2025-Buildout
				%	\$		%	\$	
<b>1.0 9/21 BUSINESS PARK LANDS</b>									
<b>1.1 Recovery of Expenses Incurred</b>									
1.1.1 Previously completed infrastructure - Roads and Related, Storm Infrastructure, Water and Wastewater etc. (includes share of MTO project)	\$ 4,044,102	\$ -	\$ 4,044,102	0%	\$ -	\$ 4,044,102	0%	\$ -	\$ 4,044,102
1.1.2 Financing Costs (Infrastructure Ontario Loan - pre 2025)	\$ 212,240	\$ -	\$ 212,240	0%	\$ -	\$ 212,240	0%	\$ -	\$ 212,240
1.1.3 Financing Costs (Recovery of Internal Financing Costs for 2018 & 2019 Expenses)	\$ 217,230	\$ -	\$ 217,230	0%	\$ -	\$ 217,230	0%	\$ -	\$ 217,230
Subtotal Recovery of Expenses Incurred	\$ 4,473,572	\$ -	\$ 4,473,572		\$ -	\$ 4,473,572		\$ -	\$ 4,473,572
<b>1.2 Other Engineering Infrastructure</b>									
1.2.1 Water Booster Pumping Station	\$ 1,180,420	\$ -	\$ 1,180,420	0%	\$ -	\$ 1,180,420	0%	\$ -	\$ 1,180,420
1.2.2 Engineering - Design and Construction	\$ 180,180	\$ -	\$ 180,180	0%	\$ -	\$ 180,180	0%	\$ -	\$ 180,180
1.2.3 MTO Project - Design & Construction of Hwy 21 at Russell Street Intersection (top-up)	\$ 200,000	\$ -	\$ 200,000	0%	\$ -	\$ 200,000	0%	\$ -	\$ 200,000
Subtotal Other Engineering Infrastructure	\$ 1,560,600	\$ -	\$ 1,560,600		\$ -	\$ 1,560,600		\$ -	\$ 1,560,600
<b>1.3 Issued Debentures - Outstanding Principal and Interest <sup>1</sup></b>									
1.3.1 Principal Payments - 2025-2029	\$ 2,626,000	\$ -	\$ 2,626,000	0%	\$ -	\$ 2,626,000	0%	\$ -	\$ 2,626,000
1.3.2 Interest Payments - 2025-2029	\$ 239,586	\$ -	\$ 239,586	0%	\$ -	\$ 239,586	0%	\$ -	\$ 239,586
Subtotal Issued Debentures - Outstanding Principal and Interest	\$ 2,865,586	\$ -	\$ 2,865,586		\$ -	\$ 2,865,586		\$ -	\$ 2,865,586
<b>1.4 Financing Costs on Remaining Infrastructure</b>									
1.4.1 Financing costs for remaining expenses (5-year at 3.48%)	\$ 479,334	\$ -	\$ 479,334	0%	\$ -	\$ 479,334	0%	\$ -	\$ 479,334
Subtotal Financing Costs on Remaining Infrastructure	\$ 479,334	\$ -	\$ 479,334		\$ -	\$ 479,334		\$ -	\$ 479,334
<b>1.5 Studies</b>									
1.5.1 ASDC Amendment Study Update	\$ 15,000	\$ -	\$ 15,000	0%	\$ -	\$ 15,000	0%	\$ -	\$ 15,000
Subtotal Studies	\$ 15,000	\$ -	\$ 15,000		\$ -	\$ 15,000		\$ -	\$ 15,000
<b>1.6 Adjustment for Funding Received for Projects</b>									
1.6.1 Debt Financing	\$ (2,626,000)	\$ -	\$ (2,626,000)	0%	\$ -	\$ (2,626,000)	0%	\$ -	\$ (2,626,000)
1.6.2 Existing ASDC Collection Applied	\$ (238,910)	\$ -	\$ (238,910)	0%	\$ -	\$ (238,910)	0%	\$ -	\$ (238,910)
Subtotal Adjustment for Funding Received for Projects	\$ (2,864,910)	\$ -	\$ (2,864,910)		\$ -	\$ (2,864,910)		\$ -	\$ (2,864,910)
<b>TOTAL 9/21 BUSINESS PARK LANDS</b>	<b>\$ 6,529,181</b>	<b>\$ -</b>	<b>\$ 6,529,181</b>		<b>\$ -</b>	<b>\$ 6,529,181</b>		<b>\$ -</b>	<b>\$ 6,529,181</b>

(1) The debenture issued for \$2.626 million relates to the work covered under project #1.1.1. Remaining Costs to be recovered from ASDC

Development Charge Calculation	
Total Development Related Cost	\$6,529,181
Total Net Developable Land Area (Hectare)	27.65
\$/ Net Developable Hectare	<b>\$236,151</b>
Total Net Developable Land Area (Acres)	68.32
\$/ Net Developable Acre	<b>\$95,568</b>



### C. AREA-SPECIFIC DEVELOPMENT CHARGES CALCULATION

As shown in Table 3, the total DC eligible share of \$6.53 million is attributed to the net developable land area of the 9/21 Business Park lands. This amount, when divided by the total net developable land area of 27.65 hectares (68.32 acres) results in an area-specific development charge of \$236,151 per net hectare (\$95,568 per net acre).

**Table 3 – Summary of Calculated ASDC**

Total Development-Related Cost	Net Developable Area	Cost per Net Developable Area
\$6,529,181	27.65 ha 68.32 acres	\$236,151/ha \$95,568/acre

### D. COMPARISON OF CURRENT VERSUS CALCULATED RATES

Table 4 provides a summary of the current ASDC rate (indexed to January 1, 2025) and the calculated ASDC rate. As shown, the proposed ADSC rate is approximately 3% lower than the current ASDC rate.

	\$/Ha	\$/Acre
Current ASDC Rate - Jan 1, 2025	\$ 243,115	\$ 98,385
Calculated ASDC	\$ 236,151	\$ 95,568
<i>Difference (\$)</i>	<i>(\$6,964)</i>	<i>(\$2,817)</i>
<i>Difference (%)</i>	<i>-3%</i>	<i>-3%</i>

## 5. LONG-TERM CAPITAL, OPERATING COSTS AND ASSET MANAGEMENT PROVISIONS

This section provides a brief examination of the long-term capital and operating costs for the area-specific capital facilities and infrastructure to be included in the ASDC By-law. This section also considers the required annual asset management provisions associated with emplacing the infrastructure.

The DCA now requires that municipalities complete an Asset Management Plan before passing a development charges by-law. A key function of the Asset Management Plan is to demonstrate that all assets proposed to be funded under the development charges by-law are financially sustainable over their full life cycle. The DCA also requires that a background study estimate the future operating cost implications of the development-related capital program contained in the study.

### A. LONG-TERM CAPITAL AND OPERATING IMPACTS

As required by section 10(2)(c) of the DCA, the long-term capital and operating costs for capital infrastructure must be examined. In total, the net operating costs related to the proposed area-specific projects are estimated to be similar to other DC eligible services provided by the Municipality. Any increase in assessment growth driven by the forecast development will be able to offset any operating impacts and related long-term capital costs.

As the proposed infrastructure is required to meet the increase in need for service arising from development charges, no shares of the projects are required to be funded from non-development charge revenues.

### B. ASSET MANAGEMENT CONSIDERATIONS FOR NEW INFRASTRUCTURE

Based on an analysis of the proposed infrastructure requirements associated with servicing the 9/21 Business Park lands, the calculated annual provision amounts to approximately \$100,040. This figure represents the amount of funding which should be contributed on an annual basis to replace the infrastructure at the end of its useful life.

The Municipality has historically done a good job of contributing funds on an annual basis for the future repair and replacement of infrastructure (both tax and rate supported). In order to ensure that these assets are financially sustainable, the Municipality should continue this practice into the future.

### **C. THE PROGRAM IS DEEMED FINANCIALLY SUSTAINABLE**

The calculated lifecycle costs are considered financially sustainable as it is expected that the increased operating, maintenance and capital asset management requirements can be absorbed through the Municipality's tax and utility rates over time.

## 6. OTHER ISSUES AND CONSIDERATIONS

### A. DEVELOPMENT CHARGES ADMINISTRATION

No significant changes are recommended to the Municipality's current policies and practices regarding development charge administration. In this regard:

- It is recommended that practices regarding collection of development charges and by-law administration continue to the extent possible.
- As required under the DCA, the Municipality should codify any rules regarding application of the by-laws and exemptions within the development charges by-laws proposed for adoption.
- It is recommended that Council adopt the development-related capital program included in this background study, subject to annual review through the Municipality's normal capital budget process.
- It is recommended that no exemptions, other than those required in the DCA and existing Municipality-wide DC By-law, be formally adopted in the amending ASDC By-law.
- The Municipality should look to update and incorporate the resulting ASDCs into the next update of the Municipality-wide DC By-law.

**APPENDIX A –  
DRAFT ASDC BY-LAW**

**BY-LAW NO. XXXX**

**OF**

**THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE**

**A by-law to establish development charges  
for the 9/21 Business Park Lands  
of the Corporation of the Municipality of Kincardine**

**WHEREAS** subsection 2(1) of the *Development Charges Act, 1997* c. 27 (hereinafter called “the Act”) provides that the council of a municipality may pass By-laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the by-law applies;

**AND WHEREAS** the Council of The Corporation of the Municipality of Kincardine (“Municipality of Kincardine”) has given Notice in accordance with Section 12 of the *Development Charges Act, 1997*, of its intention to pass a by-law under Section 2 of the said Act;

**AND WHEREAS** the Council of the Municipality of Kincardine has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on XX February, 2025;

**AND WHEREAS** the Council of the Municipality of Kincardine had before it a report entitled Area-Specific Development Charges Background Study – Highway 9 and Highway Business Park Lands dated January 24, 2025 (the “Area-Specific Development Charges Background Study”) prepared by Hemson Consulting Ltd., wherein it is indicated that the development of the 9/21 Business Park lands within the Municipality of Kincardine will increase the need for services as defined herein;

**AND WHEREAS** the Council of the Municipality of Kincardine on March XX, 2025 approved the applicable Area-Specific Development Charges Background Study, dated March XX, 2025, in which certain recommendations were made relating to the establishment of a development charge policy for the Municipality of Kincardine pursuant to the *Development Charges Act, 1997*;

**AND WHEREAS** by resolution adopted by Council of The Corporation of the Municipality of Kincardine on March XX, 2025, Council determined that the increase in the need for services attributable to the anticipated development as contemplated in the Area-Specific Development Charges Background Study dated March XX, 2025, as amended including any capital costs, will be met by updating the capital budget and forecast for the Municipality, where appropriate.



**AND WHEREAS** by Resolution adopted by Council on March XX, 2025, Council approved the Study and determined that no further public meetings were required under Section 12 of the Act;

**AND WHEREAS** by resolution adopted by Council of The Corporation of the Municipality of Kincardine on March XX, 2025, Council determined that the future excess capacity identified in the Area-Specific Development Charges Background Study dated March XX, 2025, shall be paid for by the development charges contemplated in the said Study, or other similar charges;

**AND WHEREAS** the Council of the Municipality of Kincardine has given consideration of the use of more than one development charge by-law to reflect different needs for services in different areas, also known as area rating or area-specific DCs, and has determined that for the services, and associated infrastructure proposed to be funded by DCs under this by-law, that it is fair and reasonable that the charges be calculated on an area-specific basis;

**AND WHEREAS** the Area-Specific Development Charges Background Study dated March XX, 2025 includes asset management considerations for new infrastructure that deals with all assets whose capital costs are intended to be funded under the development charge by-law and that such assets are considered to be financially sustainable over their full life-cycle.

**AND WHEREAS** the Council of the Municipality of Kincardine will give consideration to incorporate the asset management considerations outlined in the Area-Specific Development Charges Background Study within the Municipality's ongoing practices and corporate asset management strategy.

**NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF KINCARDINE ENACTS AS FOLLOWS:**

**DEFINITIONS**

1. In this by-law,
  - (1) "Act" means the *Development Charges Act, 1997, c. 27*;
  - (2) "Agricultural use" means a bona fide farming operation;
  - (3) "Apartment dwelling" means any dwelling unit within a building containing more than four dwelling units where the units are connected by an interior corridor;
  - (4) "Board of education" means a board defined in s.s. 1(1) of the *Education Act*;

- (5) "Bona Fide Farm Use" 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 Municipal Property Assessment Corporation;
- (6) "Building" means a structure consisting of a wall, roof, and floor or any of them or a structural system servicing the function thereof, and includes, but is not limited to, an above grade storage tank, airsupported structures and industrial tents
- (7) "Building Code Act" means the *Building Code Act*, R.S.O. 1992, as amended;
- (8) "Capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality or local board,
- (a) to acquire land or an interest in land, including a leasehold interest;
  - (b) to improve land;
  - (c) to acquire, lease, construct or improve buildings and structures;
  - (d) to acquire, lease, construct or improve facilities including,
    - (i) rolling stock with an estimated useful life of seven years or more,
    - (ii) furniture and equipment, other than computer equipment, and
    - (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, 1984, S.O. 1984, c. 57, and
  - (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
  - (f) to complete the development charge background study under Section 10 of the Act;
  - (g) as interest on money borrowed to pay for costs in (a) to (d);

required for provision of services designated in this by-law within or outside the municipality.

- (9) "Council" means the Council of The Corporation of the Municipality of Kincardine;
- (10) "Development" means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 7 of this by-law and including the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land;
- (11) "Development charge" means a charge imposed pursuant to this By-law;
- (12) "Dwelling unit" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- (13) "Farm building" means a building or structure actually used as part of or in connection with a bona fide farming operation and includes barns, silos and other buildings or structures ancillary to a bona fide farming operation, but excluding a residential use;
- (14) "Garden Suite" means a detached single storey residential dwelling unit accessory to a principal residence that offers alternative accommodation to a senior or disabled family member, and is removable
- (15) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (16) "Gross floor area" means the sum total of the total areas of all floors in a building or structure whether at above or below grade measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:
- (a) includes the floor area of a mezzanine atrium or air supported structure and the space occupied by interior wall partitions; and
- (b) where a building or structure does not have any walls the gross floor area of the building or structure shall be the total of the area of all floors including the ground floor that are directly beneath the roof of the building or structure.

- (17) “Industrial Building” means a building used for or in connection with,
- (a) manufacturing, producing, processing, storing or distributing something,
  - (b) research or development in connection with manufacturing, producing or processing something,
  - (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production, or processing takes place,
  - (d) office or administrative purposes, if they are,
    - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
    - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution.
- (18) “Institutional” means institutional development as defined by the Act and associated Regulation, as amended;
- (19) “Local board” means a public utility commission, public library board, local board of health, or any other board, commission, committee or 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 of the municipality or any part or parts thereof;
- (20) “Local services” means those services or facilities which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates, required as a condition of approval under s.51 of the *Planning Act*, or as a condition of approval under s.53 of the *Planning Act*;
- (21) “Major office” means a building primarily used for offices that comprises a total gross floor area exceeding 25,000 square feet;
- (22) “Municipality” means The Corporation of the Municipality of Kincardine;
- (23) “Multiple dwelling” means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings;
- (24) “Non-profit housing” means housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by i) a non-profit corporation being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or ii) a

non-profit housing co-operative having the same meaning as in the Co-operative Corporations Act, R.S.O. 1990, c.C.35, as amended

- (25) "Non-residential uses" means a building or structure used for other than a residential use;
- (26) "Official plan" means the Official Plan of the Municipality of Kincardine and any amendments thereto;
- (27) "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;
- (28) "Place of worship" means a building or structure, or part thereof, that is exempt from taxation as a place of worship pursuant to paragraph 3 of the Assessment Act, R.S.O. 1990, c. A. 31, as amended, or successor legislation;
- (29) "Planning Act" means the *Planning Act, 1990*, R.S.O. 1990, c.1, as amended;
- (30) "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;
- (31) "Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from a residential use to a non-residential use or from a non-residential use to a residential use, or changing a building or structure from one form of residential use to another form of residential use or from one form of non-residential use to another form of non-residential use;
- (32) "Regulation" means any regulation made pursuant to the Act;
- (33) "Residential uses" means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure;
- (34) "Semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;

- (35) "Service" means services set out in Schedule "A" to this By-law, and "services" shall have a corresponding meaning;
- (36) "Single detached dwelling" means a completely detached building containing only one dwelling unit.

### **DESIGNATION OF SERVICE**

2. It is hereby declared by the Council of the Municipality that all development and redevelopment of land within the 9/21 Business Park lands will increase the need for services.
3. (1) The categories of service for which development charges are imposed under this By-law are as follows:
- a) Storm Infrastructure
  - b) Wastewater Infrastructure
  - c) Water Infrastructure
  - d) Services Related to a Highway: Roads & Related Infrastructure

### **CALCULATION OF DEVELOPMENT CHARGES**

4. (1) Subject to the provisions of this By-law, development charges against lands identified in "Schedule C" shall be imposed, calculated and collected in accordance with the base rates set out in Schedules "B" which relate to the services set out in Schedule "A".
- (2) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
- (a) in the case of a residential use and a non-residential use development, based upon the number of net hectares of land related to the development, as set out in "Schedule B";
  - (b) in the case of redevelopment on lands previously subject to a development charge, the development charge shall be charge based upon the number of net hectares of land related to the development, as set out in Schedule "B".
- (3) Council hereby determines that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the

provision, enlargement or expansion of the services referenced in Schedule “A”.

### **APPLICABLE LANDS**

5. (1) This by-law applies to the lands in the municipality as shown on “Schedule C”, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31.
- (2) This by-law shall not apply to land that is owned by and used for the purposes of:
  - (a) a board of education;
  - (b) any municipality or local board thereof.

### **RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING AND NEW RESIDENTIAL BUILDINGS**

6. (1) Notwithstanding the provisions of this By-law, exemptions for intensification of existing and new housing shall be provided in accordance with the Act.

### **DEVELOPMENT CHARGES IMPOSED**

7. (1) Subject to subsection (2), development charges shall be calculated and collected in accordance with the provisions of this by-law and be imposed on land to be developed for residential and non-residential use, where, the development requires:
  - (i) the passing of a zoning by-law or an amendment thereto under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13;
  - (ii) the approval of a minor variance under Section 45 of the *Planning Act*, R.S.O. 1990, c.P.13;
  - (iii) a conveyance of land to which a by-law passed under subsection 49(7) of the *Planning Act*, R. S.O. 1990, c.P.13 applies;
  - (iv) the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13;
  - (v) a consent under Section 53 of the *Planning Act*, R.S.O. 1990, c.P. 13;

- (vi) the approval of a description under Section 9 of the *Condominium Act*, R.S.O. 1980, c.84; or
  - (vii) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.
- (2) Subsection (1) shall not apply in respect to:
- (a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under Section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13;
  - (b) local services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*, R.S.O. 1990, c.P. 13.

### **LOCAL SERVICE INSTALLATION**

8. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the *Planning Act* that the owner, at his or her own expense, shall install or pay for such local services, within the Plan of Subdivision or within the area to which the plan relates, as Council may require.

### **MULTIPLE CHARGES**

9. (1) Where two or more of the actions described in subsection 7(1) are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this by-law.
- (2) Notwithstanding subsection (1), if two or more of the actions described in subsection 7(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule "A", an additional development charge on the additional net hectares of land related to the development, shall be calculated and collected in accordance with the provisions of this by-law.

### **SERVICES IN LIEU**

10. (1) Council may authorize an owner, through an agreement under Section 38 of the Act, to substitute such part of the development charge applicable to the owner's development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall



further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge in accordance with the agreement provisions and the provisions of Section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu. In no case shall the agreement provide for a credit which exceeds the total development charge payable by an owner to the municipality in respect of the development to which the agreement relates.

- (2) In any agreement under subsection 11(1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this by-law.
- (2) The credit provided for in subsection 11 (2) shall not be charged to any development charge reserve fund.

#### **RULES WITH RESPECT TO RE-DEVELOPMENT**

11. In the case of the demolition of all or part of a residential or non-residential building or structure:
  - (1) a credit shall be allowed, provided that the land was improved by occupied structures within the five years prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within five years from the date the demolition permit has been issued; and
  - (2) if a development or redevelopment involves the demolition of and replacement of a building or structure, or the conversion from one principal use to another, a credit shall be allowed equivalent to:
    - (a) the existing net hectares of land related to the development multiplied by the applicable development charge per net hectare in place at the time the development charge is payable.
12. A credit can, in no case, exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this by-law.

#### **TIMING OF CALCULATION AND PAYMENT**

13. (1) Development charges shall be calculated and payable in accordance with section 26, section 26.1 and section 26.2 of the Development Charges Act.
- (2) Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.
- (3) Notwithstanding subsection (1), the development charge shall be payable with respect to an approval of a plan of subdivision under Section 51 or the *Planning Act* immediately upon entering into an agreement and with respect to a consent under Section 53 of the *Planning Act*, immediately upon entering into a consent agreement and prior to final approval of the consent.

### **INTEREST**

14. (1) The municipality may charge interest on the installments required by Section 26.1(3) of the Act from the date the development charge would have been payable in accordance with Section 26 of the Act to the date the installment is paid.
- (2) Where Section 26.2(1)(a) or (b) of the Act applies, the municipality may charge interest on the development charge from the date of the application referred to in the applicable clause to the date the development charge is payable under Section 26.2(3) and Section 26.3 of the Act.
- (3) The Municipality may determine, by Council resolution, interest rates in relation to section 14(1) and (2) of this by-law.

### **RESERVE FUNDS**

14. (1) Monies received from payment of development charges under this by-law shall be maintained in a separate reserve fund and shall be spent for capital costs determined under paragraphs 2 to 8 of subsection 5(1) of the Act.
- (2) Monies received for the payment of development charges shall be used only in accordance with the provisions of Section 35 of the Act.
- (3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (4) Where any unpaid development charges are collected as taxes under subsection (3), the monies so collected shall be credited to the development charge reserve funds referred to in subsection (1).

- (5) The Treasurer of the municipality shall, in each year, furnish to council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in section 43 of the Act and section 12 of O.Reg. 82/98.

### **BY-LAW AMENDMENT OR APPEAL**

15. (1) Where this by-law or any development charge prescribed thereunder is amended or repealed either by order of the Local Planning Appeal Tribunal or by resolution of the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under subsection 16(1) shall be paid with interest to be calculated as follows:
  - (a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
  - (b) The Bank of Canada interest rate in effect on the date of enactment of this by-law shall be used.
- (3) Refunds that are required to be paid under subsection 16(1) shall include the interest owed under this section.

### **BY-LAW INDEXING**

16. The development charges set out in Schedules "B" to this by-law shall be adjusted annually, as of January 1, 2026, without amendment to this by-law, in accordance with the most recent twelve-month change in the Statistics Canada Quarterly, "Construction Price Statistics", for Ottawa-Gatineau or for Toronto.

### **SEVERABILITY**

17. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

### **HEADINGS FOR REFERENCE ONLY**

18. The headings inserted in this by-law are for convenience of reference only and shall not affect the construction or interpretation of this by-law.

**BY-LAW REGISTRATION**

19. A certified copy of this by-law may be registered on title to any land to which this by-law applies.

**BY-LAW ADMINISTRATION**

20. This by-law shall be administered by the Municipal Treasurer.

**SCHEDULES TO THE BY-LAW**

21. The following Schedules to this by-law form an integral part of this by-law:

- Schedule "A" - Designated Municipal Services in the 9/21 Business Park
- Schedule "B" - Schedule of Development Charges
- Schedule "C" - Map of Area to which this By-law applies

**DATE BY-LAW EFFECTIVE**

22. This By-law shall come into force and effect on March XX, 2025.

**DATE BY-LAW EXPIRES**

23. This By-law expires ten years after the day on which it comes into force.

**SHORT TITLE**

24. This by-law may be cited as the "Municipality of Kincardine Area-Specific Development Charge By-law, 2025"

By-law read a first, second and third time and finally passed this XX day of March, 2025.

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**Mayor, Municipality of Kincardine**

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**Clerk, Municipality of Kincardine**

**SCHEDULE "A"**  
**TO BY-LAW NO. XXXX**  
**DESIGNATED MUNICIPAL SERVICES**  
**9/21 BUSINESS PARK**

1. Storm Water
2. Wastewater Infrastructure
3. Water Infrastructure
4. Services Related to a Highway: Roads & Related Infrastructure

DRAFT

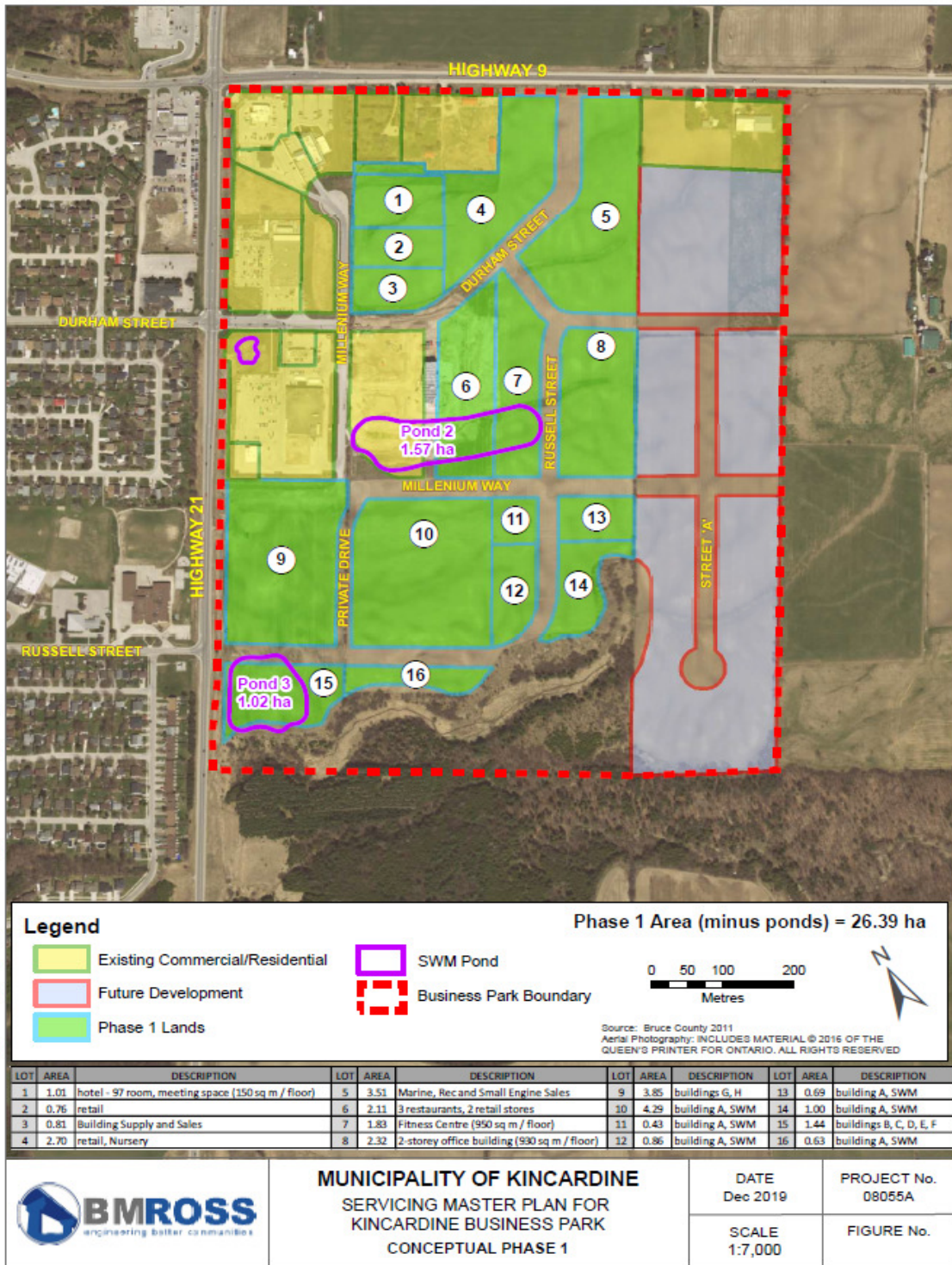
**SCHEDULE "B"**  
**TO BY-LAW NO. XXXX**  
**SCHEDULE OF DEVELOPMENT CHARGES**

Development Charge per Net Hectare

\$236,151

DRAFT

**SCHEDULE "C"  
TO BY-LAW NO. XXX  
MAP OF AREA TO WHICH THIS BY-LAW APPLIES**



The development charges in Schedule "B" only apply to the "Phase 1 Lands" (parcels 1-16) shown in Schedule "C".